

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
W.P.(C) NO. 276/2025 / W.P.(C) NO. 314/2025 / W.P.(C) NO. 284/2025
W.P.(C) NO. 331/2025 / W.P.(C) NO. 269/2025

IN THE MATTER OF:

IN RE: THE WAQF (AMENDMENT) ACT, 2025 (1)
IN RE: THE WAQF (AMENDMENT) ACT, 2025 (2)
IN RE: THE WAQF (AMENDMENT) ACT, 2025 (3)
IN RE: THE WAQF (AMENDMENT) ACT, 2025 (4)
IN RE: THE WAQF (AMENDMENT) ACT, 2025 (5)

AND OTHER CONNECTED MATTERS

**PRELIMINARY COUNTER AFFIDAVIT ON
BEHALF OF THE UNION OF INDIA**

VOLUME-II

[Pg.No. 523-1102]

PAPER BOOK

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ADVOCATE FOR THE RESPONDENT- UOI:

SUDARSHAN LAMBA

VOLUME-II

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CLAUSE- 38

38. The Clause 38 of the Bill proposes to amend the Section 100 of the Principal Act.

Relevant provisions of the Principal Act:

38.1 Existing provisions of Section 100 are as under:

“Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the board or Chief Executive Officer or Survey Commissioner or any other person duly appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act.”

Provisions Proposed in the Amendment Bill

38.2 In section 100 of the principal Act, for the words “Survey Commissioner”, the word “Collector” shall be substituted.

Justification/explanation given by the Ministry of Minority Affairs

38.3 The justification furnished by the Ministry for the proposed amendment is as under:

“Since the duties of the Survey Commissioner have been transferred to the Collector, the Collector is now protected under the provisions during the discharge of public duties.”

Gist of submissions by various Waqf Boards

38.4 A gist of submissions/objections by various Waqf Boards of States/UTs is given as under:

(i) **Rajasthan Waqf Board:-** It is improper to give authority to the Collector in place of the Survey Commissioner in Section 100 because the Survey Commissioner is an officer of the State Government appointed by the State Government specifically for the survey. And the Collector is also burdened with other administrative work due to which it is not possible for the survey to be conducted effectively by the Collector.

Examination by the Committee

38.5 On the above submission from the stakeholder, the Ministry in a written reply stated as under:

“Sec 100 of the existing is proposed to be amended to substitute Survey Commissioner with Collector as the duties of the Survey Commissioner have been transferred to the Collector (Section 4 of the Waqf (Amendment) Bill, 2024.). The Collector is now protected under the provisions for actions taken in good faith.”

Observations/Recommendations of the Committee:

38.6 Clause 38 of the Bill seeks to amend Section 100 of the Principal Act to substitute ‘Survey Commissioner’ with ‘Collector’ as the duties of the ‘Survey Commissioner’ have been transferred to the Collector. The amendment regarding substitution of role of ‘Survey Commissioner’ with that of ‘Collector’ proposed under Clause 5 of the Bill is acceptable to the Committee. The proposed amendment under Clause 38 is merely consequential, hence, the proposed amendment is accepted as it is.

CLAUSE 39

39. The Clause 39 of the Bill proposes to amend the Section 101 of the Principal Act.

Relevant provisions of the Principal Act:

39.1 Existing provisions of Section 101 are as under:

“Survey Commissioner, members and officers of the Board, deemed to be public servants.—

(1) The Survey Commissioner, members of the Board, every officer, every auditor of the Board and every other person duly appointed to discharge any duties imposed on him by this Act or any rule or order made thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(2) Every mutawalli of a waqf, every member of managing committee, whether constituted by the Board or under any deed of waqf, every Executive Officer and every person holding any office in a waqf shall also be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).”

Provisions Proposed in the Amendment Bill

39.2 In section 101 of the principal Act, in the marginal heading and in sub-section (1), for the words “Survey Commissioner” occurring at both the places, the word “Collector” shall be substituted.

Justification/explanation given by the Ministry of Minority Affairs

39.3 The justification furnished by the Ministry for the proposed amendment is as under:

“Under Section 101(1) and (2) of the Waqf Act, 1995, members and officers of the Board are deemed to be public servants within the meaning of Section 2(28) of the Bharatiya Nyaya Sanhita. As the functioning of these officers has a significant bearing on the public services, hence they are treated as public servants.”

Gist of submission by various Waqf Boards

39.4 A gist of submissions/objections by various Waqf Boards of States/UTs is given as under:

(i) **Rajasthan Waqf Board:-** It is inappropriate to give authority to the Collector in place of the Survey Commissioner in Section 101 because the Survey Commissioner is a State Government officer appointed by the State Government specifically for the survey. And the Collector is also burdened with other administrative tasks due to which it is not possible for the Collector to conduct the survey effectively.

Examination by the Committee

39.5.1 On the above submission from the stakeholder, the Ministry in a written reply stated as under:

“Section 101 of the existing Act is proposed to be amended as the role of the Survey Commissioner has now been assigned to the Collector, this clause deems the Collector a public servant, aligning with the changes in responsibility.”

39.5.2 Further, on being pointed out that in Section 101 of the principal Act, the reference is made to Indian Penal Code 1860 even though it has been replaced by the Bhartiya Nyaya Samhita 2023, the Ministry replied as given:

“Furthermore, in Section 101 consequential amendment is required to change the name from Indian Penal Code 1860 to Bhartiya Nyaya Samhita 2023...”

Observations/Recommendations of the Committee:

39.6 Clause 39 seeks to amend Section 101 of the Principal Act as the role of ‘Survey Commissioner’ has now been assigned to ‘Collector’. The amendment regarding substitution of role of ‘Survey Commissioner’ with that of ‘Collector’ proposed under Clause 5 of the Bill is acceptable to the Committee. The proposed amendment under Clause 39 is merely consequential, hence, the proposed amendment is accepted as it is.

39.7 Further, the Committee also suggest that ‘Indian Penal Code (45 of 1860)’ mentioned in sub-section (1) and (2) of Section 101 may be substituted with Bharatiya Nyaya Samhita, 2023.

CLAUSE- 40

40. The Clause 40 of the Bill seeks to omit the Section 104 of the Principal Act.

Relevant provisions of the Principal Act:

40.1 Existing provisions of Section 104 are as under:

“104. Application of Act to properties given or donated by persons not professing Islam for support of certain waqf.—Notwithstanding anything contained in this Act where any movable or immovable property has been given or donated by any person not professing Islam for the support of a waqf being—

(a) a mosque, idgah, imambara, dargah, khangah or a maqbara;

(b) a Muslim graveyard;

(c) a choultry or a musafirkhana,

then such property shall be deemed to be comprised in that waqf and be dealt in the same manner as the waqf in which it is so comprised.”

Provisions Proposed in the Amendment Bill

40.2 Section 104 of the principal Act shall be omitted.

Justification/explanation given by the Ministry of Minority Affairs

40.3 The justification furnished by the Ministry for the proposed amendment is as under:

“The clause provides that Non-Muslim are no longer allowed to create waqf, as the proposed definition of waqf requires the donor to be a Muslim who has practiced Islam for at least five years.”

Gist of submissions by various Waqf Boards:

40.4 A gist of submissions/objections by various Waqf Boards of States/UTs is given as under:

(i) Telangana and Kerela Waqf Boards:- When non-Muslim members are being included in Waqf councils, the reasons for excluding a non-Muslim from exercising his constitutional right to deal with his property in any way he pleases ought not to have been restricted.

(ii) Andhra Pradesh State Waqf Board:- The Hindu Endowments Act provide for endowment by any person.

(iii) Tripura Waqf Board:- The provisions of chain 104, 107, 108 and 108 a are the foundations of the very concept of work and if these sanctions are omitted the nature and character of the work properties seems to be completely reversed as a result the very wish and will of the wakif shall be frustrated and as 104, 107 108 and 108A should be retained in the interest of not only the work properties but also to honour and respect wakif in terms of the irrespective work deeds.

(iv) Haryana Waqf Board:- The proposed deletion of section 104 which recognises the donation of persons not professing Islam for support of existing Waqf, is a denial of the donation of the Rajas to their Prajas. Muslim rulers paid grants and jaggers etc. to several Hindu shrines for their subsistence. Likewise Hindu/Sikh rajas also donated/given land etc. to their Muslim prajas for burying their deads and for providing help to the mosques, dargahs, Khankahs, Imambaras, musafirghanas, etc.

Important suggestions/comments by various stakeholders and experts:

40.5 Important suggestions/comments received from various stakeholders and experts is summarised as under:

- It violates the right of non-Muslims to dedicate or donate their properties as Waqf. Deleting Section 104 infringes ownership rights of vast majority of non-Muslims. Any non- Muslim can easily get this provision struck down by the court.
- The said provision is based on the principle of Gift, which is also acknowledged by Baillie. This amendment in the form of an omission is equally arbitrary and is liable to be rejected.
- The omission of section 104 is deeply concerning. When non-Muslim members are being included in Waqf councils, the reasons for excluding a non-Muslim from exercising his

constitutional right to deal with his property in any way he pleases ought not to have been restricted.

- Sections 51 and 104 of the Waqf Act are *parimateria*. They deal with transfer of waqf properly to third persons. Section 104 is redundant and therefore should be deleted.
- That no property is said to be Waqf property which is not donated by any Muslim for the purposes of religious purpose.
- This effectively excludes significant contributions from non-Muslim individuals or entities wishing to support Waqf Institutions or initiatives, Thereby limiting the scope of charitable donations. By disallowing properties donated by non-Muslims to be managed under the Waqf Act, the Amendment reduces the potential for inter-faith cooperation and support for community welfare Projects. This exclusion can create divisions and diminish the communal spirit that Waqf represents.
- By distinguishing between donations based on the donor's religion, the Amendment introduces discriminatory practices that violate the principle of 'Equality before the Law'. All individuals, regardless of faith, should have the right to contribute to charitable causes.

Examination by the Committee

40.6.1 When Committee sought the justification of the proposed amendment, the Ministry stated as follows:

“The clause provides that Non-Muslim are no longer allowed to create waqf, as the proposed definition of waqf requires the donor to be a Muslim who has practiced Islam for at least five years.”

40.6.2. Further, when enquired by the Committee regarding the manner in which a Hindu man gift his property to idgah, etc., where he might have some faith, the Ministry explained that:

“As per Section 72(1)(v)(f) of the Waqf Act, 1995, as amended in 2013, there is no restriction on donations in the form of cash or in kind by Non-Muslims. As per the Amendment, Non-Muslims cannot create waqf.”

40.6.3 To the arguments that such restriction on one's right to dispose of his own property may not be construed as a reasonable restriction and hence, can be effectively challenged in the courts, the Ministry responded as follows:-

“The change from allowing “any person” to dedicate property to Waqf to requiring “any person practicing Islam of 5 years” to do so is a proposal made after, considering the original legislative intent post-Independence, i.e., Waqf can be made by a person professing Islam.

Sec 3(l) Wakf Act, 1954	Sec 3(r) Wakf Act, 1995
<p>Sec 3(l) "wakf" means the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognized by the Muslim law as pious, religious or charitable and includes...</p> <p>(i) a wakf by user;</p> <p>(ii) grants (including mashrut-ul-khidmat) for any purpose recognised by the Muslim law as pious, religious or charitable; and</p> <p>(iii) a wakf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable; and "wakif" means any person making such dedication;</p>	<p>Sec 3(r) "wakf" means the permanent dedication by a person professing Islam, of any movable or immovable property for any purpose recognized by the Muslim law as pious, religious or charitable and includes...</p> <p>(i) a wakf by user but such wakf shall not cease to be a wakf by reason only of the user having ceased irrespective of the period of such cesser;</p> <p>(ii) grants (including mashrut-ul-khidmat) for any purpose recognised by the Muslim law as pious, religious or charitable; and</p> <p>(iii) a wakf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable; and "wakif" means any person making such dedication;</p>
Sec 3(r) Waqf Act, 1995 (as Amended in 2013)	Sec 3(r) Waqf Amendment Bill 2024
<p>“Waqf” means the permanent dedication by any person, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable and includes...</p> <ul style="list-style-type: none"> • a waqf by user but such waqf shall not cease to be a waqf by reason 	<p>“Waqf” means the permanent dedication by any person practising Islam for at least five years, of any movable or immovable property, having ownership of such property,” for any purpose recognised by the Muslim law as pious, religious or charitable and includes...</p>

<p>only of the user having ceased irrespective of the period of such cesser;</p> <ul style="list-style-type: none"> • a Shamlat Patti, ShamlatDeh, JumlaMalkkan or by any other name entered in a revenue record; • “grants”, including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and • a waqf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable, provided when the line of succession fails, the income of the waqf shall be spent for education, development, welfare and such other purposes as recognised by Muslim law, 	<p>(ii) a Shamlat Patti, ShamlatDeh, JumlaMalkkan or by any other name entered in a revenue record;</p> <p>(iii) “grants”, including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable;</p> <p>(iv) a waqf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable, provided when the line of succession fails, the income of the waqf shall be spent for education, development, welfare maintenance of widow, divorced woman and orphan in such manner, as may be prescribed by the Central Government and such other purposes as recognised by Muslim law,</p>
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Therefore, the proposal is mainly to restore the earlier definition that existed before the Amendment Act, 2013.”

Observations/Recommendations of the Committee

40.7 In view of the deliberations with various experts, stakeholders and the Ministry of Minority Affairs, the Committee, while concurring with submissions of the Ministry, accept the amendment and find it in congruence with the original legislative intent post-Independence as well as in agreement with the proposed definition of waqf, which requires the donor to be a Muslim who has practiced Islam for at least five years.

CLAUSE- 41

41. The Clause 41 of the Bill seeks to omit Sections 107, 108 and 108A of the principal Act.

Relevant provisions of the principal Act

41.1 Existing provisions of Sections 107, 108 and 108A are as under:

“107. Act 36 of 1963 not to apply for recovery of waqf properties.—Nothing contained in the Limitation Act, 1963 shall apply to any suit for possession of immovable property comprised in any waqf or for possession of any interest in such property.

108. Special provision as to evacuee waqf properties.—The provisions of this Act shall apply, and shall be deemed always to have applied, in relation to any evacuee property within the meaning of clause (f) of section 2 of the Administration of Evacuee Property Act, 1950 (31 of 1950) which immediately before it became such evacuee property within the said meaning was property comprised in any waqf and, in particular any entrustment (whether by transfer of any documents or in any other manner and whether generally or for specified purpose) of any such property to a Board made before the commencement of this Act in pursuance of the instructions of the Custodian under the Administration of Evacuee Property Act, 1950 shall have, and shall be deemed always to have had, notwithstanding anything contained in any other provision of this Act, effect as if such entrustment had operated to—

(a) vest such property in such Board in the same manner and with the same effect as in a trustee of such property for the purposes of sub-section (1) of section 11 of the Administration of Evacuee of Property Act, 1950 (31 of 1950), with effect from the date of such entrustment, and

(b) authorise such Board to assume direct management of the waqf concerned for so long as it might deem necessary.

108A. Act to have overriding effect.—The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

Provisions proposed in the Amendment Bill.

41.2 Sections 107, 108 and 108A of the principal Act shall be omitted.

Justification/explanation given by the Ministry of Minority Affairs:

41.3 The clause-wise justifications furnished by the Ministry for the proposed amendments are as follows:-

(I) Regarding omission of Section 107

“Section 107 is now being omitted ensuring the applicability of the limitation law in waqf properties that would reduce litigation as earlier disputes will not be brought to the court after the expiry of limitation period.”

Currently, under the Waqf Act 1995 as amended in 2013, Waqf properties are exempted from the rule of adverse possession, meaning the law of limitation does not apply. However, in the Bill, this exemption has been removed which means the limitation period will now apply- 12 years for private properties and 30 years for public properties to file a suit.

The Sachar Committee Report highlighted that a large number of waqf properties have been subjected to adverse possessions and suits, for recovery of the same, have become time barred. Therefore, the period of limitation should be extended till 2035.

Since the Sachar Committee recommendations made in 2006, the management of waqf properties has undergone significant transformations. Consequently, the previously proposed exemption from the limitation may now be omitted, as outlined in the Bill. Nevertheless, waqf properties currently in adverse possession will still benefit from a grace period extending up to 2036. For private properties, a limitation period of 12 years remains prescribed.

The removal of Section 107, which exempts these properties from the Limitation Act, is expected to reduce litigation substantially.”

(II) Regarding omission of Section 108

“Sec 108 of the Waqf Act provides that the provisions of this Act shall apply, and shall be deemed always to have applied, in relation to any Evacuee Property within the meaning of section 2(f) of the Administration of Evacuee Property Act, 1950. Section 108 of the Waqf Act is proposed to be omitted.

Henceforth, the determination of ownership rights of the property in question shall be governed by the provisions of the Administration of Evacuee Property Act, 1950 and shall be decided by the Custodian in accordance with the said Act.”

(III) Regarding omission of Section 108A

“Omission of Section 108A (overriding effect) facilitates legal harmonization of Waqf Act with other laws. This reduces conflicts and avoids overlapping with the various Acts.

At present, no limitation period applies to waqf properties. Due to overriding effect of sec 108(A) the provisions under Waqf Act will prevail. In the proposed amendment, both provisions are being omitted.”

(IV) Regarding omission of all three Sections

“The omission of these sections aims to reduce unnecessary litigation and simplify the process of recovering waqf properties.

The shortcomings of Overlapping of provisions of Waqf Act 1995, as amended in 2013, relating to Overriding effects and Limitations Act with other legislations were noticed during implementation of Waqf Act 1995, related to Unified Waqf Management and to overcome the issues related to the survey, registration, mutation, encroachment and related matters like the role of Office of District Collector is being made more transparent.”

Submissions made by other Central Government Ministries:

41.4 The submissions made by other Central Government Ministries for the proposed amendments are as follows:-

i. Ministry of Housing and Urban Affairs, amongst other things, also submitted that the Waqf Act, 1995 has provisions having overlapping jurisdictions resulting dispute over such land which the Government acquired with an unimpeachable title upon conclusion of the statutory process of land acquisition and has, thus, foisted upon the Government various litigations. Hence, omission of Section 40, Section 107, Section 108A of Waqf Act 1995 in the Waqf (Amendment) Bill, 2024 will have a salutary effect.

These measures, the said Ministry opined that, would further strengthen the title of properties, both public and waqf and that the consequential stability of land (property) title is in the larger public interest.

ii. Archeological Survey of India had provided the following list of protected monuments notified as Waqf, in their background note, underlining the wide gap between such declarations :

Indicative list of protected monuments notified as Waqf			
SI.NO.	Name of the monument and Location declared as Waqf	Year of protection	Waqf declaration year
	Agra Circle		
1.	Tomb of Fariduddin alias MianFiddu, ShekupurGarhiRapri, District Firozabad (UP)	1925	Not available
2.	Tomb of Nasiruddin, ShekupurGarhi Rapri, District Firozabad (UP)	1925	Not available
3.	Tomb of Nizammuddin, Rapri, District Firozabad (UP)	1925	Not available
4.	Jama Masjid, Agra City , Agra (UP)	1920	Not available
	Amaravati Circle		
5.	Fort with ancient buildings therein, Sidhout, District YSR Kadapa (Andhra Pradesh)	1922	2015
	Aurangabad Circle		
6.	Damri Masjid, Ahmednagar District Ahmednagar (Maharashtra)	1913	2006
7.	Kotla of Twelve Imams, Ahmednagar District Ahmednagar (Maharashtra)	1921	2006
8.	Macca Masjid, Ahmednagar District Ahmednagar (Maharashtra)	1921	2006
9.	Old tomb near Changiz Khan's palace, Ahmednagar District Ahmednagar (Maharashtra)	1921	2006
10.	The Tomb of NizamAhmedshah, Ahmednagar District Ahmednagar (Maharashtra)	1909	2006
11.	The FariaBagh, Bhingar Cantonment, District Ahmednagar (Maharashtra)	1909	2006
12.	Salabatkhan's Tomb, Mehkari, District Ahmednagar (Maharashtra)	1909	2006

13.	Tomb of RabiaDaurani (Bibi-ka-Maqbara), Aurangabad District Aurangabad (Maharashtra)	1951	1973
14.	Daulatabad Fort and Monuments, Daulatabad, District Aurangabad (Maharashtra)	1951	1973
15.	Tomb of Aurangzeb, Khultabad, District Aurangabad (Maharashtra)	1951	1973
16.	Tomb of Malik Ambar, Khultabad, District Aurangabad (Maharashtra)	1951	1973
	Bangalore Circle		
17.	Jumma Masjid, Sira, District Tumkur (Karnataka)	1951	Not Available
18.	Malik RehanDurga, Sira, District Tumkur (Karnataka)	1951	Not Available
19.	Gumbaz, Srirangapatna, District Mandya (Karnataka)	1951	Not Available
	Dharwad Circle		
20.	Safa Masjid, Belgaum, District Belgaum (Karnataka)	1909	2005
21.	Jahan Begum Tomb, Ainapur, Vijayapura, District Vijayapura (Karnataka)	1914	1974
22.	Ali Shahid Peer Mosque, Vijayapura, District Vijayapura (Karnataka)	1914	1974
23.	Ali-E-Rouza I, Vijayapura, District Vijayapura (Karnataka)	1914	1974
	Ali-E-Rouza (Barakaman), Vijayapura, District Vijayapura (Karnataka)	1914	1974
25.	Allahapur Gate, Vijayapura, Vijayapura (Karnataka) District	1914	1974
26.	Andu Masjid, Vijayapura, District Vijayapura (Karnataka)	1914	1974
27	AsarMahal, Vijayapura, District Vijayapura (Karnataka)	1918	1974

28.	Bukhari Masjid, Vijayapura, District Vijayapura (Karnataka)	1914	1974
29.	Chand Bawdi, Vijayapura, District Vijayapura (Karnataka)	1914	1974
30.	Choti Asar Mahal, Vijayapura, District Vijayapura (Karnataka)	1914	1974
31.	Dakhnildgah, Vijayapura (Karnataka)	1914	1974
32.	Haji Hassan Saheb's Tomb, Vijayapura (Karnataka)	1914	1974
	Hampi Circle		
33.	Bidar Fort, Bidar, District Bidar (Karnataka)	1951	2005
34.	Madarsa Mahmud Gawan, Bidar, District Bidar (Karnataka)	1951	2005
35.	Barid Shahi Tombs, Bidar, District Bidar (Karnataka)	1951	2005
36.	Bahmani Tombs, Ashtur, District Bidar (Karnataka)	1951	Not available
37.	Gulbarga Fort and great Mosque in the Fort, Gulbarga, District Kalaburgi (Karnataka)	1951	1974
38.	Haft Gumbad Tomb of Firoz Shah, Gulbarga, District Kalaburgi (Karnataka)	1951	1974
	Jaipur Circle		
39.	Lal Masjid, Tijara, District Khairthal, (Rajasthan)	1976	1965
40.	Jama Masjid, Amber, District Jaipur (Rajasthan)	1951	1965
	Nagpur Circle		
41.	Fort, Partabgarh, District Gondia (Maharashtra)	1922	Not available
42.	Mosque, Fathekheda, Di Buldhana (Maharashtra)	1925	Not available

43.	Mosque, Rohinkhed, District Buldhana (Maharashtra)	1925	Not available
	Sarnath Circle		
44	Old Nawabi Mosque, Akbarpur, District Ambedkar Nagar (UP)	1920	Not available
45.	Atala Masjid, Jaunpur, District Jaunpur (UP)	1919	Not available
46.	Juma Masjid, Jaunpur, District Jaunpur (UP)	1919	Not available
47.	Lal Masjid (LalDarwaza) Jaunpur, District Jaunpur (UP)	1919	Not available
48.	KhailsMuklis or Char Ungli Masjid, Jaunpur District Jaunpur (UP)	1925	Not available
49.	Jhanjhri Masjid, Jaunpur, District Jaunpur (UP)	1920	Not available
50.	Ruaza of Shah Firoz, Jaunpur, District Jaunpur (UP)	1911	Not available
51.	Gateway of Hazrat Chirag-l-Hind's palace Zafrabad, Jaunpur, District Jaunpur (UP)	1925	Not available
52.	Mosque, Isauli, District Sultanpur (UP)	1920	Not available
53.	Dharahra Masjid, Varanasi (UP)	1920	Not available

Further Ministry of Culture when asked about possession of properties, where under the Waqf Declaration Year column 'not available' has been mentioned, stated as under:

“In the background note submitted to the Hon'ble Committee, an indicative list of protected monuments declared as waqf properties was provided. In the given table, additional information on each monument- year of protection and year of waqf notification of that particular monument was provided. During the scrutiny of information, it was observed that

such information was not provided for all the listed waqf properties even in the list of Sachar Committee.”

- iii. The Ministry of Road, Transport and Highways, when asked to underline the positive provisions in the Bill, in their written submission have stated as follows:

“The Ministry supports the proposed amendment in regard to Section 91(1), 91(4) & 107 of 44 amendments are the principal Waqf Act, 1995, as it would lead concerned keeping the to expeditious land acquisition proceedings if the land concerned is Waqf property.”

- iv. In view of the proposed omission of Section 108A, the Ministry of Railways were asked about potential impact of the proposed omission on various litigations involving waqf property and that such measure may lead to a multiplicity of litigations as the aggrieved party may invoke a legal recourse as per suitability?

Said Ministry, in its written reply, has stated as under:

“Section 108A of the existing Waqf Act states:

108A. Act to have overriding effect. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

The Railways Act, 1989, Section 147, empowers railway authorities to take decisive action against unauthorized occupants on railway land. This enables them to remove encroachers, using force if necessary, and recover costs and damages. This provision is crucial for preventing illegal encroachments, ensuring the smooth operation of railway services, and protecting the railway's property. By exercising this power, railway authorities can maintain the integrity of their land and infrastructure, ultimately benefiting the railway system and its users.

In the context of the Railway, it is stated that to increase its operational capacity, Indian Railways has taken up massive infrastructure expansion works such as multitracking, major yard remodeling, maintenance facilities etc. Availability of encumbrance free land is an important component for any infrastructure project. At many locations, railway land is encroached and at some places, it has a land dispute with the Waqf Board. An overriding effect provided to the provision of Waqf Act affects the ability of the Railway to make an appeal against any adverse decision of the Waqf Tribunal or taking action as per the provisions of the Railway Act. This may cause delay in the completion of project and increases the

overall cost. Hence, Railway is in favour of a provision that enables it to go for appeal against any adverse decision of the Tribunal. Further Railway will be able to take course of action as per the provisions of Railway Act in case of dispute of railway land. As regards the said omission leading to a multiplicity of litigations, it is stated that while there may be a momentary increase in the number of litigations, with the passage of time, the system will normalize and more transparency accountability will come in the decisions involving land disputes.”

- v. The Ministry of Law and Justice when asked to elaborate their interaction, and legal implications thereof, with various central laws such as the Limitation Act, 1908 and the Transfer of Property Act, 1882; in their written reply have submitted as follows:

“It is submitted that the Limitation Act, 1963 prescribes a time period for the purpose of filing of suits and other legal proceedings to claim the legal rights, but in 2013 by way of Waqf (Amendment) Act, 2013, a section 108A was inserted wherein it is specified that waqf act shall have overriding effect. Section 108A of the Waqf Act, 1995 provides, as under:-

“108A. Act to have overriding effect. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

As a result of the aforesaid provision, the limitation period to raise any dispute under the Waqf Act, 1995 in any matter is not applicable. The overriding effect of the Waqf Act, 1995, over the Limitation Act, 1963 has an impact on Transfer of Property Act, 1882. Attention is invited for section 104A of the Waqf Act, 1995 which prohibits the sale, gift, exchange, mortgage or transfer of waqf property. Section 104A provides, as under:-

“104A. Prohibition of sale, gift, exchange, mortgage or transfer of waqf property.-(1) Notwithstanding anything contained in this Act or any other law for the time being in force or any waqf deed, no person shall sell, gift, exchange, mortgage or transfer any movable or immovable property which is a waqf property to any other person.

(2) Any sale, gift, exchange, mortgage or transfer of property referred to in sub-section

(1) shall be void ab initio.”

Therefore, the provisions of the Transfer of Property Act, 1882 do not apply in case of waqf and the sale, gift, exchange, mortgage or transfer of waqf, which are governed in accordance with the Transfer of Property Act, 1882 is prohibited.”

Gist of submissions by various Waqf Boards:

41.5 A gist of submissions/objections by various Waqf Boards of States/UTs is given as under

(I) Regarding omission of Section 107

(i) Kerala Waqf Board:- “Once a Waqf always a Waqf” is a fundamental concept in Islamic Law on Waqf. It is to protect the basic tenets in law that Parliament has given legal effect to that provision by prescribing that the bar of Limitation Act will not apply to a claim for possession of immovable property comprised in any Waqf or for possession of any interest in such property. As per section 51(1A), any type of alienation or transfer of a waqf property shall be void *ab initio* and in order to support that statutory declaration, the application of Limitation Act was earlier omitted and the present section 107 was incorporated to the Act. The proposed amendment will be against the interest of waqf properties and therefore, it may be withdrawn.

(ii) Chhatisgarh Waqf Board and Tamil Nadu Waqf Board:- By the proposed amendment the provisions of Section 107 Waqf Act, 1995 has to be omitted. The moment a Waqf is created the, title of the waqif in the said property is extinguished and the same gets vested in the Almighty Allah. There can be adverse possession between individuals but there can be no adverse possession against the Almighty Allah. In addition to this there is a similar provision contained in Section 143 of Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987. As such by the proposed amendment only the protection regarding Limitation is being withdrawn in case of Waqf Properties, while retaining the same in the case of Hindus Charitable and religious institutions and endowment.

(iii) Andhra Pradesh State Waqf Board:- It will open window for encroachers to claim Waqf property after twelve/thirty years of adverse possession. Sec 52 A of Bombay Public Trusts Act, similarly protects trust properties from the Limitation Act.

(iv) Rajasthan Board of Muslim Auqaf:- Repealing section 107 is against the law because Wakf property is perpetual minor. Section 6 of Limitation Act considers a perpetual minor incapable of living forever. And section 10 of Limitation Act states that there is no limit for such property. Section 107 of Wakf Act has been included under section 6 and 110 of Limitation Act.

(v) Telangana Waqf Board:- If the strict rules of limitation are applied for the recovery of Waqf properties, it would be impossible to protect the Waqf properties from land grabbers, land mafia, etc. The Justice Sachar Committee Report has recommended that the extension of limitation be extended till 2035 keeping in mind that the encroachers of Waqf Property should not benefit from misusing the waqf lands.

(vi) Madhya Pradesh Waqf Board:- In case of abolition of Section 107, the limitation will be applicable on the Boards, in such a situation, if State Waqf Boards have numerous properties, there will be a possibility of increasing the legal and social disputes due to lack of information.

(vii) Punjab Waqf Board:- Omission of this provision is against basic concept of waqf and also gives way to the encroachers. Thus provision must therefore be retained. Many properties currently in possession of other communities are handed over to Waqf Board as and when such communities construct their own places of worship. The Omission of this provision will also force the Punjab Waqf Board to initiate action for dispossession in respect of properties currently in use by other communities and therefore has serious inter-communal and law and order repercussions.

(viii) Uttarakhand Waqf Board:- The provisions of section 107 of the prevailing Act may be retained as many such instances have been encountered where a property has been dedicated as waqf but it does not gets registered in Waqf Register. At some point later in time, the information is received and then activity to dually register the property as waqf is initiated. If the Limitation Act is made applicable then such legitimate waqf property may be encroached and sold/utilised/misused against the wish of Waqif. The limitation act does not applies to religious properties of all other religions as well.

(II) Regarding omission of Section 108

(i) Chhatisgarh Waqf Board and Andhra Pradesh Waqf Board:- Sec. 108 of Waqf Act, is to facilitate or functionalize Sec 11 of the Administration of Evacuee Property Act, 1950. Prof Ahmedullah Khan in his book ‘the law of wakf in India’ writes: “The problem of evacuee’s wakf property owes its origin to the circumstances created immediately after the partition of the country in August 1947 when hundreds of thousands of people migrated from India to Pakistan leaving behind them enormous properties both movable and immovable, some of them being wakf properties. Mutawallis of such wakf properties had also migrated and there was no proper record or information regarding such properties....this uncertain situation necessitated passing of the Administration of Evacuee Property Act, 1950 and Section 11 of this Act contained special provision with respect to evacuee properties. According to this section, where any evacuee property which vested in the custodian was the trust property for a public purpose of a religious or charitable nature, Central Government could appoint a new trustee, by general or special order, in place of evacuee trustee. It further provided that such evacuee property shall remain vested in custodian only till such time as the new trustees were so appointed.” (page 231 5th Edition). Thus section 108 of Waqf Act 1995 which the proposed amendment now seeks to delete was only to functionalize and facilitate section 11 of the Administration of Evacuee Property Act 1950, vesting the property in Waqf Board instead of appointing a new Mutawalli in every case.

(ii) Andhra Pradesh Waqf Board:- No evacuee property was made Waqf; they were already Waqf from before partition and were under the temporary charge of custodian under section 11 of Administration of Evacuee Property Act, 1950 and finally they were restored to the Waqf Board. Deletion this provision is not correct. It is general principle of jurisprudence that special laws always prevail over general laws.

(iii) Rajasthan Waqf Board:- It is improper to repeal section 108. Because at the time of partition of India many Waqf properties were taken over by the custodian and these properties were handed over to the concerned Waqf when the situation became peaceful. Waqf properties were not declared as evacuee properties and no action under section 50 of evacuee property was taken on them. It is very important to have the provision of section 108 in the Waqf Act.

(iv) Tamil Nadu Waqf Board:- It also submitted that the proposed omission of Section 108 will have a cascading effect as there are many such evacuee properties in the country which has been dedicated to waqfs. Therefore, such properties irrespective of the nature to the extent of “evacuee properties” will always remain as waqf, such waqf properties are vested with the Waqf Board.

(v) Punjab Waqf Board:- The issue with this omission primarily arises due to historical reasons. Since the properties in the undivided State of Punjab were initially managed by the custodian, parts of a few properties were erroneously allotted. However, there were some inadvertent errors wherein parts of some properties despite having been identified as waqf were allotted as evacuee properties. Since Board was not even constituted in 1950, it had no occasion to challenge the declaration. In any case, such cases were a result of bonafide error as Govt. itself declared them as waqf properties later. This provision is therefore necessitated to protect such properties and there is no reason to do away with this provision.

(vi) Haryana Waqf Board:- After the establishment of erstwhile Punjab Waqf Board in the year 1960, a vigorous and sustained exercise was initiated to identify Muslim's Religious Waqf Properties as distinct from Muslim Evacuee Properties to enable the Government to transfer/entrust the management of such religious properties to the Waqf Board constituted under the Waqf Act, 1954. Hence, the proposed deletion of Section 108 of the Waqf Act, 1995 will not be beneficial to the interest of the Waqf Boards at large.

In order to identify left Waqf properties which had been left from the previous survey, the Government of Haryana has started another survey of Waqf properties under Section 4 of the Waqf Act, 1995 based on the revenue records of pre-partition or onwards and a number of Muslims have also created new Waqfs by constructing Mosques, Madarsas and Graveyards, etc. without preparing any Waqf Deeds/Waqf Naamasas most of the Waqf properties are still remaining from being surveyed. Hence, this Section should not be deleted.

(III) Regarding omission of Section 108A

(i) Kerala Waqf Board and Rajasthan Waqf Board:- Being a special law and a later law, Parliament has incorporated section 108A to the Act by the Amendment Act, 2013, which gives overriding effect to the special enactment over other general laws more particularly such as CPC, Transfer of Property Act, Registration Act, Administration of Evacuee Property Act, Limitation

Act, Land Acquisition Act and Land Reforms Act, etc. Therefore, the proposal to omit such a provision need be withdrawn as it will have far reaching consequences which will be detriment to the interest of Waqf properties.

(ii) Punjab Waqf Board:- There are multiple acts that govern the management of religious properties, lease laws, laws related to public premises. Some of the provisions of the waqf act may be in conflict with provisions in other acts. It is for this reasons that almost all special acts have this overriding provision. If this provision is omitted, it will throw waqf properties into never ending disputes and potentially will also create issues of interpretation and implementation of conflicting provisions across various laws particularly at the level of lower judiciary.

(iii) Haryana Waqf Board:- The proposed amendment for deletion of Section 108A which has overriding effect will surely give licence to illegal occupants to grab the Waqf properties under various Acts which are providing security to the occupants of the property.

(IV) For omission of Sections 107, 108 and 108A- general grounds

(i) Punjab Waqf Board: There are similar provisions under various similar acts governing the affairs of other religions also. As an example, following laws are being referred to:

- Section 68 of the Hindu religious institutions and charitable endowments act, 1997.
- Section 73 of the Odisha Hindu religious endowments act, 1951.
- Section 108 of the Tamil Nadu Hindu religious and charitable endowments act, 1959.

Similarly there are provisions in various acts that deem certain Hindu religious properties as if they are Government properties for the purposes of removal of encroachments e.g. Section 16A of The Jagannath temple Act, 1955.

(ii) Tripura Waqf Board:- the provisions of Section 107, 108, and 108A are the foundations of the very concept of Waqf and if those sections are omitted, the nature and character of the Waqf properties seems to be completely reversed.

Important suggestions/comments by various experts and stakeholders.

41.5 Important suggestions/comments received from various experts and stakeholders are summarised as under:

(I) Regarding omission of Section 107

- Deletion of section in relation to non application of limitation act for recovery of possession will narrow the path to recover the waqf properties from unauthorized and illegal occupants through Tribunal and justice delivery system. The entire litigation will negate only on the count of bar of limitation as provided under the limitation act.
- Without this protection, Waqf properties could become vulnerable to adverse possession claims (encroachments both Government and private) and other legal challenges based on the Limitation Act. The community would lose its ability to reclaim Waqf properties that have been there for centuries but have wrongfully been encroached upon or occupied, resulting in a significant erosion of Waqf assets.
- The High Level Committee under Justice Rajender Sachar in his report submitted in November 2006 recommended extension of time for recovery from adverse possession till 2035. This shows that the Parliament, the members of Muslim Community as well as the High Level Committee all were unanimous on the point that limitation is the main hurdle in recovery of waqf properties and suitable provisions were made in the Waqf law with consensus after wide ranging, nationwide discussions and deliberations. The Hon'ble Supreme Court has also exhorted the Union of India in the matter of Hemaji Waghaji Jat vs Bhikhabhai Khengarbhai Harijan & Ors. to make suitable changes in the law of adverse possession.

"36. In our considered view, there is an urgent need of fresh look regarding the law on adverse possession. We recommend the Union of India to seriously consider and make suitable changes in the law of adverse possession. A copy of his judgment be sent to the Secretary, Ministry of Law and Justice, Department of Legal Affairs, Government of India for taking appropriate steps in accordance with law."

- If the strict rules of limitation are applied for the recovery of Waqf properties, it would be impossible to protect the Waqf properties from land grabbers, land mafia, etc. Section 107 is a well thought out provision which was included keeping in mind the ground realities.

Omitting the same would have disastrous consequence and would only benefit unscrupulous elements which can never be the intent of any Act or amendment.

- Section 107 of the Waqf Act provides extended benefits for the reclamation of immovable properties, justifying its existence. The benefits previously extended to Waqfs under the Public Waqf Extension of Limitation Act (recently repealed) were not unique to Waqfs, as similar provisions exist for charitable endowments and trusts.
- Section 107, to say the least, is unjust, unilateral and contrary to settled Principles of Law. History of the Act will demonstrate that earlier the provisions of Article 66 or Article 96 of Limitation Act were applied. Later on, by Wakf Amendment Act Section 66 (G) was added there by raising limitation to 30 years.
- "*VIGILANTIBUS ET NON DORMIENTIBUS JURA SUBVENIUNT*" [*i.e.*, The Law Assists Those That Are Vigilant With Their Rights, And Not Those That Sleep Thereupon.]

Three main foundations of Limitation- justice, convenience & diligence

- (a) Every litigation must come to an end. Stale claims needs to be discouraged.
- (b) "The long dormant claims have more of cruelty than justice in them"
- (c) Parties might have lost evidence in support of their rival claims.
- Rights in property should not be in a state of constant uncertainty, doubt & suspense. Based on these principles Limitation Period is prescribed, e.g., (i) limitation is 30 years for claiming adverse possession against state;(ii) for recovery of possession 12 years, etc.

Section 107 is against these basic tenets of law.

- Court Judgments on Section 107:
 - a. In Ram Murthi and ors. V. Puran Singh S/o Attra Singh and Anr. AIR 1963 Punjab 393, it has been held that Section 107 renders the Limitation Act, 1963 inapplicable to suits for possession of immovable properties comprised in any Wakf or any interest there in but the right of a person to institute such a suit which is already barred at the commencement of this Act can not revive. It was further held that his title is extinguished and a good title is acquired by the person in possession and that where the title of the true

owner is extinguished in favour of the wrong doer, it is not revived by that person again getting into possession. There is no remitter of the old title.

b. The principle that Section 107 cannot have the effect of reviving the extinguished right/claim, has also been followed in *Karnataka Steel & Wire Products and Ors. v. Kohinoor Rolling Shutters & Engg. Works and Ors.* (2003) 1 SCC 76.

c. The Hon'ble Supreme Court of India interpreted this provision in AIR 2009 SC 840 *T. Kaliyamurthi & Anr. V/s Five Gori Thaikal Waqf Ors* and answered the question that whether Section 107 of the Wakf Act can have the effect of reviving a barred claim, i.e., whether this section has any retrospective effect in negative.

d. In a recent judgement of the Supreme Court, pertaining to adverse possession and Section 107, in C.A. No. 7086-7087/2009 *Sabir Ali Khan vs Sayyed Mohmed Ahmed* quoted with approval the judgement in *Kaliyamurthi & Anr. V/s Five Gori Thaikal Waqf Ors*.

e. The Telangana High Court in *Telangana state work board vs. Sama Siddhartha Reddy*, (decided on 04/12/2023), where Telangana State Wakf Board on the basis of an enquiry report submitted by the Commissioner of Wakfs, the State government published a notification by which subject lands were declared as waqf property; ordered that no such suit shall be entertained by the tribunal after expiry of 1 year from the date of publication of the list of Wakfs.

The Court held that the statutory power have to be exercised within a reasonable time. The notification which has the effect of extinguishing the rights of individual improper has been issued after an inordinate delay of 41 years for which no explanation has been offered.

f. The Punjab and Haryana High Court in *Punjab Waqf Board vs Gram Panchayat, Dakha Tehsil and District, Ludhiana and others.* (Civil writ petition number 19962 of 2029 decided on 23/09/2011), the Punjab Waqf Board had declared the disputed land as waqf property as notified in 1970 and thus, argued that it should be under Waqf Board's control; in its order upheld collector's decision affirming that the land vested in gram

panchayat and that the notification under walk act was not binding on gram panchayat. And village common lands act, 1953, took precedence.

The Court said that the land's recorded use as a graveyard did not override its status as salimathdeh, which vested ownership in the gram panchayat. Waqf Board's claims and notification did not affect this ownership. The authorities under the Village Common Lands Act, 1953 had proper jurisdiction. Specific status governing land ownership in a particular context can override general provisions (Waqf Act) about land use and ownership.

- Conflict with "The Places of Worship Act, 1991"- The Parliament by enacting the Places of Worship Act, 1991 mandated that, no conversion of any place of worship will be allowed after 15th August, 1947. Many instances have come to the fore that claims are made by Waqf Board on Temples in existence for more than 1500 years. Recently, similar disputes arose in Maharashtra and Kerala State. If Section 107 is not amended and removed such hopelessly time barred claims will have to be entertained. This will result in social strife and disharmony in sections of society.

(II) Regarding omission of Section 108

- i. Section 108 ensures that the Waqf Act applies to Evacuee Properties that were Waqf before becoming evacuee property under the Administration of Evacuee Property Act, 1950. With the removal of this section, Waqf properties classified as evacuee properties could lose their protections. This could lead to these properties being treated as ordinary evacuee properties, potentially opening them up to claims and transfers that disregard their Waqf status.
- ii. The evacuee properties which comprise of Waqf, should vest with the Waqf Board alone. By removing this provision, the Government aims at taking over Waqf properties which is consistent in the tone and tenor of the proposed amendment. Section 108-B further adds to the already unwarranted influence of the Central Government over the Waqf institutions, assets and properties.

iii. Section 108 addresses the harmonization of various Acts to ensure that Waqf properties are not incorrectly classified as evacuee properties. The omission of this section could complicate long-pending cases in court, further hampering the Waqf's interests.

iv. Section 108 is proposed to be deleted by Clause 41 of the Bill without providing for resumption of such property by the Government. As the Administration of Evacuee Property Act, 1950 has been repealed by Displaced Persons Claims and Other Laws Repeal Act, 2005. Hence, appropriate modifications may be made in repealing Clause 41 of the Bill.

v. Deletion of Section 108 of the principal Act would be ineffectual due to following reasons:-

(a) Section 41 of the Bill aims to *inter alia* omit Section 108 of the Principal Act with the aim of reverting the evacuee properties handed over to the Waqf Board(s) back to the Custodian under the Administration of Evacuee Property Act, 1950. However, this objective may not be achieved merely by the omission of the provision. In this regard, your kind attention is drawn to Section 6 of the General Clauses Act, 1897.

(b) As regards evacuee property in trust for a public purpose of a religious or charitable nature, the same stood vested with the Custodian only until the appointment of fresh trustee(s). Thereafter, the same were entrusted to Waqf Board(s) under various instruments. Section 108(a) of the Principal Act, by a deeming provision, provided for the vesting of such evacuee property in such Waqf Board(s). Here the word "vesting" is only for the purpose of management and not vesting absolutely free from all encumbrances as held by the Hon'ble Supreme Court in the case of Fruit & Vegetable Merchants Union v. Delhi Improvement Trust.

(c) The underlying vesting in the Custodian was merely as a beneficiary for displaced persons, what Section 108, particularly sub-section (a) thereof did was to obviate the requirement of a specific notification of the under Section 11(1) of the Administration of Evacuee Property Act.

Therefore, the vesting under Section 108 was only for the purpose of management and in the event of deletion of the same, a vacuum would be created; which is required to be filled by

vesting of the property in some other authority. As such, the provision ought not to be merely omitted; but a fresh provision ought to be inserted vesting the management of such property in some authority.

(III) Regarding omission of Section 108A

- i. The deletion of the overriding effect of the Waqf Act, 1995 over other laws in case of inconsistent provisions is detrimental to Waqf stakeholders and the Muslim community in several ways:
 - a. **Loss of primacy**: The Waqf Act, 1995, would no longer have primacy over other laws, potentially leading to conflicting decisions and undermining the Act's purpose. There could be much regulatory compliance created through other laws, like Registration, Stamp etc., which will become tool to take away Waqf properties.
 - b. **Inconsistent applications**: Without overriding effect, different courts may interpret laws inconsistently, leading to confusion and unpredictability.
 - c. **Erosion of Waqf rights**: Inconsistent provisions may erode the rights of Waqf stakeholders, potentially leading to the loss of control over Waqf properties.
 - d. **Compromised autonomy**: The deletion may compromise the autonomy of Waqf institutions, allowing external interference and potentially undermining their management.
 - e. **Disregard for Islamic principles**: Inconsistent provisions may lead to decisions that disregard Islamic principles and customs, potentially alienating the Muslim community.
 - f. **Increased litigation**: Without clear primacy, litigation may increase as parties challenge decisions based on conflicting laws.
 - g. **Undermining of Waqf Tribunal**: The deletion may undermine the authority and effectiveness of the Waqf Tribunal, established to resolve Waqf-related disputes.

- ii. Special Laws Prevail Over General Laws is the time tested principle. Waqf is a Special Law. Section 108A was inserted in 2013. Waqf Bill has deleted it, reducing protection to Waqfs vulnerable to litigation.
- iii. Section 108A was incorporated into the Waqf Act during the 2013 amendments and are consistent with similar laws like the Hindu Succession (Amendment) Act, 2005 and the Karnataka Hindu Endowment Act. The Madras High Court has upheld the overriding ability of the Waqf Act over the Tamil Nadu Public Premises Act concerning the management of Waqf properties.

(IV) Common for omission of Sections 107, 108 and 108A

- i. The cumulative effect of the omission of Sections 107, 108, and 108A of the Waqf Act profoundly weakens the protection, management, and utility of Waqf properties, severely impacting their ability to serve public welfare.
- ii. The provisions as contained in Section 107 and 108 of the Waqf Act, 1995 have a purpose beneficial to the Waqf Properties. Under Section 107, the waqf properties were exempted from the application of Limitation Act, 1963 so far as recovery of possession of any immovable property comprised in any waqf or for possession of any interest in such property is concerned. For rest of the matters, the Limitation Act, 1963 will continue to apply. For example, recovery from a waqf sums due to the Board are not exempted from limitation. The extension and/or exemption was necessary in view of the fact that after partition various waqf properties were occupied illegally or were vested in custodian without any distinction of Public and Private Waqf.
- iii. The impugned Bill does not adhere to sound legal principles established by the courts, nor does it provide equitable treatment to Waqfs as mandated by Article 144 of the Constitution of India. The state authorities must align their actions with the judgments of the Supreme Court, ensuring fairness and parity in the treatment of Waqf properties.

- iv. That no property is said to be Wakf Property which is not used from 1947 as Wakf Property. That there are no Wakf Property in Punjab and Haryana as Section 7 (1) of Wakf Act, 1995 in the light of Punjab Wakf Board, Ambala Cantt Versus Capt. Mohar Singh 1975 AIR (SC) 1891.
- v. Once the property will found to be claimed by Wakf property, in Tribal area provision should be made to challenge in appropriate court of law to protect the land of the Tribals.
- vi. In the present proposed Wakf Amendment - 2024 necessary provision should be enumerated to meet with the situation as the Wakf Act, 1995 is clearly create a embargo in implementation of Orissa Land Reforms Act, 1960 and Odisha Schedule Areas Transfer of Immovable Property (by schedule Tribes) Regulation 1956.

The necessary provision is also be made to make a balance in other local Act and Rules of the State.

- vii. Section 107: The Limitation Act of 1963 will not apply to waqf properties. This means that, just as someone who has occupied a shop for a certain number of years has the legal right to remain there and the owner cannot evict them, the existing Act did not apply this to waqf properties. The Bill removes this safety provision.

Section 108: The Section only appoints the Waqf Board as the Custodian for evacuee property which was a waqf. This means it would continue to be as an evacuee property with the only change being that the Board would ensure that the property is utilised in terms of its dedication. This provision is also being sought to be removed for no reason at all.

Section 108-A: If there is any conflict, the waqf law will take precedence. By removing these provisions, calling this Bill a safeguard for waqf properties is misleading.

We must seriously consider whether this Bill is intended to protect or destroy waqf properties.

- viii. Regarding Status of the properties left vacant during and after the partition of India in 1947 and by the effect of various wars fought by India, enemy infiltrations into the Indian territory, acts of terrorism, attacks on India, provocative firing & shelling by enemy countries in Border areas, due to communal riots or communal outrage or because of

unfortunate events of natural disasters, it has been suggested that With the new amendments in the Waqf act. provisions should be made & mechanism should be developed to screen & check through the state machinery, all registered and non-registered Waqfs created or claimed by the waqf board in the past times and to validate that they do not belong to people affected by the above-mentioned unfortunate events.

If any such property is found being claimed or dedicated as a waqf property, waqf of any such property should be cancelled and the property should be dealt by appropriate measures under law in force outside of the purview of the Waqf act.

Examination by the Committee:

41.6.1 When Committee sought the justification for the proposed amendments, the Ministry stated as follows:

“The omission of these sections aims to reduce litigation and simplify the process of recovering waqf properties.

Section 107 is being omitted, ensuring the applicability of the limitation law in waqf properties. The omission of these sections aims to reduce litigation and simplify the process of recovering waqf properties.

Sec 108 of the Waqf Act provides that the provisions of this Act shall apply, and shall be deemed always to have applied, in relation to any Evacuee Property within the meaning of section 2(f) of the Administration of Evacuee Property Act, 1950. Section 108 of the Waqf Act is proposed to be omitted.

It means that the provisions of the Waqf Act would apply to any evacuee property (as defined under the Administration of Evacuee Property Act, 1950) that was part of a waqf prior to becoming evacuee property. It also validates any entrustment of such properties to a Waqf Board made before the Act commenced. Since the Administration of Evacuee Property Act, 1950, was repealed in 2005, the retention of this section is no longer necessary, making its omission appropriate as the section has become redundant.”

41.6.2 As the sections 107 and 108 of the Waqf Act, 1995 are similar to sections 66F and 66H of the Wakf Act, 1954 and were added in 1984 only. Section 107 provides for non-application of the Limitation Act, 1963 in recovery of waqf properties. The Ministry of Housing and Urban Affairs had submitted before the Committee that Delhi Waqf Board had claimed some properties of Central Government, as waqf properties during 1970s, even though said

properties were acquired by latter during in 1911 through purchase for building the new capital city.

41.6.3 In view of the above, the Ministry of Minority Affairs was asked to give their views on why absence of section 66F from the Waqf Act, 1954 did not prevent the Delhi Waqf Board from making such claims and was it made possible due to any other law in force at that time such as the Public Wakfs (Extension of Limitation) Amendment Act, 1969. The Ministry, in its written reply, responded as following:

“Public Wakfs(Extension of Limitation) Act, 1959 extends the time limit for filing of suits to recover possession of public waqf properties.

Public Wakf is defined in section 2 of this Act, and it refers to immovable properties dedicated for public purposes of pious, religious or charitable in nature.

The period of Limitation, was extended up to 31.12.1970- "to institute a suit for possession of any immovable property forming part of public wakf dispossessed or discontinued possession between the period after August 14, 1947, to 7th May 1954.”

41.6.4 To the question whether the proposed omission of section 107 of the principal Act would prevent any Waqf Boards suit for possession of property in future, The Ministry, in its written reply, the Ministry of Minority Affairsresponded as following:

“Section 107 is being omitted, ensuring the applicability of the limitation act, implying that disputes/claims by the Board or stakeholder can be brought within a period as guided by the Limitation Act after the commencement of this amended Act.”

41.6.5 The Ministry was further asked that in context of rights accruing by prescription and adverse possession, whether such right of possession be construed in cases pertaining to waqf properties henceforth and the reply received is as under:

“Law of prescription and Adverse possession shall be governed by the Limitation Act, 1963 in case of waqf properties after the commencement of the Waqf Amendment Act, 2024.”

41.6.6 On being asked that how will the omission section 108A is going to impact the ongoing litigations, the Ministry, in its written reply, responded as following:

“After omission of section 108A of the Waqf Act, 1995 (as amended in 2013), evacuee properties those are registered as waqf, will be governed by this Act and other such properties will be governed by Displaced Persons Compensation & Rehabilitation Act, 1954.”

41.6.7 To the query as to how these omissions are going to impact the rights and liabilities already accrued under the present Act and wouldn't this not lead to new court cases, the Ministry, in its written reply submitted:

“The omission of Sec 107, 108 and 108A shall come into effect on the commencement of the Amendment Act.”

41.6.8 The Ministry was also asked that as the Administration of Evacuee Property Act, 1950 has already been repealed, what impact the section 6 of the General Clauses Act, 1897 would have on the omission of sections 108 and 108A from the principle Act, especially in view of the Enemy Properties Act, 1968 and rules made thereunder. The Ministry, in its written reply, responded as following:

“Section 108 of the Waqf Act, 1995, pertains to evacuee waqf properties, stating that the provisions of the Waqf Act apply to any evacuee property (as defined under the Administration of Evacuee Property Act, 1950) that was part of a waqf prior to becoming evacuee property. It also validates any entrustment of such properties to a Waqf Board made before the Waqf Act came into effect.

Section 108 of the Waqf Act is being omitted.

Since the Administration of Evacuee Property Act, 1950, was repealed in 2005, the retention of this section is no longer necessary, making its omission appropriate as the section has become redundant.”

41.6.9 Further, to the question that in case of omission of section 108A of the Waqf Act, 1995, how would the Muslim Personal Law (Shariat) Application Act, 1937 impact customs

which might have been protected under the Waqf Act, 1995 so far. The Ministry, in its written reply, submitted as under:

“Omission of Section 108A (overriding effect) facilitates legal harmonization of waqf Act with other laws. This reduces conflicts and avoids overlapping with the various Acts.”

Observations/Recommendations of the Committee

41.7 In view of the deliberations with various experts and stakeholders and submissions of various Government Ministries as well as those of the Ministry of Minority Affairs, the Committee concur with the desirability of the proposed omissions of Sections 107, 108 and 108A vide clause 41 of the amendment Bill, as these are necessary to reduce litigation and simplify the process of recovering waqf properties, thereby, facilitating legal harmonization of the Waqf Act, 1995 with other laws and avoiding overlapping with the various Acts.

Notwithstanding the said desirability, the Committee also empathise with the concerns expressed by multiple stakeholders regarding the potential of assertions of adverse possession resulting from retrospective applicability of the Limitation Act, 1963 emanating from the current formulation of the Clause 41.

In this regard, the Committee do take note of the assurances of prospective application of the omission of Section 107 by the Ministry of Minority Affairs. Thus, for removal of any doubts whatsoever, the Committee have redrafted the proposed amendment as following:-

(i) A new Clause 40A is proposed as given:

“40A. Section 107, of the principal Act be substituted, namely: —

“On and from the commencement of the Waqf (Amendment) Act, 2025 The Limitation Act, 1963 (36 of 1963) shall apply to any proceedings in relation to any claim or interest touching upon immovable property comprised in a waqf.”

(ii) Clause 41 is amended as given:

“41. Sections 108 and 108A of the principal Act shall be omitted.”

CLAUSE NO. 42

42. The Clause 42 of the Bill seeks to insert a new Section 108B in the principal Act.

Relevant provisions of principal Act.

42.1 ****New Section****

Provisions proposed in Amendment Bill.

42.2 “After section 108A as so omitted of the principal Act, the following section shall be inserted, namely:—

“108B. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Central Government may make rules for all or any of the following matters, namely:—

(a) the waqf asset management system for the registration, accounts, audit and other details of waqf and Board under clause (ka), and the manner of payments for maintenance of widow, divorced woman and orphan under sub-clause (iv) of clause (r), of section 3;

(b) any other particulars under clause (j) of sub-section (2) of section 3B;

(c) the manner in which details of waqf to be uploaded under sub-section (2B) of section 5;

(d) any other particulars under clause (f) of sub-section (3) of section 36;

(e) the manner in which the Board shall maintain the register of auqaf under sub-section (1) of section 37;

(f) such other particulars to be contained in the register of auqaf under clause (f) of sub-section (1) of section 37;

(g) form and manner and particulars of the statement of accounts under sub-section (2) of section 46;

(h) the manner for publishing audit report under sub-section (2A) of section 47;

(i) the manner of publication of proceedings and orders of Board under sub-section (2A) of section 48;

(j) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Justification/explanation given by the Ministry of Minority Affairs.

42.3 The justification furnished by the Ministry for the proposed amendment is as under:

“Further, new section 108B has been inserted. Now, the Central government can make rules to carry out the provisions of this Act.

As under proposed Bill, many rules are to be made by Central Government. As the State Waqf has not been able to frame rules under 108 since Waqf (Amendment) Act, 2013, 07 States/UTs are yet to make rules (namely Dadra & Nagar Haveli (UT), Delhi (UT), Jammu & Kashmir, Jharkhand, Lakshadweep (UT), Madhya Pradesh and Uttar Pradesh.)”

Gist of submissions by various Waqf Boards

42.4 A gist of submissions/objections by various Waqf Boards of States/UTs is given as under:

(i) Telangana Waqf Board:- Insertion of sec 108 B and deletions proposed here restricts the rule making power of the State government.

(ii) Kerala and Rajasthan Waqf Boards:- By the insertion of new section 108B, the scope of rule making power of Central Government is going to be extensively widened. There is no reason for bringing such an amendment except extraneous considerations such as high jacking power of State Government to make rules subject to the frame work of the Act, taking note of the local situations prevailing in each State. Registration of Auqaf and other particulars connected therewith are matters to be dealt with by the State. And hence the existing provisions empowering Central Government to make rules in this behalf need be withdrawn.

Important suggestions/comments by various stakeholders and experts

42.5 Important suggestions/comments received from various stakeholders and experts is summarised as under:

- i. Section 108B empowers the Central Government to make rules on land matters, traditionally a state jurisdiction, as outlined in Sections 109 and 110 of the Waqf Act. This centralisation poses a significant threat to the federal structure of the Constitution of India.

Examination by the Committee

42.6.1 When Committee sought the justification of the proposed amendment, the Ministry reiterated the following :

“As under proposed Bill, many rules are to be made by Central Government. As some State Governments have not been able to frame rules under sec 109 of Waqf (Amendment) Act, 2013 (07 States/UTs are yet to make rules namely Dadra & Nagar Haveli (UT), Delhi (UT), Jammu & Kashmir, Jharkhand, Lakshadweep (UT), Madhya Pradesh and Uttar Pradesh.”

42.6.2 In their written submission the Ministry has further asserted that:

“All these amendments, are made to improve the administration of waqf management and in no way affect the Muslim sentiments.”

42.6.3 In one way or the other, sub-clauses (a), (g), (h) and (i) deal with finances of the waqf or Board. When asked about the Ministry’s experiences regarding the budgeting and finances of the Waqf Boards, so as to necessitate proposed amendments; the Ministry explained as follows:

“Budgeting and finances of the Board depends on the receipt from the annual contribution (not exceeding 7% of waqf having net annual income not less than Rs. 5000), leasing, rent, which are presently not properly disclosed and often inadequately reported by Mutawalli. Similarly details of the expenditure furnished by the Mutawalli are also not properly reported. Introduction of portal to capture entire life cycle of waqf properties starting from registration would enhance transparency and accountability in financial management.”

Observations/Recommendations of the Committee

42.7 The Committee do find merit in the submissions made by the Ministry of Minority Affairs that these amendment would improve the administration of waqf management and hence, accept the amendment.

CLAUSE- 43**1. The Clause 43 of the Bill proposes to amend the Section 109 of the Principal Act.****Relevant provisions of Principal Act**

43.1 Existing provisions of Section 109 are as under:

“109. Power to make rules.—*(1)* The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act, other than those of Chapter III.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(i) the qualifications required to be fulfilled by a person to be appointed as a mutawalli under clause (i) of section 3;

(ia) other particulars which the report of the Survey Commissioner may contain under clause (f) of sub-section (3) of section 4;

(ii) any other matter under clause (f) of sub-section (4) of section 4;

(iii) the particulars which a list of Auqaf published under sub-section (2) of section 5, may contain;

(iv) the manner of election of members of the Board by means of a single transferable vote, under of sub-section (1) of sub-section (2) of section 14;

(v) the terms and conditions of service of the Chief Executive Officer under sub-section (2) of section 23;

(vi) the conditions and restrictions subject to which the Chief Executive Officer or any other officer may inspect any public office, records or registers under section 29;

(via) the period within which the mutawalli or any other person may produce documents related to waqf properties under sub-section (2) of section 31;

(vib) the conditions under which an agency of the Government or any other organisation may supply copies of records, registers and other documents under sub-section (3) of section 31;

(vii) the conditions subject to which an Executive Officer and supporting staff may be appointed under sub-section (1) of section 38;

(viii) the manner in which an inquiry may be held by the Chief Executive Officer under sub-section (1) of section 39;

(ix) the form in which, and the time within which, a separate budget for Auqaf under the direct management of the Board shall be prepared under sub-section (1) of section 45;

(x) the interval at which accounts of Auqaf may be audited in pursuance of the provisions of sub-section (1) of section 47;

* * * * * *(clause omitted by Act 27 of 2013)*

(xii) the guidance subject to which the Collector shall recover the property transferred in contravention of the provisions of this Act, under section 52;

(xiii) the manner of service of notice issued under sub-section (1) of section 54 and the manner in which any inquiry is to be made under sub-section (3) of that section;

(xiv) the manner in which any inquiry may be held under section 64 or section 71;

(xv) the other matters which may be specified in the report submitted under sub-section (3) of section 65;

(xvi) the manner of publication of order made under sub-section (2) of section 67;

(xvii) the manner in which consultation may be made with mutawalli under sub-section (1) of section 69;

(xviii) the manner of publication of order made under sub-section (3) of section 69;

(xix) the rate at which contribution is to be made by a mutawalli under section 72;

(xx) the payment of moneys into the Waqf Fund, the investment, the custody and disbursement of such moneys under section 77;

(xxi) the form in which, and the time within which, the budget of the Board may be prepared and submitted under section 78;

(xxii) the time within which application is to be made to the Tribunal under sub-section (2) of section 83;

(xxiia) the terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as *ex officio* members under sub-section (4A) of section 83;

(xxiii) the procedure which the Tribunal shall follow under sub-section (6) of section 83;

(xxiv) the form in which the annual report is to be submitted and the matters which such report shall contain under section 98; and

(xxv) any other matter which is required to be, or may be, prescribed.

Provisions Proposed in the Amendment Bill

43.2 In section 109 of the principal Act, in sub-section (2),—

(a) clause (ia) shall be omitted;

(b) clause (iv) shall be omitted;

(c) in clauses (via) and (vib), for the word and figures “section 31” at both the places where they occur, the word and figures “section 29” shall be substituted;

(d) after clause (xviii), the following clause shall be inserted, namely:—

“(xviiiia) the manner of giving notice inviting objections under proviso to sub-section (4) of section 69;”

Justification/explanation given by the Ministry of Minority Affairs

43.3 The justification furnished by the Ministry for the proposed amendment is as under:

“Clause (ia) and (iv) shall be omitted- The State Government while making rules to carry out the purposes of this Act, need not make rules regarding (ia) other particulars which the report of the Survey Commissioner may contain under Sec 4(3)(f) of the Act and (iv) the manner of election of members of the Board by means of a single transferable vote, u/s 14(2)(1), as Sec 4(3)(f) is omitted in the proposed bill and Sec 14(2) is amended in the present Bill. (xviiiia) manner of giving notice inviting objections is being inserted as proviso added in Sec 69(iv).

Therefore, to bring in line with consequential changes due to work of survey commissioner has now been assigned to collector, Board members will now be appointed on nomination basis, Sec 69(4) proviso invites objections from public and persons affected, Sec 109 is being amended.

Subordinate legislation under Section 109: State government were to frame Waqf rules under the section. However, 7 States/UTs viz Dadra & Nagar Haveli, Delhi, Jammu & Kashmir, Jharkhand, Lakshadweep, Madhya Pradesh and Uttar Pradesh have not yet framed the Waqf rules despite lapse of around 10 years since the Waqf Amendment in 2013.”

Gist of submissions by various Waqf Boards:

43.4 A gist of submissions/objections by various Waqf Boards of States/UTs is given as under:

(i) Kerala Waqf Board and Andhra Pradesh Waqf Boards: As per the existing provision of the Act, State Government is the authority to make rules for carrying out the purposes other than those in chapter III. Now certain clauses relating to prescribing rules, particularly the one relating to the survey report and the manner of election of members of Board by means of a single transferable vote are proposed to be omitted. They are consequential to the amendments proposed to the sections concerned and in view the reasons stated already, this may also be withdrawn.

(ii) Telangana Waqf Board and Rajasthan Waqf Boards: Interference by the Central Government effects the autonomy of Waqf and the concept of federalisms. State Governments' powers are being taken away and it's wrong.

Important suggestions/comments furnished by various stakeholders and experts:

43.5 Important suggestions/comments received from various stakeholders and experts are summarised as under:

- i.* *Vide* entry 18 of State List, Land is State subject and the current Bill has denied States power to make Rules under Section 109 of Waqf Act, 1995 whereas other Religious Endowments are governed by Respective State Acts. Hence, this Bill has serious implications on our Federal Structure which is Basic Structure of Constitution.
- ii.* Under Section 109, rule making power should include power to make rules on standard terms and conditions in case of family waqfs.

Examination by the Committee.

43.6.1 On being pointed that *vide* clause 43(a), section 109(2)(ia) of the principal Act has been sought to be omitted and whereas the said section enables the State Government to make rules regarding other particulars which the report of the survey commissioner may contain under section 4(3)(f) of the principal Act. Section 4(3) of the principal Act is being sought to be omitted *vide* clause 5(c) of the current Bill and the subject matter of section 4(3) of the principal Act is now being sought to be covered, generally speaking, by proposed new sections 3B(2)

and 5(2B). It may further be seen that while under the current scheme, State Government has the authority to make rules regarding these whereas under the proposed scheme authority for making rules on these matters are being vested with the Central Government even though Collector is under the State Government. The Ministry furnished the given explanation for departure from current mechanism:

“Introduction of portal to capture entire life cycle of waqf properties starting from registration would enhance transparency and accountability. Sub-section (ia) is related to other particulars which the report of Survey Commissioner may contain under section 4(3)(f). This is being omitted as the function of the Survey Commissioner are being assigned to Collector and rules related to information required to be uploaded on the portal will be made by the Central Government for uniformity.”

43.6.2 Moreover, the Ministry on being asked that whether such a departure could be challenged for being in contravention of federalism, replied as given:

“The Waqf (Amendment) Bill 2024 does not disturb the federal structure as the bill is being framed under the Entry 10 and 28 of the Concurrent List which empowers the Central Government to make legislation on “Charities and charitable institutions, charitable and religious endowments and religious institutions”.

Observations/Recommendations of the Committee

43.7 In view of the submissions of the Ministry of Minority Affairs and the fact that the proposed amendments are merely consequential, the Committee accept the amendment as it is.

CLAUSE- 44**1. The Clause 44 of the Bill proposes to amend the Section 110 of the Principal Act..****Relevant provisions of Principal Act:**

44.1 Existing provisions of Section 110 are as under:

“Powers to make regulations by the Board.-- (1) The Board may, with previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made thereunder, for carrying out its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely—

- (a) the time and places of the meetings of the Board under sub-section (1) of section 17;
- (b) the procedure and conduct of business at the meetings of the Board;
- (c) the constitution and functions of the committees and the Board and the procedure for transaction of business at the meetings of such committees;
- (d) the allowances or fees to be paid to the Chairperson or members of the Board or members of committees;
- (e) the terms and conditions of service of the officers and other employees of the Board under sub-section (2) of section 24;
- (f) the forms of application for registration of Auqaf further particulars to be contained therein and the manner and place of registration of Auqaf under sub-section (3) of section 36;
- (g) further particulars to be contained in the register of Auqaf under Section 37;
- (h) the form in which, and the time within which, the budgets of Auqaf may be prepared and submitted by the Mutawalli and approved by the Board under sub-section (1) of section 44;
- (i) the books of accounts and other books to be maintained by the Board under section 79;
- (j) fees payable for inspection of proceedings and records of the Board or for issue of copies of the same;
- (k) persons by whom any order or decision of the Board may be authenticated; and

(l) any other matter which has to be, or may be, provided by regulations.

(3) All regulations made under this section shall be published in the Official Gazette and shall have effect from the date of such publication.

Provisions proposed in the Amendment Bill.

44.2. In section 110 of the principal Act, in sub-section (2), clauses (f) and (g) shall be omitted.

Justification/explanation given by the Ministry of Minority Affairs

44.3 The justification furnished by the Ministry for the proposed amendment is as under:

- Sec 110 Clause (f) the forms of application for registration of Auqaf further particulars to be contained therein and the manner and place of registration of Auqaf under section 36(3) is being omitted. In terms of proposed Amendment Bill Sec 36(3) provides that an application for registration shall be made to the Board through the portal and database and shall contain the following particulars. Therefore, clause (f) of Sec 110 is no longer required.

- Sec 110 Clause (g) further particulars to be contained in the register of Auqaf under Section 37 is being omitted. As proposed Amendment in Sec 37 states that the Board shall maintain a register of auqaf which shall contain in respect of each waqf copies of the waqf deeds, when available and the following particulars in such manner as prescribed by the Central Government. Therefore, clause (g) of Sec 110 is no longer required as the power of the State Government is shifted to Central Government in the proposed Amendment Bill.

Gist of submissions by various Waqf Boards

44.3 A gist of submissions/objections by Waqf Boards of various States/UTs is given as under:

(i) Kerala Waqf Board and Rajasthan Waqf Board:- It will hijack the power of State Government/Board in making Regulations. Certain subject matters such as prescription of forms of application for registration Auqafs, particulars to be contained in the application,

manner and place of registration, particulars to be contained in the register of Auqaf, etc. were matters already covered by state regulations. The proposal is consequential to the amendments proposed to the relevant sections and in view of the reasons stated earlier this may be withdrawn.

(ii) Andhra Pradesh Waqf Board and Telangana Waqf Board:- Regulation making powers of Waqf Board would be severely curtailed by the proposed amendments 2024 and Waqf Boards are only cosmetic now. When central government has taken power to prescribe the forms for these purposes, the deletion is natural.

Important suggestions/comments furnished by various stakeholders and experts:

44.5 Important suggestions/comments received from various stakeholders and experts are summarised as under:

- i. Amendments to (f) and (g) which are related to purely internal administration matters of the Waqf Board, can be termed as an interference by the Government in the functioning of the Waqf Board. Regulations are only for internal working and that too also can be brought in by the State Government approval. Whatever forms and records to be obtained and kept in office has to be decided by the Board and the Central Government has no role to suggest or modify such procedures which already in vogue in such Waqf Boards. Therefore, these amendments are not in tune with the independent working of the Waqf Board and shall be avoided.

Examination by the Committee

44.6.1 Presently power to make regulations for sections 36(3) and 37 of the principal Act are with Board under section 110(2)(f) and (g) respectively. Further, these are being sought to be omitted *vide* clause 44 of the current Bill and vested with Central Government *vide* proposed new section 108B(2)(d), (e) and (f) *vide* clause 42 of the current Bill. The Ministry explained the rationale for the same as under:-

“A new section 108B has been inserted. Now, the Central government can make rules to carry out the provisions of this Act as explained above. To bring consistency in framing rules in relations to new provisions of the waqf asset management system, registration, survey, accounts, audit and other details of waqf on the portal under section 3 (ka), the manner of payment for maintenance of widow, divorced woman and orphan under sub-clause (iv) of Sec 3(r); the manner in which details of waqf to be uploaded, manner in which the Board shall maintain the register of auqaf u/s 37(1), form and manner and particulars of the statement of accounts u/s 46(2), manner for publishing audit report u/s 47(2A), manner of publishing and proceedings orders of Board u/s 48(2A) and any other matter which is required to be or maybe prescribed.

This will bring uniformity and speedy rule making in respect of disposal of above key functions.

Section 110 (f) relates to the forms of application for registration of auqaf further particulars to be contained therein and the manner and place of registration of auqaf under sub-section (3) of section 36; has been omitted. Since in the proposed bill registration of Auqaf will be done through portal for which rules will be made by the Central Government.

Section 110 (g) relates to further particulars to be contained in the register of Auqaf under Section 37 , this is also being omitted. As these particulars will be prescribed by the Central Government. This will help in ensuring uniformity and transparency in Waqf Management. The Boards regulation making powers in its substantial functions remains unchanged except for the two functions mentioned above. Their functions are not being infringed.”

Observations/Recommendations of the Committee

44.7 The Committee considering that the proposed amendments are basically incidental in nature and that the Board’s regulation making powers in its substantial functions remains unchanged except for the two functions, accept the amendment as it is.

CHAPTER III

OTHER RELATED ISSUES

Protection of Scheduled Tribes' land

Scheduled Tribes in India have distinct cultural identities and are especially protected under Schedule 5 and Schedule 6 of the Indian Constitution. The Fifth Schedule of the Constitution deals with the administration and control of scheduled areas and tribal areas, which are predominantly inhabited by indigenous tribes. These areas have special protection regarding land ownership and governance to safeguard tribal interests. In this regard, the Hon'ble Supreme Court of India in Pr. 14 of Lingappa Pochanna Appealwar Vs. State of Maharashtra, 1985 (1) SCC 479 has given the following reasons for the protection of rights and interests of the tribals;

"[14] Under the scheme of the Constitution, the Scheduled Tribes as a class require special protection against exploitation. The very existence of Scheduled Tribes as a distinctive class and the preservation of their culture and way of life based as it is upon agriculture which is inextricably linked with ownership of land, requires preventing an invasion upon their lands. The impugned Act and similar measures undertaken by different States placing restrictions on transfer of lands by members of the Scheduled Castes and Tribes are aimed at the State Policy enshrined in Art. 46 of the Constitution which enjoins that "The State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of the Scheduled Castes and Tribes and shall protect them from social injustice and all forms of exploitation."

3.2 Constitutional provision under Schedule-V also provide for safeguards against displacement of tribal population because of land acquisition, etc. The Governor of the State which has scheduled Areas is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases. The landmark judgement of the Hon Supreme Court titled Samatha vs State of Andhra (Civil Appeal No. 4601-4602 (AIR1997 SC 3297) also strengthened this premise .

3.3 Recently, numerous cases have come to the notice of the Committee concerning the declaration of Waqf lands in tribal areas falling under Schedule 5 and Schedule 6 of the Indian Constitution. Waqf in these areas is creating a serious threat to the existence of these cultural minorities whose religious practices are distinct and do not follow religious practices prescribed under Islam.. The increase in the quantum of land acquired by the Waqf Board and the number of litigations underscore the urgent need to address this serious concern. In this regard, the Committee feel that Scheduled tribes being one of the most marginalized and vulnerable sections of the society, the protection envisioned by the founding fathers of the Indian Constitution should be upheld at all costs.

Observations/Recommendations of the Committee

3.4 Taking cognizance of the issue discussed above, the Committee are of the view that the protection accorded to Scheduled Tribes and Tribal lands under Schedule Fifth and Sixth of the Constitution must be upheld and any threat, perceived or real, needs to be addressed. The Committee, therefore, recommend that the Ministry should take appropriate legislative measures to forestall declaration of tribal lands as ‘waqf’ land in order to ensure protection of Scheduled areas and tribal areas.

Protection of the rights waqf tenants

3.5 The Delhi Waqf Tenants Welfare Association, have submitted before the Committee that the members of the Association are old tenants of small shops under Delhi Waqf Board for more than 75 years; many of which are spanning over three generations. The tenants are earning their livelihoods from the said shops and providing for their families. The tenancies are protected under the Delhi Rent Control Act and are also located in notified slum areas and protected under the Slum Areas (Improvement and Clearance) Act, 1956. The members have been regularly paying the rent which is revised by the Waqf Board at regular intervals besides huge donations having been taken from the members by Waqf Board time and again. The tenants have also been maintaining the properties including repair and protecting them structurally, right from the inception of tenancy without any cost or seeking any reimbursement from the Waqf Board. The tenants have also been paying the house tax thereof and have also made huge donation to the Waqf Board. As per even recorded data, approximately 10 to 12 Lakh number of tenants under the various Waqf Boards all over India and in Delhi there are around 2600 number of such tenants.

3.6 The main concerns expressed by the Tenant Association before the Committee are as under:

- (i) The tenants are being treated as encroachers which is patently untenable and arbitrary.
- (ii) The tenants despite lawfully occupying the shops, are being subjected to arbitrary and draconian steps of auction of the property despite a sitting tenant based on an unintelligible or unreasonable criteria stated to be market value for registration of Conveyance Deed being applied to lease.
- (iii) Interference with the normal rule of succession to tenancy rights and conditioning it on payment of the transfer fee is unreasonable and unfair despite the tenants paying the rents without default; increasing the rents periodically, paying huge donations to the Board, maintain the property and even bearing the house tax without any reimbursement by the Board in this regard.

3.7 The pleas made by the Tenant Association before the Committee were to strike off/amend the definition of “encroacher” under Section 3(ee) to remove from its ambit tenancies whether contractual and/or statutory or terminated. To provide for inheritance of tenancy rights automatically on the death of the tenant as normal succession to the assets of the deceased without any fees or charges to be given to the board. Waqf Properties Lease Rules, 2014 to be suitably amended. Further, since Wakf Properties cannot be sold and are meant to generate revenue only by leasing them. That Section 56 and Rule 19 of Waqf Properties Lease Rules, 2014 needs to be suitably amended. To provide for long term lease for 99 years for all commercial, Residential, Agricultural Properties as this would generate revenue and ground rent to the Wakf board. The Wakf Board can use this huge amount of revenue to do charity for the needy.

3.8 They have further expressed their apprehension that absence of commensurate amendments in Section 56 of the Waqf Act, 1995 would result in them being evicted from waqf properties where they have been residing lawfully, at times for decades, with their families as tenants and have maintaining the properties including repair and protecting them structurally since inception of tenancy without any cost or seeking any reimbursement from the Waqf Board, even paying properties taxes.

Observations/Recommendations of the Committee

3.9 In light of the submissions made by the tenants' associations regarding their long-standing association with Waqf properties, the Committee emphasizes the need to address their concerns compassionately during the formulation of Lease Rules. Recognizing these issues will provide legal certainty for tenants' associations and establish fair oversight to prevent abrupt or unreasonable decisions by Waqf Boards.

Such measures will reduce uncertainty and ambiguity, mitigate the impact of sudden rent increases, and alleviate fears of sudden eviction. Furthermore, fostering a symbiotic and harmonious relationship between Waqf Boards and tenants will ensure the prosperity of Waqf properties. The Committee, therefore, recommend that the Ministry may consider the concerns of Waqf tenants across the country and introduce laws that allow for long-term leases to safeguard their legitimate rights.

CONSOLIDATED RECOMMENDATIONS

Clause 1

1.4 No amendment is proposed in the said clause dealing with the short title and commencement of the proposed legislation.

Clause 2

2.7 The Committee, after thorough deliberation on the proposal and considering the views of experts, stakeholders, and the Ministry of Minority Affairs, concurs with the change in the nomenclature of the Waqf Act to the "Unified Waqf Management, Empowerment, Efficiency, and Development Act." The updated name effectively reflects the evolving priorities and challenges in Waqf management, emphasizing unified administration, inclusivity, operational efficiency, and proactive development. This nomenclature encapsulates the Amendment Bill's vision, addressing systemic gaps while promoting modern, transparent, and accountable governance in the Waqf management. The Committee recommend its adoption as an essential step toward aligning Waqf management with contemporary needs and practices.

Clause 3

3.7.1 The Committee, after thorough deliberation on the amendments proposed to existing definitions and on the inclusion of new definitions proposed in the clause under examination and after taking into consideration the views and suggestions of various stakeholders and the justification furnished by the nodal Ministry, are of the view that proposed definitions of Collector, Government Organisations, Government Property, portal and database and amendments to the definition of mutawalli and waqf are in tandem with the other amendments proposed in the Bill with the intention to streamline the waqf property management, reduction in the number of litigations, expanding the scope of beneficiaries of waqf, etc. Thus, the Committee have decided to accept the amendments proposed except for amendment proposed vide Clause 3(ix).

3.7.2 Regarding the proposed amendment stipulating that only a person practicing Islam for at least five years will be permitted to dedicate any movable or immovable property as waqf, the Committee proposes the following amendment to Clause 3(ix)(a):

“In the opening portion, for the words “any person, of any movable or immovable property”, the words “any person showing or demonstrating that he/she is practicing Islam for at least five years, of any movable or immovable property, having ownership of such property and that there is no contrivance involved in the dedication of such property,”

3.7.3 Regarding the amendments proposed in the definition of waqf, the Committee have observed that the proposed omission of ‘waqf by user’ through Clause 3(ix) (b) of the Amending Bill, have created apprehensions among various stakeholders and the Muslim community at large regarding the status of the existing ‘waqf by user’ which largely includes properties used for religious purposes. The Committee, in order to evade such apprehensions propose that a proviso clearly specifying that the omission of ‘waqf by user’ from the definition of the waqf will apply prospectively, that is, the cases of existing waqf properties already registered as ‘waqf by user’ will not be reopened and will remain as waqf properties, even if they do not have a waqf deed. This would however be subject to the condition that the property wholly or in part must not be involved in a dispute or be a government property. Accordingly, the following amendment to Clause 3(ix) is proposed:

“(e) the following proviso shall be inserted, namely:-

“Provided that the existing waqf by user properties registered on or before the commencement of Waqf (Amendment) Act, 2024 as waqf by user will remain as waqf properties except that the property, wholly or in part, is in dispute or is a government property.”

3.7.4 Further, as regards the amendments to the definition of ‘waqf-alal-aulad’ wherein through proposed amendments the scope of benefit will be further expanded for maintenance of widow, divorced woman and orphan in such a manner, as may be prescribed by the Central Government, the Committee after considering various submissions recommend that the intention of the waqif should be taken into account while deciding the beneficiaries of a waqf. Accordingly, following amendment to Clause 3(ix)(c) is proposed:

“(c) in sub-clause (iv), after the word “orphan”, the words “, if waqif so intends,” shall be inserted.

Clause 4

4.7.1 The Committee, after thorough deliberation on the amendments proposed to defining certain conditions of creating a waqf, accept the amendment defining the condition of making a waqf that only a lawful owner of a property can dedicate it as waqf is acceptable.

4.7.2 As regards the conditions stated for creation of waqf-alal-aulad, the Committee have proposed further amendments. Accordingly, the following amendment is recommended in Clause 3A(2).

“after the word ‘Waqif’ the words ‘or any other rights of persons with lawful claims’ shall be inserted.

4.7.3 As regards the proposed new Section 3B (1) and (2) regarding filing of details of every registered waqf properties on the portal and database within six months and the details that needs to be filed, the Committee while accepting list of details to be filed on the portal as given in Clause 3B(2), are of the opinion that a window should be kept open for filing of details of the registered waqf property even after the lapse of the period of six months in genuine cases by making the following amendment to the proposed Section 3B(1) under Clause 4:

“Provided that Tribunal may, on an application made to it by the Mutawalli, extend the period of six months under this section for such period as it may consider appropriate, if he satisfies the Tribunal that he had sufficient cause for not filing the details of the waqf on the portal within such period.”

4.7.4 On the new Section 3C(1) dealing with wrongful declaration of waqf, the Committee accept the recommendation that any government property identified as or declared as waqf property, shall not be deemed to be a waqf property. Nonetheless, the Committee have received strong objection on the proposal of delegating the power of determining whether a property is a waqf property or Government property to the Collector. The Committee feel

that in such a scenario the decision of appointing an official to conduct an inquiry in cases of wrongful claims on government property by Waqf Board should be left to the State Government. The Committee therefore, recommend the following amendments to the proposed Sections 3C (2), (3) and (4):

- (i) In Clause 4, in the newly proposed Section 3C(2), after the words ‘Government property,’ for the words “the same shall be referred to the Collector having jurisdiction who shall make such inquiry as he deems fit,”, the words, “State Government may by notification designate an Officer above the rank of Collector hereinafter called the designated officer, who shall conduct an inquiry as per law,” shall be substituted;
- (ii) In Clause 4, in proviso to Section 3C(2), the word “Collector” be substituted with the word “designated officer”;
- (iii) In Clause 4, in proposed Section 3C(3), the word “Collector” be substituted with the word “designated officer”;
- (iv) In Clause 4, in proposed Section 3C(4), the word “Collector” be substituted with the word “designated officer”.

Clause 5

5.7.1 The Committee, after careful and comprehensive deliberation on the proposals outlined in the clause under examination, including an evaluation of the views and suggestions provided by stakeholders and the justification presented by the Ministry of Minority Affairs, acknowledge the merit in the proposed amendments. These amendments aim to transfer the responsibilities previously assigned to the Survey Commissioner under the Waqf Act, 1995, such as overseeing the survey of Waqf properties, to the Collector. Under the proposed framework, the Collector, instead of the Survey Commissioner, will conduct the survey in accordance with the revenue laws of the respective State and submit the report to the State Government. The Committee find that this adjustment will streamline the survey process and better align it with the existing administrative framework. Significantly, the function of the Collector for survey and registration will integrate professional expertise available with the Collector’s office and increase authenticity of the land transactions. Given that Collectors are already deeply involved in

matters related to land and property within their jurisdictions, this change is expected to exhibit objectivity, enhance efficiency, reduce redundancies, and ensure a more integrated approach to the management of Waqf properties. Recognizing these advantages, the Committee endorses the proposed amendment in the clause as a pragmatic and administratively sound measure.

Clause 6

6.7.1 The Committee, after comprehensive deliberation on the proposals outlined in the clause under examination, acknowledge the merit in the proposed amendments wherein detailed procedure with defined timeline for publication of list of auqaf in the Official Gazette, uploading of list on the portal and mutation in land records has been brought out. These amendments ensure transparency and accountability in the management of waqf properties, hence, accepted by the Committee except for amendment proposed in sub-section (2) of Section 5 through Clause 6 (c) which proposes insertion of new sub-section 2(A). It is recommended that the time period proposed for uploading the notified list of auqaf on the portal and database after its publication in the Official Gazette by the State Government may be revised from fifteen days to ninety days. Accordingly, the following amendment is recommended in Clause 6(c):

“(2A) The State Government shall upload the notified list of auqaf on the portal and database within ninety days from the date of its publication in the Official Gazette under sub-section (2).”

Clause 7

7.7.1 The Committee support the extension of the time period for instituting a suit in the Tribunal on any dispute regarding the nature of waqf, from one year to two years from the date of publication of the list of auqaf as the amendment ensures fair access to justice. However, the Committee are of the opinion that there can be delays in filing suits in such cases due to various reasons and thus, recommend that the Tribunals shall have power to condone delays beyond the proposed two-year period for entertaining applications regarding disputes over waqf properties, on a case-to-case basis. Accordingly, following amendment to Clause 7(a) (iv) is proposed:

“For the second proviso, the following proviso shall be substituted, namely:-

“Provided further that an application may be entertained by the Tribunal after the period of two years specified in the first proviso, if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

7.7.2 The other proposed amendments in Clause 7 are merely consequential, therefore, the Committee accept them as it is.

Clause 8

8.7.1 The Committee agree with the proposed amendment to proviso (a) of Section 7(1) of the Waqf Act 1995, which extends the time period for approaching the Tribunal from one year to two years. This extension ensures that aggrieved parties are provided with a fair and reasonable opportunity to present their cases. The provision allowing the Tribunal to accept late applications upon the presentation of valid reasons further ensures that deserving cases are not dismissed merely due to time limitation. Thus, in view of the submissions made by the Ministry of Minority Affairs and the fact that the other proposed amendments are merely consequential, the Committee accept the amendments proposed in Section 7 of the Act as it is.

Clause 9

9.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that considering the statutory nature of the Central Waqf Council, inclusion of two non-Muslim members will make it more broad based and promote inclusivity and diversity in waqf property management. The Bill has further emphasized upon the participation of Muslim women in the Council. Hence, the Committee accept all the amendments proposed under the Clause. However, it has been brought to the knowledge of the Committee that the presence of non-Muslim ex-officio Members may result in fulfilling the requirement of the proposed amendment whereas this may go against the intent of the proposed amendments. Hence, the following amendment is proposed in second proviso of Clause 9:

“Provided further that two members appointed under this sub-section excluding ex-Officio members, shall be non-Muslims.”.

Clause 10

10.7.1 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the replies given by the Ministry of Minority Affairs, find that separate Boards for Bohra and Aghakhani communities will give them the necessary independence needed for managing the affairs of their respective community as per their distinct religious doctrines and practices. The amendment is, thus, accepted.

10.7.2 Further, the Committee agree with the submissions made by the Dawoodi Bohra and Aghakhani Communities which although parts of the larger Shia Muslim Community, have a distinct set of religious doctrines and practices. As a minority within the Shia community, the Dawoodi Bohras follow a unique governance system that revolves around the religious authority of the al-Dai al-Mutlaq. In this respect, the Ministry have suggested for amendments in Section 2 of the Principal Act by providing that this Act shall not apply to a trust established by a Muslim under any law for the time being in force. Consequently, the Committee recommend that the following proviso may be inserted in Section 2 of the principal Act:-

“Provided further that nothing in this Act shall, notwithstanding any judgement, decree or order of any court, apply to a trust (by whatever name called) established before or after the commencement of this Act or statutorily regulated by any statutory provision pertaining to public charities, by a Muslim for purposes similar to a Waqf under any law for the time being in force.”

Clause 11

11.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that the composition of State Waqf Boards has been expanded to include two non-Muslim members and ensure broader representation from Shia, Sunni and backward Muslim communities which will promote inclusivity and diversity in waqf property management. The Committee feel that non-

Muslims can be beneficiaries, parties to disputes, or otherwise interested in waqf matters, which justifies their inclusion in the administration of waqf. Hence, the Committee accept the amendments proposed under the Clause. However, it has been brought to the knowledge of the Committee that the presence of non-Muslim ex-officio Members may result in fulfilling the requirement of the proposed amendment whereas this may go against the intent of the proposed amendments. Hence, the following amendments are proposed in Clause 11:

(1) the proposed sub-Section (1)(e) of Section 14 be substituted as given:

“Joint Secretary of the State Government dealing with waqf matters-member, *ex officio*;”

(2) the second provisio to sub-section (1) of Section 14 be amended as given:

“Provided further that two members of the Board appointed under this sub-section excluding *ex officio* members, shall be non-Muslims:”

Clause 12

12.7.1 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that this clause would ensure that individuals with a clean legal record can serve on the board, improving accountability and trust. Hence, the Committee accept the amendments proposed under the Clause.

12.7.2 Further, the Committee are of the opinion that the condition for disqualification given in Section 16(a) i.e. “he is not a Muslim and is less than twenty-one years of age” is incongruous with other clauses provided in the Bill. Therefore, the Committee recommend that:

(i) for clause (a), the following clause shall be substituted, namely: —

“(a) he is less than twenty-one years of age;”

(ii) after clause (a), the following clause (aa) shall be inserted:

“(aa) in case a member under clause (c) of sub-section (1) of section 14, is not a Muslim;”

Clause 13

13.6 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that regular monthly meetings of the board are required to ensure continuous oversight and faster decision-making on waqf property matters. Hence, the Committee accept the amendments proposed under the Clause.

Clause 14

14.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that Section 20A which allows the removal of the chairperson by a vote of no confidence, has been removed because the chairperson will now be appointed on a nomination basis and his removal will be governed by Section 20. Hence, the Committee accept the amendments proposed under the Clause.

Clause 15

15.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that the position of Chief Executive Officer (CEO) is now open to individuals from all the communities which would promote diversity and professional management. Further, the CEO must be at least at the rank of Joint Secretary to the State Government which would help ensure better coordination among various concerned departments of the Government. Hence, the Committee accept the amendments proposed under the Clause.

Clause 16

16.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that explanation and proviso to Section 32(2)(e) concerning Board powers being exercised by Sunni or Shia Members only, are being omitted to align it with the proposed third and fourth proviso to Section 14(1) and

removal of Section 13(2A). Further, finality of decisions of the Tribunal on the matters related to settlement of schemes of management for a waqf under Section 32(2)(d) and utilization of surplus income under Section 32(2)(e) has been omitted in order to allow appeals to the High Court within 90 days from the Tribunal's order, which will expand the scope of judicial remedies, ensuring that aggrieved parties have access to broader legal avenues for resolving legal disputes. Hence, the Committee accept the amendments proposed under the Clause.

Clause 17

17.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs, find that the proposed amendments remove restriction on the power of the Tribunal to stay the CEO's order, allowing for judicial scrutiny to prevent miscarriages of justice. Further, Section 33 (6) is omitted which means decisions of the Tribunal are no longer final and parties can appeal to the High Court which will expand the scope of judicial remedies, ensuring that aggrieved parties have access to broader legal avenues for resolving legal disputes. Hence, the Committee accept the amendments proposed under the Clause.

Clause 18

18.7 The Committee, after thorough deliberation with various stakeholders and considering the replies submitted by the Ministry of Minority Affairs, are of the view that execution of waqf deed for the new auqaf would strengthen the legal status of such auqaf and reduce the number of litigations owing to the absence of written documents related to a waqf property in future. The measures introduced to inquire into the genuineness and validity of a waqf would further reduce disputes and claims on grounds of wrongful declaration of waqf. Hence, the amendment, is accepted as it is.

However, the Committee while examining the proposed sub-section 10 of Section 36, which states that no suit, appeal or other legal proceedings for the enforcement of any right on behalf of any waqf which have not been registered in accordance with the provisions of this Act, shall be instituted by any court after the expiry of a period of six months from the

commencement of the Waqf (amendment) Act, 2024 feel that the time period may be increased to give adequate time to all stakeholders to represent. Therefore, the Committee, after deliberation, recommend that instituting of suit shall be allowed beyond the period of six months and accordingly, the following proviso to sub-section 10 of Section 36 be inserted:

“Provided that an application may be entertained by the Court in respect of such suit, appeal or other legal proceedings after the period of six months specified under this sub-section, if the applicant satisfies the Court that he has sufficient cause for not making the application within such period.”

Clause 19

19.7 The Committee, after careful consideration of submissions of various stakeholders and the replies submitted by the Ministry of Minority Affairs, are of the opinion that the proposed amendment for Central Government’s prescribed particulars for register of auqaf shall ensure consistent record-keeping across States. Further, public notice in the local newspaper provisions for land record mutations as per revenues laws ensures the right to be heard, transparency, accountability, and protection of individual rights. This step will also allow rightful property owners and stakeholders to raise objections or provide evidence, upholding the principles of natural justice and preventing wrongful classification. It also aims to provide opportunity to affected parties to be informed and heard before any changes are made to land records involving waqf properties. Hence, the amendment, is accepted as it is.

Clause 20

20.7 The Committee, after thorough deliberation with various stakeholders and considering the replies submitted by the Ministry of Minority Affairs, are of the view that omission of Section 40 of the Principal Act will be essential to rationalize the powers of the Board to ensure that waqf are declared after following due process as per the provisions of the Act. Hence, the amendment, is accepted as it is.

Clause 21

21.6 The Committee, after thorough discussions with various stakeholders and careful considerations of the replies submitted by the Ministry of Minority Affairs, are of the opinion that the change of deadline for submitting Waqf accounts from July to October, shall allow more time for accurate reporting. Further, Mutawalli will prepare true statement of accounts of auqaf, in such form and manner and containing such particulars as may be prescribed by the Central Government, of all moneys received from any source which will help in ensuring transparency in the financial management of Waqf. Hence, the amendment, is accepted as it is.

Clause 22

22.7 The Committee, after thorough deliberations with various stakeholders and carefully considering the replies submitted by the Ministry of Minority Affairs, are of the view that this amendment seeks to ensure that waqf properties with significant incomes are audited to improve accountability. Moreover, it will also make mutawallis more accountable. Further, the Committee noted that earlier there was no such provision for publishing audit report. With this amendment, better transparency will be there in monitoring audit report. Hence, the amendment, is accepted as it is.

Clause 23

23.6 The Committee, after thorough deliberation with various stakeholders and considering the replies submitted by the Ministry of Minority Affairs noted that through the inclusion of subsection 48(2A) *vide* Clause 23 of the Bill, the method of publishing the proceeding and orders of the board passed on auditor's report will now be prescribed by the Central Government. The Committee are of the opinion that this will ensure transparency and public access to important information.

The Committee, further, noted that the tribunals shall now be permitted to stay the Board's orders on the matters related to Auditor's report , when necessary, for appropriate judicial scrutiny and mitigating miscarriage of justice. The finality of the Tribunal's decision on the order passed by the board on audit reports of the auqaf, has been removed, allowing appeals to the High Court within a specified period of 90 days which will expand

the scope of judicial remedies, allowing for further appeals and ensuring that aggrieved parties have access to broader legal avenues for resolving legal disputes. Hence, the amendment, is accepted as it is.

Clause 24

24.7 The Committee, after thorough deliberation with various stakeholders and considering the replies submitted by the Ministry of Minority Affairs, are of the view that only individuals of good character can become mutawallis (managers) and holds them accountable for their actions. Hence, the amendment, is accepted as it is.

Clause 25

25.6 The Committee, after careful considerations of submissions of various stakeholders and the replies submitted by the Ministry of Minority Affairs, are of the opinion that removal of the finality of the Tribunal's decision, shall allow appeals to the High Court within a specified period of 90 days. This will expand the scope of judicial remedies, allowing for further appeals and ensuring that aggrieved parties have access to broader legal avenues for resolving legal disputes. Hence, the amendment, is accepted as it is.

Clause 26

26.7 The Committee, after thorough deliberation with various stakeholders and considering the replies submitted by the Ministry of Minority Affairs, are of the view that the amendments in Clause 26 of the Bill seek to make the provisions in consonance with Section 52-A (3). Further, the Committee are of the opinion that Section 52A (2) and (4) are being omitted, to make alienation of waqf property, as mentioned in Section 51, liable to a judicial trial before any judicial magistrate dealing with the cases having provision of imprisonment for a term which may extend to two years. Hence, the amendment, is accepted as it is.

Clause 27

27.7 The Committee, after thorough deliberation upon the proposal made in the Clause, including the views/suggestions of the experts/stakeholders and the justification given by the Ministry of Minority Affairs, particularly keeping in view the introduction of appeal to

High Court against the Order of Tribunal, decided to accept the amendment proposed under the Clause.

Clause 28

28.7 The Committee, after thorough deliberation upon the proposal made in the Clause, including the views/suggestions of the experts/stakeholders and the justification given by the Ministry of Minority Affairs, find that the role played by the Mutawallis in the administration of Waqf Properties is extremely important and instrumental in achieving the pious, religious and charitable goal as envisaged under the auspices of Waqf. In this context, the Committee feel that greater accountability and transparency in the functioning of the Mutawallis certainly need to be ensured through stringent and deterrent measures. Hence, decided to accept the amendment proposed under the Clause.

Clause 29

29.7 The Committee take into account the fact that improper maintenance of accounts of waqf properties is one of the primary reasons for the deep-rooted administrative malaise afflicting the management of waqf properties. In order to streamline the accounting pattern of waqf properties, it is of utmost importance that timelines be adhered to scrupulously and any violation be dealt with strictly. In accordance with such requirement the reduction in deadline for the preparation and updation of all accounts of waqf properties is the need of hour which would delegate greater responsibility on Mutawallis and usher in much needed professionalism in the management of waqf affairs. Moreover, it is only in the fitness of things if any person having any connection with illegal activities be barred from discharging a pious duty of Mutawalli. Therefore, the Committee accept the amendment proposed under the Clause.

Clause 30

30.7 The Committee, after going through the proposed amendment *vide* Clause 30 in Section 65 sub-section (3) find that giving a fixed time period for filing of reports by the Waqf Boards to the concerned State Government is a move in right direction. Fixing six months after the close of every financial year rather than keeping it open ended through “as soon as possible” gives a definite time-frame for ensuring accountability in the

management of the affairs of Waqf Boards. Hence, the Committee decided to accept the amendment proposed under the Clause.

Clause 31

31.7 The Committee find that section 67 sub-section (4) is being proposed to be substituted with the first proviso of the section 67 of the principal act *vide* Clause 31 of the amendment bill. Thereafter, in the second proviso of section 67 sub-section (6), the omission of the words “and the order made by the Tribunal in such appeal shall be final” shall be omitted. These amendments are aimed at providing any person aggrieved by the Order made by the Board under section 67(2), chance to appeal and utilize the various avenues of appeal for Justice. Thus, the Committee appreciate the option of providing further scope for availing justice to the aggrieved person and decided to accept the amendment proposed under the Clause. However, the Committee recommend that the period of appeal shall be increased from sixty days to ninety days and accordingly propose the following amendment in clause 31 (a) :

“(4) Any person aggrieved by the order made under sub-section (2) may, within ninety days from the date of the order, appeal to the Tribunal”

Clause 32

32.7 The Committee note that Clause 32 of the Bill seeks to amend section 69 (4) by adding a proviso which incorporates that no order shall be made under this sub-section unless a written notice inviting objections from the person likely to be affected and general public is issued. The Committee concur with the intent of the amendment, regarding principles of natural justice and right to be heard, therefore, accept the amendment as it is.

Clause 33

33.7 The Committee examined the clause 33 and note that Clause 33 of the Bill seeks to amend section 72 (1) relating to annual contribution payable to Board replacing the contribution to five per cent in place of seven per cent, while in section 72 (7), the words “and the decision of the Board thereon shall be final” shall be omitted. In context of the reduction in annual contribution to the Waqf Board by the Mutawalli of a waqf property, the Committee are of the opinion that with the proposed strict accounting and auditing of auqaf, the funds available with various Waqf Boards, even at 5% contribution would be

reasonable and at the same time, the individual waqf will have more funds at their disposal for pious, charitable and religious purposes. However, the Committee do not rule out instances wherein a particular Board may face financial crunch. The Committee, therefore, feel that a flexible upper limit may be envisaged depending upon the financial situation of a Board. Thus, the Committee recommend the following amendment in Clause 33 (a):-

“(a) in sub-section (1), for the words “seven per cent”, the words “five per cent”, subject to a maximum amount as prescribed by the Central Government” shall be substituted.”

Regarding the amendment proposed under section 72 (7) pertaining to the omission of the words giving finality to the decision of the Board, the Committee note that it is a consequential amendment aimed at providing the aggrieved with an opportunity to challenge the decision of the board, thus increasing the ambit for attaining justice. Hence, the Committee decided to accept the amendment proposed under the Clause.

Clause 34

34.7 The Committee note that the amendment proposed *vide* Clause 34 in Section 73 sub-section (3) omits the words “and the decision of the Tribunal on such appeal shall be final”. The Committee are of the view that such omission is a result of consequential changes to the proposed amendments in the bill regarding the creation of provision for appeal against the decision of the Tribunal. Hence, the Committee decided to accept the amendment proposed under the Clause.

Clause 35

35.7 The Committee, after thorough deliberation upon the proposals made in the Clause under examination, including the views/suggestions of the stakeholders and the justification given by the Ministry of Minority Affairs find that the proposed amendments including declaration of any Tribunal as Waqf Tribunal; introduction of the provision of appeal to High Court directly and change in the composition of the Tribunal would expedite disposal of pending cases considering that as many as 19,207 cases are pending in Waqf Tribunals. Thus, the Committee endorse the amendment proposed in the Clause except for the provision relating to the composition of the Tribunal. The Committee are of the opinion that the composition requires revision to incorporate a member having knowledge of

Muslim laws and also to make the Tribunal a three-member body rather than a two-member body. The following amendments are recommended in Clause 35:-

(1) In Clause 35(c), in sub-section 4 after point (b), point (c) is inserted:

“(c) one person having knowledge of Muslim law and jurisprudence - member;”

(2) The first proviso in Clause 35(c) under sub-Section (4) is omitted;

(3) In second proviso in Clause 35(c), the word “further” after the word “Provided” is deleted.

Clause 36

36.6 Considering the high pendency of cases with the Waqf Tribunals, the Committee are of the firm opinion that the said amendment providing a timeline for settlement of disputes would expedite disposal of cases. However, the existing provision of the law states that whenever an application is made to a Tribunal for the determination of any dispute, question or other matter relating to a waqf, it shall hold its proceedings as expeditiously as possible and shall as soon as practicable, on the conclusion of the hearing of such matter give its decision in writing and furnish a copy of such decision to each of the parties to the dispute. The Committee are of the view that in the existing Section, ample emphasis has already been given to earliest disposal of cases by the Tribunal. Therefore, it may not be necessary to fix a time period for the disposal of the cases by Tribunal. Accordingly, amendment to Clause 36(a) is given below:

“Clause 36 is omitted”.

Clause 37

37.9.1 The Committee examined Clause 37 seeking to amend Section 91 of the principal Act and agree with the replacement of referred repealed Land Acquisition Act, 1894 with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Committee also accept the amendment wherein any order passed under section 77 or section 78 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not declared void if the Board is not given an opportunity to be heard rather the said order shall be kept in abeyance relating to portion of the property claimed by the Board and assigning Collector to hear the parties and make the order within one month.

37.9.2 However, the Committee after hearing all the stakeholders feel that the proposal to reduce the time period given to the Board to appear before the Collector on receipt of notice of acquisition of a waqf property from three months to one month would not be reasonable time for the Board to plead to the proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Hence, the Committee recommend retaining the “three months period”. Accordingly, Clause 37 (a)(ii) is omitted.

Clause 38

38.6 Clause 38 of the Bill seeks to amend Section 100 of the Principal Act to substitute ‘Survey Commissioner’ with ‘Collector’ as the duties of the ‘Survey Commissioner’ have been transferred to the Collector. The amendment regarding substitution of role of ‘Survey Commissioner’ with that of ‘Collector’ proposed under Clause 5 of the Bill is acceptable to the Committee. The proposed amendment under Clause 38 is merely consequential; hence, the proposed amendment is accepted as it is.

Clause 39

39.6 Clause 39 seeks to amend Section 101 of the Principal Act as the role of ‘Survey Commissioner’ has now been assigned to ‘Collector’. The amendment regarding substitution of role of ‘Survey Commissioner’ with that of ‘Collector’ proposed under Clause 5 of the Bill is acceptable to the Committee. The proposed amendment under Clause 39 is merely consequential; hence, the proposed amendment is accepted as it is.

39.7 Further, the Committee also suggest that ‘Indian Penal Code (45 of 1860)’ mentioned in sub-section (1) and (2) of Section 101 may be substituted with Bharatiya Nyaya Sanhita, 2023.

Clause 40

40.7 In view of the deliberations with various experts, stakeholders and the Ministry of Minority Affairs, the Committee, while concurring with submissions of the Ministry, accept the amendment and find it in congruence with the original legislative intent post-Independence as well as in agreement with the proposed definition of waqf, which requires the donor to be a Muslim who has practiced Islam for at least five years.

Clause 41

In view of the deliberations with various experts and stakeholders and submissions of various Government Ministries as well as those of the Ministry of Minority Affairs, the Committee concur with the desirability of the proposed omissions of Sections 107, 108 and 108A vide clause 41 of the amendment Bill, as these are necessary to reduce litigation and simplify the process of recovering waqf properties, thereby, facilitating legal harmonization of the Waqf Act, 1995 with other laws and avoiding overlapping with the various Acts.

Notwithstanding the said desirability, the Committee also empathise with the concerns expressed by multiple stakeholders regarding the potential of assertions of adverse possession resulting from retrospective applicability of the Limitation Act, 1963 emanating from the current formulation of the Clause 41.

In this regard, the Committee do take note of the assurances of prospective application of the omission of Section 107 by the Ministry of Minority Affairs. Thus, for removal of any doubts whatsoever, the Committee have redrafted the proposed amendment as following:-

(i) A new Clause 40A is proposed as given:

“40A. Section 107, of the principal Act be substituted, namely: —

“On and from the commencement of the Waqf (Amendment) Act, 2025 The Limitation Act, 1963 (36 of 1963) shall apply to any proceedings in relation to any claim or interest touching upon immovable property comprised in a waqf.”

(ii) Clause 41 is amended as given:

“41. Sections 108 and 108A of the principal Act shall be omitted.”

Clause 42

42.7 The Committee do find merit in the submissions made by the Ministry of Minority Affairs that these amendment would improve the administration of waqf management and hence, accept the amendment.

Clause 43

43.7 In view of the submissions of the Ministry of Minority Affairs and the fact that the proposed amendments are merely consequential, the Committee accept the amendment as it is.

Clause 44

44.7 The Committee considering that the proposed amendments are basically incidental in nature and that the Board's regulation making powers in its substantial functions remains unchanged except for the two functions accept the amendment as it is.

GENERAL RECOMMENDATIONS

3.4 Taking cognizance of the issue discussed above, the Committee are of the view that the protection accorded to Scheduled Tribes and Tribal lands under Schedule Fifth and Sixth of the Constitution must be upheld and any threat, perceived or real, needs to be addressed. The Committee, therefore, recommend that the Ministry should take appropriate legislative measures to forestall declaration of tribal lands as 'waqf' land in order to ensure protection of Scheduled areas and tribal areas.

3.9 In light of the submissions made by the tenants' associations regarding their long-standing association with Waqf properties, the Committee emphasizes the need to address their concerns compassionately during the formulation of Lease Rules. Recognizing these issues will provide legal certainty for tenants' associations and establish fair oversight to prevent abrupt or unreasonable decisions by Waqf Boards.

Such measures will reduce uncertainty and ambiguity, mitigate the impact of sudden rent increases, and alleviate fears of sudden eviction. Furthermore, fostering a symbiotic and harmonious relationship between Waqf Boards and tenants will ensure the prosperity of Waqf properties. The Committee, therefore, recommend that the Ministry may consider the concerns of Waqf tenants across the country and introduce laws that allow for long-term leases to safeguard their legitimate rights.

NEW DELHI
29th January, 2025
9 Magha, 1946 (SAKA)

JAGDAMBIKA PAL
CHAIRPERSON,
JOINT COMMITTEE ON THE
WAQF (AMENDMENT) BILL, 2024

2.40 P.M.

10. Bill for Reference to Joint Committee – Motion adopted

Shri Kiren Rijiju moved the following motion:-

“That the Bill further to amend the Waqf (Amendment) Act, 1995, be referred to a Joint Committee of the Houses consisting of the following 21 Members from this House:-

*The Waqf
(Amendment)
Bill, 2024.*

1. Shri Jagdambika Pal
2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr. Sanjay Jaiswal
6. Shri Dilip Saikia
7. Shri Abhijit Gangopadhyay
8. Smt. D.K Aruna
9. Shri Gaurav Gogoi
10. Shri Imran Masood
11. Dr. Mohammad Jawed
12. Shri Mohibbullah
13. Shri Kalyan Banerjee
14. Shri A. Raja
15. Shri Lavu Sri Krishna Devarayalu
16. Shri Dileshwar Kamait
17. Shri Arvind Sawant
18. Shri Mhatre Balya Mama Suresh Gopinath
19. Shri Naresh Ganpat Mhaske
20. Shri Arun Bharti
21. Shri Asaduddin Owaisi

and 10 Members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee,

that the Committee shall make a report to this House by the last day of the first week of next Session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House names of the Members to be appointed by Rajya Sabha to the Joint Committee."

The motion regarding reference was put to vote and adopted.

2.44 P.M.

11. Government Bill – Passed

The Bharatiya Vayuyan Vidheyak, 2024

Time Allotted: 3 Hrs.

Time Taken: 5 Hrs. 45 Mts.

Further discussion on the motion for consideration of the Bill moved by Shri Rammohan Naidu Kinjarapu on the 8th August, 2024 continued.

Shri Rammohan Naidu Kinjarapu replied to the debate.

The motion for consideration was adopted and the clause-by-clause consideration of the Bill was taken up.

Clause 2 was adopted.

Clause 3 was adopted.

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next Session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House names of the members to be appointed by the Rajya Sabha to the Joint Committee.”

3-45 p.m.

14. Motion for Nomination to the Joint Committee on the Waqf (Amendment) Bill, 2024

A motion for nomination of ten following members to the Joint Committee on the Waqf (Amendment), Bill, 2024 was moved and adopted.

1. Shri Brij Lal
2. Dr. Medha Vishram Kulkarni
3. Shri Gulam Ali
4. Dr. Radha Mohan Das Agrawal
5. Dr. Syed Naseer Hussain
6. Shri Mohammed Nadimul Haque
7. Shri V. Vijayasai Reddy
8. Shri M. Mohamed Abdulla
9. Shri Sanjay Singh
- . Dr. Dharmasthala Veerendra Heggade.

3-47 p.m.

15. Valedictory Remarks

The Chairman made valedictory remarks on the conclusion of the Session.

3-54 p.m.

16. National Song

National Song (*Vande Mataram*) was played.

3-55 p.m.

The House adjourned *sine die*.

P. C. MODY,
Secretary-General

6. Statements by Minister

The Minister of State in the Ministry of Jal Shakti; and Minister of State in the Ministry of Railways (Shri V. Somanna) laid the following statements regarding (Hindi and English versions) regarding:-

- (i) the status of implementation of the recommendations contained in the 21st Report of the Standing Committee on Water Resources on Demands for Grants (2023-2024) pertaining to the Department of Drinking Water and Sanitation, Ministry of Jal Shakti.
- (ii) the status of implementation of the recommendations contained in the 28th Report of the Standing Committee on Water Resources on action taken by the Government on the recommendations/observations contained in the 21st Report of the Committee on Demands for Grants (2023-2024) pertaining to the Department of Drinking Water and Sanitation, Ministry of Jal Shakti.

7. Motion regarding the Report of the Joint Committee on the Waqf (Amendment) Bill, 2024 – Extension of time

Shri Jagdambika Pal moved the following motion:-

“That this House do extend time for the presentation of the Report of the Joint Committee on the Waqf (Amendment) Bill, 2024 upto the last day of the Budget Session, 2025”.

The motion was put to vote and adopted.

12.04 P.M

8. Matters Under Rule 377

As directed by the Chair, the following members laid on the Table statements on matters sought to be raised by them under Rule 377 as indicated against each:-

- 1) Shri Ramvir Singh Bidhuri regarding deteriorating pollution condition and public transport system in Delhi.

APPENDIX-IV

MINUTES OF THE SITTINGS

Minutes of the 1st Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 1st sitting of the Joint Committee was held on Thursday, the 22nd August, 2024 from 1100 hrs to 1715 hrs. in the Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Tejasvi Surya
3. Smt. Aparajita Sarangi
4. Dr Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri Kalyan Banerjee
13. Shri A. Raja
14. Shri Lavu Sri Krishna Devarayalu
15. Shri Dileshwar Kamait
16. Shri Arvind Sawant
17. Shri Mhatre Balya Mama Suresh Gopinath
18. Shri Naresh Ganpat Mhaske
19. Shri Arun Bharti
20. Shri Asaduddin Owaisi

RAJYA SABHA

21. Shri Brij Lal
22. Dr. Medha Vishram Kulkarni
23. Shri Gulam Ali
24. Dr. Syed Naseer Hussain
25. Shri Mohammed Nadimul Haque
26. Shri V. Vijayasai Reddy
27. Shri M. Mohamed Abdulla
28. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|-------------------------|---|------------------|
| 1. | Shri J. M. Baisakh | - | Joint Secretary |
| 2. | Shri Sanjay Sethi | - | Director |
| 3. | Ms Swati Parwal | - | Deputy Secretary |
| 4. | Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Sekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |
| 4. | Shri Ram Singh | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|--------------------|---|--|
| 1. | Dr Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary, Legislative Department |
| 3. | Smt Sunita Anand | - | Additional Secretary, Dept. of Legal Affairs |

2. At the outset, the Chairperson welcomed the Members to the first sitting of the Joint Committee. Thereafter, he drew attention to the motion to refer the Waqf (Amendment) Bill, 2024 to Joint Committee which was adopted by Lok Sabha and concurred by Rajya Sabha on 9.8.2024. He further apprised the Members about the agenda of the Sitting. The Committee, in view of wider implications of the Bill, decided to invite memoranda containing views/suggestions from the public, in general and NGOs/experts/stakeholders and institutions, in particular, by issue of a Press Communique.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) to brief the Committee on various aspects related to the Waqf (Amendment) Bill, 2024, the circumstance and need for bringing this Amending Bill and the rationale behind the proposed Amendments. He then drew the attention of the representatives from the Ministry to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Ministry of Minority Affairs made a power point presentation before the Committee highlighting the historical evolution of legislation on Waqf and the amendments proposed in the principal Act through the Waqf (Amendment) Bill, 2024.

5. The Members, thereafter, sought clarification on various amendments being proposed in the Bill. The Committee, decided to give 15 days' time to the nodal Ministry to collate all the data sought by the Committee and prepare comprehensive presentation covering all the points at a later date to be decided by the Committee before the Committee.

The witnesses then withdrew.

6. The Committee, thereafter, briefly deliberated on the future course of action by the Committee and decided to hold the next Sitting on 30.08.2024 for hearing views/taking oral evidence of other stakeholders.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 2nd Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 2nd Sitting of the Joint Committee was held on Friday, the 30th August, 2024 from 1100 hrs to 1415 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Tejasvi Surya
3. Smt. Aparajita Sarangi
4. Dr Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Imran Masood
9. Dr. Mohammad Jawed
10. Shri Mohibbullah
11. Shri Kalyan Banerjee
12. Shri A. Raja
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Mhatre Balya Mama Suresh Gopinath
16. Shri Naresh Ganpat Mhaske
17. Shri Arun Bharti
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Shri Gulam Ali
22. Dr Radha Mohan Das Agarwal
23. Dr. Syed Naseer Hussain
24. Shri Mohammed Nadimul Haque
25. Shri M. Mohamed Abdulla
26. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2 Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Sekhar Kumar - Secretary
2. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Shri Diwakar Singh - Additional Secretary
2. Shri Shanti Bhushan - Deputy Legislative Counsel, MoL&J

REPRESENTATIVES OF ALL INDIA SUNNI JAMIYATUL ULAMA, MUMBAI

1. Mr. Hazarat Maulana Syed Moin Ashraf - Chairman
2. Mr. Mohammad Sayeed Noori - General Secretary, Raza Academy
3. Mr. Jameel Janimiya Syed - General Secretary, MIMS&TF Jalna
4. Mr. Rizwan Gulam Hussain Merchant - Adv Bombay High Court & TDHA, Mumbai
5. Mr. Faisal Farook - Adv Supreme Court of India
6. Mr. Asif Shaukat Qureshi - Member & Former Chairman, Bar Council of Maharashtra & Goa, Nagpur
7. Mr Nisar Ahmad Khan Sharfuddin Khan - Adv Bombay High Court, Aurangabad Bench, Chhatrapati Sambhaji Nagar

2. At the outset, the Chairperson welcomed the Members to the second sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited and welcomed the representatives of the All India Sunni Jamiyatul Ulama, Mumbai to state their views, objects or suggestions on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the All India Sunni Jamiyatul Ulama, Mumbai explained their views on the amendments proposed in the Bill to the Committee.

5. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the All India Sunni Jamiyatul Ulama, Mumbai which were briefly replied by the representatives. The Chairperson, then, directed the representatives of the All India Sunni Jamiyatul Ulama, Mumbai to provide written replies to all points raised by the Members during the Sitting.

The representatives of the All India Sunni Jamiyatul Ulama, Mumbai then withdrew.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 3rd Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 3rd Sitting of the Joint Committee was held on Friday, the 30th August, 2024 from 1440 hrs to 1915 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Tejasvi Surya
3. Smt. Aparajita Sarangi
4. Dr Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Imran Masood
9. Dr. Mohammad Jawed
10. Shri Mohibbullah
11. Shri Kalyan Banerjee
12. Shri A. Raja
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Mhatre Balya Mama Suresh Gopinath
16. Shri Naresh Ganpat Mhaske
17. Shri Arun Bharti
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Shri Gulam Ali
22. Dr Radha Mohan Das Agarwal
23. Dr. Syed Naseer Hussain
24. Shri Mohammed Nadimul Haque
25. Shri M. Mohamed Abdulla
26. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2 Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Sekhar Kumar - Secretary
2. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Shri Diwakar Singh - Additional Secretary
2. Shri Shanti Bhushan - Deputy Legislative Counsel, MoL&J

REPRESENTATIVES OF INDIAN MUSLIMS FOR CIVIL RIGHTS (IMCR)

1. Mr. Mohammad Adeeb - Chairman, IMCR
2. Mr. Fuzail Ahmad Ayyubi - Adv, Supreme Court and Treasurer, IMCR
3. Mr. Mohd. Khalid Khan - Special Officer

REPRESENTATIVES OF UTTAR PRADESH SUNNI CENTRAL WAQF BOARD

1. Mr. Zufar Ahmad Faruqi - Chairman
2. Mr. Syed Mohammad Shoaib - Former CEO of UP Sunni Central Waqf Board
3. Mr. Syed Aftab Ahmad - Adv, Allahabad High Court
4. Mr. Ajaz Ahmad - Executive Officer, UP Sunni Central Waqf Board

RAJASTHAN BOARD OF MUSLIM WAQF

1. Dr. Khanu Khan Budhwali - Chairman
2. ShRafeek Khan (MLA) - Member
3. Sh Syed Shabid Hasan - Member & Adv
4. ShShabbir Ahmed Shiekh - Member
5. ShAmanullah Khan - WaqfAdv
6. Sh Syed Sadat Ali - WaqfAdv

2. At the outset, the Chairperson welcomed the representatives of the Indian Muslims for Civil Rights (IMCR), New Delhi to Sitting of the Committee called for hearing their views, objects or suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The representatives of the Indian Muslims for Civil Rights (IMCR), New Delhi explained their views on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the Indian Muslims for Civil Rights (IMCR), New Delhi which were briefly replied by the representatives. The Chairperson, then, directed the representatives of the Indian Muslims for Civil Rights (IMCR), New Delhi to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Indian Muslims for Civil Rights (IMCR), New Delhi then withdrew.

5. The Chairperson, then, called the representatives of the Uttar Pradesh Sunni Central Waqf Board and Rajasthan Board of Muslim Waqf to give evidence before the Committee on the Waqf (Amendment) Bill, 2024. However, there was a disagreement between the Committee on the issue of allowing a witness to appear again before the Committee as part of the Uttar Pradesh Sunni Central Waqf Board. This particular witness was also part of the Indian Muslim for Civil Rights (IMCR), New Delhi delegation and has already expressed his views on the subject in detail before the Committee the foregoing session. Over the issue of disallowing the representative, few Members registered their disagreement by a brief walkout from the Sitting.

6. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

7. The representatives of the Uttar Pradesh Sunni Central Waqf Board elaborately explained their views and suggestions on the amendments proposed in the Bill to the Committee.

8. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the Uttar Pradesh Sunni Central Waqf Board. The Chairperson, then, directed the representatives of the Uttar Pradesh Sunni Central Waqf Board to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Uttar Pradesh Sunni Central Waqf Board then withdrew.

9. The representatives of the Rajasthan Board of Muslim Waqf, then, made expressed their views on the amendments proposed in the Bill before the Committee.

10. The Members, thereafter, sought clarification on various submissions made by the representatives of the Rajasthan Board of Muslim Waqf. The Chairperson, then, directed the representatives of the Rajasthan Board of Muslim Waqf to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Rajasthan Board of Muslim Waqf then withdrew.

11. After a brief discussion, the Committee decided to undertake a study tour to Mumbai, Bengaluru, Hyderabad, Chennai and Ahmedabad from 26th September to 1st October, 2024 to hold informal discussion with representatives of various States and stakeholders/ organisations regarding their views on the provisions made in the Waqf (Amendment) Bill, 2024.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 4th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 4th Sitting of the Joint Committee was held on Thursday, the 5th September, 2024 from 1100 hrs to 1420 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri Kalyan Banerjee
13. Shri A. Raja
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Naresh Ganpat Mhaske
17. Shri Asaduddin Owaisi

RAJYA SABHA

18. Shri Brij Lal
19. Dr. Medha Vishram Kulkarni
20. Dr Radha Mohan Das Agarwal
21. Dr. Syed Naseer Hussain
22. Shri Mohammed Nadimul Haque
23. Shri V.Vijayasai Reddy
24. Shri M. Mohamed Abdulla
25. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |
| 4. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Sekhar Kumar - Secretary
2. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Ms. Sunita Anand - Additional Secretary
2. Shri Diwakar Singh - Additional Secretary
3. Shri Shanti Bhushan - Deputy Legislative Counsel, MoL&J

REPRESENTATIVES OF MINISTRY OF HOUSING AND URBAN AFFAIRS

1. Shri Srinivas Katikithaia - Secretary
2. Dr. Surendra Kumar Bagde - Additional Secretary (D)
3. Shri Subhasish Panda - Vice-Chairman, DDA
4. Shri Ravi Kumar Arora - Joint Secretary (L&E)

2. At the outset, the Chairperson welcomed the Members to the fourth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited and welcomed the representatives of the Ministry of Housing and Urban Affairs to state their views, objects or suggestions on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Ministry of Housing and Urban Affairs explained their views on the amendments proposed in the Bill to the Committee.

5. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the Ministry of Housing and Urban Affairs which were briefly replied by the representatives. The Chairperson, then, directed the representatives of the Ministry of Housing and Urban Affairs to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Ministry of Housing and Urban Affairs then withdrew.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 5th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 5th Sitting of the Joint Committee was held on Thursday, the 5th September, 2024 from 1510 hrs to 1815 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri Kalyan Banerjee
13. Shri A. Raja
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Naresh Ganpat Mhaske
17. Shri Asaduddin Owaisi

RAJYA SABHA

18. Shri Brij Lal
19. Dr. Medha Vishram Kulkarni
20. Dr Radha Mohan Das Agarwal
21. Dr. Syed Naseer Hussain
22. Shri M. Mohamed Abdulla
23. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |
| 4. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Sekhar Kumar - Secretary
2. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Ms. Sunita Anand - Additional Secretary
2. Shri Diwakar Singh - Additional Secretary
3. Shri Shanti Bhushan - Deputy Legislative Counsel, MoL&J

REPRESENTATIVES OF MINISTRY OF RAILWAYS

1. Shri Satish Kumar - Chairman & CEO, Railway Board
2. Shri Anil Kumar Khandelwal - Member (Infra), Railway Board

REPRESENTATIVES OF MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

1. Shri Anurag Jain - Secretary
2. Shri D.Sarangi - DG(RD) & SS
3. Shri Santosh Kumar Yadav - Chairman, NHAI
4. Shri Krishan Kumar - MD,NHIDCL

2. At the outset, the Chairperson welcomed the representatives of the Ministry of Railways to the Sitting of the Committee to state their views, objects or suggestions on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The representatives of the Ministry of Railways explained their views on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the Ministry of Railways which were briefly replied by the representatives. The Chairperson, then, directed the representatives of the Ministry of Railways to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Ministry of Railways then withdrew.

5. The Chairperson, then, called the representatives of the Ministry of Road Transport and Highways to give evidence before the Committee on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

6. The representatives of the Ministry of Road Transport and Highways explained their views and suggestions on the amendments proposed in the Bill to the Committee.

7. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the Ministry of Road Transport and Highways. The Chairperson, then, directed the representatives of the Ministry of Road Transport and Highways to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Ministry of Road Transport and Highways then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 6th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 6th Sitting of the Joint Committee was held on Thursday, the 6th September, 2024 from 1100 hrs to 1430 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr Sanjay Jaiswal
6. Shri Dilip Saikia
7. Shri Abhijit Gangopadhyay
8. Smt. D. K. Aruna
9. Shri Gaurav Gogoi
10. Shri Imran Masood
11. Dr. Mohammad Jawed
12. Shri Mohibbullah
13. Shri Kalyan Banerjee
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Mhatre Balya Mama Suresh Gopinath
17. Shri Naresh Ganpat Mhaske
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Dr Radha Mohan Das Agarwal
22. Dr. Syed Naseer Hussain
23. Shri V.Vijayasai Reddy
24. Shri M. Mohamed Abdulla
25. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|-------------------------|---|------------------|
| 1. | Shri J. M. Baisakh | - | Joint Secretary |
| 2. | Shri Sanjay Sethi | - | Director |
| 3. | Ms Swati Parwal | - | Deputy Secretary |
| 4. | Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Sekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|---------------------|---|-----------------------------------|
| 1. | Ms. Sunita Anand | - | Additional Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary |
| 3. | Shri Shanti Bhushan | - | Deputy Legislative Counsel, MoL&J |

REPRESENTATIVES OF ARCHAEOLOGICAL SURVEY OF INDIA, MINISTRY OF CULTURE

- | | | | |
|----|---------------------------|---|-----------------------|
| 1. | Shri Arunish Chawla | - | Secretary |
| 2. | Shri Yadubir Singh Rawat | - | Director General, ASI |
| 3. | Shri Gurmeet Singh Chawla | - | Joint Secretary |

2. At the outset, the Chairperson welcomed the Members to the sixth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited and welcomed the representatives of the Archaeological Survey of India, Ministry of Culture to state their views, objects or suggestions on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson, then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Archaeological Survey of India, Ministry of Culture explained their views on the amendments proposed in the Bill to the Committee.

5. The Members, thereafter, sought clarification on various submissions made, issues raised and views given by the representatives of the Archaeological Survey of India, Ministry of Culture which were briefly replied by the representatives. The Chairperson, then, directed the representatives of the Archaeological Survey of India, Ministry of Culture to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Archaeological Survey of India, Ministry of Culture then withdrew.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 7th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 7th Sitting of the Joint Committee was held on Friday, the 6th September, 2024 from 1500 hrs to 1920 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr Sanjay Jaiswal
6. Shri Dilip Saikia
7. Shri Abhijit Gangopadhyay
8. Smt. D. K. Aruna
9. Shri Gaurav Gogoi
10. Shri Imran Masood
11. Dr. Mohammad Jawed
12. Shri Mohibbullah
13. Shri Kalyan Banerjee
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Mhatre Balya Mama Suresh Gopinath
17. Shri Naresh Ganpat Mhaske
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Dr Radha Mohan Das Agarwal
22. Dr. Syed Naseer Hussain
23. Shri V.Vijayasai Reddy
24. Shri M. Mohamed Abdulla
25. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|-------------------------|---|------------------|
| 1. | Shri J. M. Baisakh | - | Joint Secretary |
| 2. | Shri Sanjay Sethi | - | Director |
| 3. | Ms Swati Parwal | - | Deputy Secretary |
| 4. | Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF ZAKAT FOUNDATION OF INDIA

- | | | | |
|----|--------------------------|---|-------------------|
| 1. | Dr. Syed Zafar Mahmood | - | President |
| 2. | Mr. Irfan Baig | - | Secretary General |
| 3. | Lt.Gen. Zameeruddin Shah | - | Resource Person |
| 4. | Mr. Najeeb Hamid Jung | - | Resource Person |

REPRESENTATIVES OF TELANGANA WAQF BOARD

- | | | | |
|----|-----------------------------|---|----------|
| 1. | Mr. Syed Azmatullah Husseni | - | Chairman |
| 2. | Mr. Mohammed Asadullah | - | CEO |
| 3. | Mr. Shaik Liyakat Hussain | - | EO |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|--------------------|---|--|
| 1. | Ms. Sunita Anand | - | Additional Secretary, Dept. of Legal Affairs |
| 2. | Shri Diwakar Singh | - | Additional Secretary, Legislative Department |

2. At the outset, the Chairperson welcomed the representatives of Zakat Foundation of India to the Sitting of the Committee to state their views, objects or suggestions on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The representatives of Zakat Foundation of India in detail explained their views on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made by the representatives of Zakat Foundation of India. The Chairperson, then, directed the representatives of Zakat Foundation of India to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Zakat Foundation of India then withdrew.

5. The Chairperson, then, called the representatives of the Telangana Waqf Board to give evidence before the Committee on the Waqf (Amendment) Bill, 2024. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

6. The representatives of the Telangana Waqf Board explained their views and suggestions on the amendments proposed in the Bill to the Committee.

7. The Members, thereafter, raised several queries/questions and sought clarifications on issues arising out of the presentation given by the representatives of the Telangana Waqf Board. The Chairperson, then, directed the representatives of the Telangana Waqf Board to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Telangana Waqf Board then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 8th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 8th Sitting of the Joint Committee was held on Thursday, the 19th September, 2024 from 1100 hrs to 1505 hrs. in Committee Room G-074, Ground Floor, Parliament Library Building , New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Dr Sanjay Jaiswal
5. Shri Abhijit Gangopadhyay
6. Smt. D. K. Aruna
7. Shri Gaurav Gogoi
8. Shri Imran Masood
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A.Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Naresh Ganpat Mhaske
16. Shri Arun Bharti
17. Shri Asaduddin Owaisi

RAJYA SABHA

18. Shri Brij Lal
19. Dr. Medha Vishram Kulkarni
20. Dr Radha Mohan Das Agrawal
21. Dr. Syed Naseer Hussain
22. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |
| 4. Smt Banani Sarker Joshi | - | Under Secretary |

EXPERT/WITNESS

1. Prof. Faizan Mustafa - Vice Chancellor, Chanakya National Law University

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Shekhar Kumar - Secretary
2. Shri Khilli Ram Meena - Additional Secretary
3. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

1. Ms. Sunita Anand - Additional Secretary
2. Shri Diwakar Singh - Additional Secretary
3. Shri Shanti Bhushan - Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members to the eighth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the witness to brief the Committee on various aspects related to the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the witness to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The witness made a powerpoint presentation and explained in detail his views and suggestions on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made by the witness. The Chairperson, then, directed the witness to provide written replies to all points raised by the Members during the Sitting.

The witness then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 9th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 9th Sitting of the Joint Committee was held on Thursday, the 19th September, 2024 from 1530 hrs to 2030 hrs. in the Committee Room G-074, Ground Floor, Parliament Library Building , New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr Sanjay Jaiswal
3. Shri Abhijit Gangopadhyay
4. Smt. D. K. Aruna
5. Shri Gaurav Gogoi
6. Shri Imran Masood
7. Shri Mohibbullah
8. Shri Kalyan Banerjee
9. Shri A.Raja
10. Shri Lavu Sri Krishna Devarayalu
11. Shri Dileshwar Kamait
12. Shri Arvind Sawant
13. Shri Naresh Ganpat Mhaske
14. Shri Arun Bharti
15. Shri Asaduddin Owaisi

RAJYA SABHA

16. Shri Brij Lal
17. Dr. Medha Vishram Kulkarni
18. Dr Radha Mohan Das Agrawal
19. Dr. Syed Naseer Hussain
20. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |
| 4. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF ALL INDIA PASMANDA MUSLIM MAHAAZ

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Shri Shariq Adeeb | - | National Working President |
| 2. | Shri Muhammad Yunus | - | Chief Executive Officer |
| 3. | Shri Parvez Haneef | - | National President |
| 4. | Shri Shamim Ahmad | - | National Vice President |

REPRESENTATIVES OF ALL INDIA MUSLIM PERSONAL LAW BOARD

- | | | | |
|----|----------------------------------|---|---------------------|
| 1. | Maulana Khalid Saifullah Rehmani | - | President |
| 2. | Maulana Mohammed Fazlurrahim | - | General Secretary |
| 3. | Mohammad Rahat Shamshad | - | Senior Advocate, SC |
| 4. | Dr. Syed Qasim Rasool Ilyas | - | Spokesperson |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Ms. Sunita Anand | - | Additional Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary |
| 3. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the representatives of All India Pasmanda Muslim Mahaaz to the Sitting of the Committee to state their views, objects or suggestions on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The representatives of All India Pasmanda Muslim Mahaaz made a Powerpoint presentation explaining their views on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made by the representatives of All India Pasmada Muslim Mahaaz. The Chairperson, then, directed the representatives of All India Pasmada Muslim Mahaaz to provide written replies to all points raised by the Members during the Sitting.

The representatives of All India Pasmada Muslim Mahaaz then withdrew.

5. The Chairperson, then, called the representatives of the All India Muslim Personal Law Board to give evidence before the Committee on the Waqf (Amendment) Bill, 2024. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

6. The representatives of the All India Muslim Personal Law Board explained their views and suggestions on the amendments proposed in the Bill to the Committee.

7. The Members, thereafter, raised several queries/questions and sought clarifications on issues arising out of the presentation given by the representatives of the All India Muslim Personal Law Board. The Chairperson, then, directed the representatives of the All India Muslim Personal Law Board to provide written replies to all points raised by the Members during the Sitting.

The representatives of the All India Muslim Personal Law Board then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 10th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 10th Sitting of the Joint Committee was held on Friday, the 20th September, 2024 from 1100 hrs to 1435 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt. Aparajita Sarangi
3. Dr Sanjay Jaiswal
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Smt. D. K. Aruna
7. Shri Gaurav Gogoi
8. Shri Imran Masood
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A.Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Mhatre Balya Mama Suresh Gopinath
16. Shri Naresh Ganpat Mhaske
17. Shri Arun Bharti
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Shri Gulam Ali
22. Dr Radha Mohan Das Agrawal
23. Dr. Syed Naseer Hussain
24. Shri Mohammed Nadimul Haque
25. Shri M. Mohamed Abdulla

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |
| 4. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF ALL INDIA SUFI SAJJADANASHIN COUNCIL

- | | | | |
|----|---------------------------|---|-------------------------|
| 1. | Syed Naseeruddin Chisty | - | Chairman |
| 2. | Shri Ghulam Najmi Farooqi | - | National Secretary |
| 3. | Syed Abdul Khader Quadri | - | National Coordinator |
| 4. | Shri Shah Ammar Ahmad | - | National Vice President |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Ms. Sunita Anand | - | Additional Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary |
| 3. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the tenth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of All India Sufi Sajjadanashin Council to brief the Committee regarding their views on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The representatives of All India Sufi Sajjadanashin Council submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made by the representatives of All India Sufi Sajjadanashin Council which were briefly replied to by them. The Chairperson, then, directed the representatives of All India Sufi Sajjadanashin Council to provide written replies to all points raised by the Members during the Sitting.

The representatives of All India Sufi Sajjadanashin Council then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 11th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 11th Sitting of the Joint Committee was held on Friday, the 20th September, 2024 from 1500 hrs to 1920 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt. Aparajita Sarangi
3. Dr Sanjay Jaiswal
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Smt. D. K. Aruna
7. Shri Gaurav Gogoi
8. Shri Imran Masood
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A.Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Mhatre Balya Mama Suresh Gopinath
16. Shri Naresh Ganpat Mhaske
17. Shri Arun Bharti

RAJYA SABHA

18. Shri Brij Lal
19. Dr. Medha Vishram Kulkarni
20. Shri Gulam Ali
21. Dr Radha Mohan Das Agrawal
22. Dr. Syed Naseer Hussain
23. Shri Mohammed Nadimul Haque
24. Shri M. Mohamed Abdulla

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |
| 4. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MUSLIM RASHTRIYA MANCH

- | | | | |
|----|-----------------------------------|---|-----------|
| 1. | Shri Tahir Mohammad | - | President |
| 2. | Shri Mahmood Ali Shah Malang Baba | - | Member |
| 3. | Shri Asfak Shah | - | Member |
| 4. | Shri Abdul Samad | - | Member |

REPRESENTATIVES OF BHARAT FIRST

- | | | | |
|----|----------------------------|---|-----------|
| 1. | Shri Shiraz Qureshi | - | President |
| 2. | Shri Diwan Saifullaha Khan | - | Advocate |
| 3. | Shri Jawed Khan | - | Advocate |
| 4. | Shri Saif Quraishi | - | Advocate |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Ms. Sunita Anand | - | Additional Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary |
| 3. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the representatives of Muslim Rashtriya Manch to present their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

3. The representatives of Muslim Rashtriya Manch submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

4. The Members, thereafter, sought clarification on various submissions made by the representatives of Muslim Rashtriya Manch which were briefly replied to by the representatives. The Chairperson, then, directed the representatives of Muslim Rashtriya Manch to provide written replies to all points raised by the Members during the Sitting.

The representatives of Muslim Rashtriya Manch then withdrew.

5. The Chairperson, then, called the representatives of Bharat First to put forth their views before the Committee on the Waqf (Amendment) Bill, 2024. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

6. The representatives of Bharat First explained their views and suggestions on the amendments proposed in the Bill to the Committee.

7. The Members, thereafter, raised several queries/questions and sought clarifications on issues arising out of the presentation given by the representatives of Bharat First which were briefly replied to by the representatives. The Chairperson, then, directed the representatives of Bharat First to provide written replies to all points raised by the Members during the Sitting.

The representatives of Bharat First then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record.

MINUTES OF THE SITTINGS

Minutes of the 12th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 12th Sitting of the Joint Committee was held on Monday, the 14th October, 2024 from 1100 hrs to 1430 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Dr Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri A.Raja
13. Shri Lavu Sri Krishna Devarayalu
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Mhatre Balya Mama Suresh Gopinath
17. Shri Naresh Ganpat Mhaske
18. Shri Arun Bharti
19. Shri Asaduddin Owaisi

RAJYA SABHA

20. Shri Brij Lal
21. Dr. Medha Vishram Kulkarni
22. Shri Gulam Ali
23. Dr Radha Mohan Das Agrawal
24. Shri M. Mohamed Abdulla
25. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|-----------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF JAMIAT ULAMA-I-HIND

- | | | | |
|----|-------------------------------------|---|-------------------|
| 1. | Maulana Mahmood Asad Hussain Madani | - | President |
| 2. | Shri Rauf Rahim | - | Senior Advocate |
| 3. | Shri Akramul Jabbar Khan | - | Retd. IRS |
| 4. | Maulana Hakeemuddin Qasmi | - | General Secretary |
| 5. | Maulana Niaz Ahmed Farooqui | - | Secretary |
| 6. | Shri Ovais Sultan Khan | - | Advisor |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the twelfth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Jamiat Ulama-I-Hind to brief the Committee regarding their views on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Jamiat Ulama-I-Hind submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Jamiat Ulama-I-Hind which were briefly replied to by them. The Chairperson, then, directed the representatives of Jamiat Ulama-I-Hind to provide written replies to all points raised by the Members during the Sitting.

The representatives of Jamiat Ulama-I-Hind then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 13th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 13th Sitting of the Joint Committee was held on Monday, the 14th October, 2024 from 1500 hrs to 1945 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Dr Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D. K. Aruna
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri A.Raja
13. Shri Lavu Sri Krishna Devarayalu
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Naresh Ganpat Mhaske
17. Shri Arun Bharti
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Shri Gulam Ali
22. Dr Radha Mohan Das Agrawal
23. Shri M. Mohamed Abdulla
24. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|-----------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

EXPERT/WITNESS

1. Shri Anwar Manippady - Former Chairman, Karnataka State Minorities Commission

EXPERTS/WITNESSES

1. Shrimahant Sudhirdas Maharaj - Head Priest, Shri Kalaram Temple
2. Adv. Vishnu Shankar Jain - Advocate, Supreme Court of India
3. Adv. Ashwini Kumar Upadhyay - Advocate, Supreme Court of India
4. Adv. Amita Sachdeva - Hindu Janajagruti Samiti
5. Shri Chetan Dahanajaya Rajhansa - National Spokesperson, Sanatan Sanstha

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Shekhar Kumar - Secretary
2. Shri Khilli Ram Meena - Additional Secretary
3. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

1. Dr. Rajiv Mani - Secretary
2. Ms. Sunita Anand - Additional Secretary
3. Shri Diwakar Singh - Additional Secretary
4. Shri Shanti Bhushan - Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members to the thirteenth sitting of the Joint Committee.

3. Thereafter, the Chairperson invited the witness to brief the Committee regarding his views on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the witness to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The witness presented his submission containing a document, the content of which was opposed to by some Members of the Committee who, subsequently walked out of the Sitting and came back after some time. Thereafter, the witness continued presenting his views to the Committee.

5. The Members, thereafter, sought clarification on the submissions made by the witness which was briefly replied to by the witness. The Chairperson, then, directed the witness to provide written replies to all points raised by the Members during the Sitting.

The witness then withdrew.

6. The Chairperson, then, called the other witnesses to put forth their views before the Committee on the Waqf (Amendment) Bill, 2024. The Chairperson then drew the attention of the witnesses to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

7. The witnesses explained their views and suggestions on the amendments proposed in the Bill to the Committee.

8. The Members, thereafter, raised several queries/questions and sought clarifications on issues arising out of the presentation given by the witnesses which were briefly replied to by the representatives. The Chairperson, then, directed the witnesses to provide written replies to all points raised by the Members during the Sitting.

The witnesses then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record.

MINUTES OF THE SITTINGS

Minutes of the 14th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 14th sitting of the Joint Committee was held on Tuesday, the 15th October, 2024 from 1100 hrs to 1750 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Dr Sanjay Jaiswal
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Shri Gaurav Gogoi
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A. Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Arun Bharti
16. Shri Asaduddin Owaisi

RAJYA SABHA

17. Dr. Medha Vishram Kulkarni
18. Shri Gulam Ali
19. Dr. Radha Mohan Das Agrawal
20. Dr. Syed Naseer Hussain
21. Shri M. Mohamed Abdulla
22. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|-----------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the fourteenth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Minority Affairs to have an in-depth discussion on the various issues raised during the previous Sitzings on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Ministry of Minority Affairs made a powerpoint presentation on the queries raised by the Members on the proposed amendments on the Waqf (Amendment) Bill, 2024.

5. The Members, thereafter, sought clarification on the presentation made by the representatives of the Ministry of Minority Affairs. During the deliberations, some Members walked out of the sitting and joined back after some time. The Chairperson, then, directed the representatives of the Ministry of Minority Affairs to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Ministry of Minority Affairs then withdrew.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 15th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 15th sitting of the Joint Committee was held on Monday, the 21st October, 2024 from 1100 hrs to 1745 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Shri Gaurav Gogoi
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A. Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Arvind Sawant
14. Shri Asaduddin Owaisi

RAJYA SABHA

15. Shri Brij Lal
16. Dr. Medha Vishram Kulkarni
17. Shri Gulam Ali
18. Dr. Radha Mohan Das Agrawal
19. Dr. Syed Naseer Hussain
20. Shri Mohammed Nadimul Haque
21. Shri V.Vijayasai Reddy
22. Shri Sanjay Singh

SECRETARIAT

- | | | |
|-----------------------|---|------------------|
| 1. Shri J. M. Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the fifteenth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of the Ministry of Minority Affairs to have an in-depth discussion on the various queries raised by Members during the previous Sitzings on the Waqf (Amendment) Bill, 2024 before the Committee. The representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of the Ministry of Minority Affairs made a power-point presentation on the queries raised by the Members on the proposed amendments on the Waqf (Amendment) Bill, 2024.

5. The Members, thereafter, sought clarification on the presentation made by the representatives of the Ministry of Minority Affairs. The Chairperson, then, directed the representatives of the Ministry of Minority Affairs to provide written replies to all points raised by the Members during the Sitting.

The representatives of the Ministry of Minority Affairs then withdrew.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 16th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 16th Sitting of the Joint Committee was held on Tuesday, the 22nd October, 2024 from 1100 hrs to 1310 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri A.Raja
10. Shri Kalyan Banerjee
11. Shri Lavu Sri Krishna Devarayalu
12. Shri Arvind Sawant
13. Shri Asaduddin Owaisi

RAJYA SABHA

14. Shri Brij Lal
15. Dr. Medha Vishram Kulkarni
16. Dr Radha Mohan Das Agrawal
17. Dr. Syed Naseer Hussain
18. Shri Mohammed Nadimul Haque
19. Shri V.Vijayasai Reddy
20. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------|---|------------------|
| 1. Shri Sanjay Sethi | - | Director |
| 2. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

REPRESENTATIVES OF JUSTICE IN REALITY, CUTTACK, ODISHA

- | | | | |
|----|--------------------------|---|--------|
| 1. | Dr.D.P.Choudhury | - | Member |
| 2. | Shri Bimbisar Dash | - | Member |
| 3. | Shri Ajit Kumar Pattnaik | - | Member |
| 4. | Shri Sangram Pattnaik | - | Member |
| 5. | Shri Merusagar Samantray | - | Member |

REPRESENTATIVES OF PANCHASAKHA BANI PRACHAR MANDALI, CUTTACK, ODISHA

- | | | | |
|----|--------------------------|---|--------|
| 1. | Shri Anup Kumar Bose | - | Member |
| 2. | Prof. C.R.Tripathy | - | Member |
| 3. | Shri Debasis Tripathy | - | Member |
| 4. | Shri Prafulla Mishra | - | Member |
| 5. | Shri Merusagar Samantray | - | Member |

2. At the outset, the Chairperson welcomed the Members to the sixteenth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of ‘Justice in Reality’ and ‘Panchasakha Bani Prachar Mandali’, Cuttack, Odisha to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs

and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of 'Justice in Reality' and 'Panchasakha Bani Prachar Mandali' submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

5. The Members, thereafter, sought clarification on various submissions made by the witnesses. During the cross-examination of the witnesses, an altercation occurred between the two members, namely, Shri Kalyan Banerjee, MP, Lok Sabha and Shri Abhijit Gangopadhyay, MP, Lok Sabha, in Bengali. At that very moment the Chairperson was not present in the Committee room. The heated altercation between the two Members took ugly turn and resulted in breaking of a glass water bottle by Shri Kalyan Banerjee which he hurled towards the direction of the Chair and it landed in the well. In the process, Shri Banerjee also sustained injuries in his right hand. The Sitting was immediately adjourned by the Chairperson.

The representatives of Justice in Reality and Panchasakha Bani Prachar Mandali then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 17th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 17th Sitting of the Joint Committee was held on Monday, the 22nd October, 2024 from 1400 hrs to 1755 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri Kalyan Banerjee
10. Shri A.Raja
11. Shri Lavu Sri Krishna Devarayalu
12. Shri Arvind Sawant
13. Shri Asaduddin Owaisi

RAJYA SABHA

14. Shri Brij Lal
15. Dr. Medha Vishram Kulkarni
16. Dr Radha Mohan Das Agrawal
17. Dr. Syed Naseer Hussain
18. Shri Mohammed Nadimul Haque
19. Shri V.Vijayasai Reddy
20. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|-------------------|---|------------------|
| 1. | Shri Sanjay Sethi | - | Director |
| 2. | Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

REPRESENTATIVES OF INDIAN UNION MUSLIM LEAGUE

- | | | | |
|-----|-----------------------------|---|-----------------------------------|
| 6. | Shri E.T.Mohammed Basheer | - | Member of Parliament, Lok Sabha |
| 7. | Shri Navaskani K. | - | Member of Parliament, Lok Sabha |
| 8. | Dr. M P Abdussamad Samadani | - | Member of Parliament, Lok Sabha |
| 9. | Shri Abdul Wahab | - | Member of Parliament, Lok Sabha |
| 10. | Shri Haris Beeran | - | Member of Parliament, Rajya Sabha |
| 11. | Shri Noor Shams | - | Secretary, Delhi State |

2. The Committee re-assembled after lunch for the next Sitting. At the outset, the Chairperson expressed his utter dismay over the incident that occurred during the previous Sitting of the Committee wherein the heated altercation between Shri Kalyan Banerjee, MP, Lok Sabha and Shri Abhijit Gangopadhyay, MP, Rajya Sabha took ugly turn and resulted in breaking of a glass water bottle by the former and hurling it towards the direction of the Chair which landed in the well of the Main Committee Room. In the process, Shri Banerjee also sustained injuries in his right hand.

3. With reference to the above incident, a motion was moved by Dr. Nishikant Dubey, MP, Lok Sabha under Rules 374 (1) and (2) of the Rules of Procedure and Conduct of Business in Lok Sabha for suspension of Shri Kalyan Banerjee, MP, Lok Sabha from the Joint Committee for one day, that is, next Sitting/Sittings of the Joint Committee on the grounds (i) using wrong words against the Chairperson and (ii) hurling the broken glass bottle in the direction of the Chairperson and put it for voting. The Motion was put to vote. Ten votes were cast in favour of the Motion and eight votes were cast against the Motion. The Motion was adopted. Consequently, the Hon'ble Chairperson informed the House that on the basis of voting, Shri Kalyan Banerjee, MP, Lok Sabha has been suspended for one day, that is, next sitting/sittings of a day of the Joint Committee.

4. Thereafter, the Chairperson invited the Members of Parliament representing 'Indian Union Muslim League' to brief the Committee regarding their views on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the witness to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

5. The representatives of the 'Indian Union Muslim League' submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

6. The Members, thereafter, sought clarification on the submissions made by the witness which was briefly replied to by the witness. The Chairperson, then, directed the witness to provide written replies to all points raised by the Members during the Sitting.

The representatives of Indian Union Muslim League then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record.

MINUTES OF THE SITTINGS

Minutes of the 18th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 18th Sitting of the Joint Committee was held on Monday, the 28th October, 2024 from 1100 hrs to 1400 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt. Aparajita Sarangi
3. Shri Dilip Saikia
4. Shri Abhijit Gangopadhyay
5. Smt. D.K.Aruna
6. Dr. Mohammad Jawed
7. Shri Mohibbullah
8. Shri Lavu Sri Krishna Devarayalu
9. Shri Asaduddin Owaisi

RAJYA SABHA

10. Shri Brij Lal
11. Dr. Medha Vishram Kulkarni
12. Shri Gulam Ali
13. Dr. Syed Naseer Hussain
14. Shri Mohammed Nadimul Haque
15. Shri M.Mohamed Abdulla
16. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF HARYANA WAQF BOARD

- | | | | |
|----|-----------------------|---|-------------------------------|
| 1. | Shri Mohammad Shayin | - | Chief Executive Officer (CEO) |
| 2. | Shri Ayaz Mahmood | - | Officer-in-Charge Legal |
| 3. | Shri Deen Mohammad | - | Officer-in-Charge Waqf |
| 4. | Shri Iqbal Ahmad Khan | - | Zonal Waqf Officer |

REPRESENTATIVES OF PUNJAB WAQF BOARD

- | | | | |
|----|---------------------------|---|-------------------------------|
| 1. | Shri Mohammad Aslam | - | Chief Executive Officer (CEO) |
| 2. | Shri Showkat Ahmad Parray | - | Member |
| 3. | Shri Amjad Ali | - | Member |
| 4. | Ms. Sheeba Khan | - | Member |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the eighteenth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting during which few Members strongly objected to the submission of Delhi Waqf Board and produced a letter from the Chief Minister, Government of National Capital Territory of Delhi stating that the report prepared and submitted by the witness, that is, the Administrator, Delhi Waqf Board has been submitted without the approval of the Government of NCT of Delhi and therefore, should be treated as ab initio null and void. Any presentation on the same may be cancelled till a report is submitted with the approval of the Govt. of NCT of Delhi. The matter was discussed and it was decided to refer the same to the Secretary General, Lok Sabha Secretariat and the Sitting with Delhi Waqf Board was deferred.

3. Thereafter, the Chairperson invited the representatives of Punjab Waqf Board and Haryana Waqf Board to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. At this point, some Members raised the issue of withdrawal and replacement of the written submission made by the Haryana Waqf Board to the Committee. To register protest, some Members staged a brief walkout at this point.

4. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

5. The representatives of Punjab Waqf Board made a Power-point Presentation and elaborated on their suggestions on various amendments proposed in the Bill. Thereafter, Haryana Waqf Board submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

6. The Members, thereafter, sought clarification on various submissions made by the representatives of Punjab Waqf Board and Haryana Waqf Board which were briefly replied to by them. The Chairperson, then, directed the representatives Punjab Waqf Board and Haryana Waqf Board to provide written replies to all points raised by the Members during the Sitting.

The representatives of Punjab Waqf Board and Haryana Waqf Board then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 19th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 19th Sitting of the Joint Committee was held on Monday, the 28th October, 2024 from 1450 hrs to 1920 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt. Aparajita Sarangi
3. Shri Dilip Saikia
4. Shri Abhijit Gangopadhyay
5. Smt. D.K.Aruna
6. Dr. Mohammad Jawed
7. Shri Mohibbullah
8. Shri Lavu Sri Krishna Devarayalu
9. Shri Asaduddin Owaisi

RAJYA SABHA

10. Shri Brij Lal
11. Dr. Medha Vishram Kulkarni
12. Shri Gulam Ali
13. Dr. Syed Naseer Hussain
14. Shri Mohammed Nadimul Haque
15. Shri M.Mohamed Abdulla
16. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF UTTARAKHAND WAQF BOARD

- | | | | |
|----|-------------------|---|----------------------------------|
| 1. | Shri Shadab Shams | - | Chairman, Uttarakhand Waqf Board |
| 2. | Syed Shiraz Usman | - | Chief Executive Officer |

REPRESENTATIVES OF CALL FOR JUSTICE

- | | | | |
|----|-----------------------------------|---|-------------------------|
| 1. | Justice Shiv Narayan Dhingra | - | Supreme Court of India |
| 2. | Justice P N Ravindran | - | Supreme Court of India |
| 3. | Justice Raghuendra Singh Rathore | - | Supreme Court of India |
| 4. | Justice Anand Ramchandra Bhalerao | - | Supreme Court of India |
| 5. | Dr. Bhagwati Prakash Sharma | - | Chief Executive Officer |
| 6. | Shri Chandra Wadhwa | - | Trustee |

REPRESENTATIVES OF WAQF TENANT WELFARE ASSOCIATION, DELHI

- | | | | |
|----|-------------------------------|---|-----------------|
| 1. | Shri Ketan Shah | - | President |
| 2. | Shri Amarjeet Singh Chandhiok | - | Senior Advocate |
| 3. | Shri Vikram Saini | - | Joint Secretary |
| 4. | Shri Rajesh Sachdev | - | Treasurer |
| 5. | Shri Anshuman Chawla | - | Secretary |

REPRESENTATIVES OF RWA, B.K.DUTT COLONY, NEW DELHI

- | | | | |
|----|---------------------------|---|-----------|
| 1. | Shri Harbans Dunkall | - | President |
| 2. | Shri Satish Sachdeva | - | Member |
| 3. | Shri Narender Vinayak | - | Member |
| 4. | Shri Vineet | - | Member |
| 5. | Shri Harsimran Shah Singh | - | Member |
| 6. | Shri Kartik Dabas | - | Member |

REPRESENTATIVES OF DELHI WAQF BOARD

- | | | | |
|----|--------------------------|---|-------------------------------|
| 1. | Shri Ashwani Kumar | - | Commissioner, MCD |
| 2. | Dr. Mohd. Rehan Khan | - | Chief Executive Officer (CEO) |
| 3. | Shri Mohammed Ahsan Abid | - | Survey Commissioner |
| 4. | Shri Asad Khan | - | Imam, India Gate Mosque |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the nineteenth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of (i) Uttarakhand Waqf Board, (ii) Call for Justice, Delhi (iii) Waqf Tenant Welfare Association, Delhi and (iv) RWA, B.K.Dutt Colony, New Delhi to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024 in turn. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson drew the attention of the representatives of all above-mentioned organizations/groups to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Uttarakhand Waqf Board and Call for Justice, Delhi submitted their views and suggestions on the proposed Bill to the Committee during their turn to depose before the Committee.

5. The representatives of Waqf Tenant Welfare Association, Delhi and RWA, B.K.Dutt Colony, New Delhi highlighted their specific issues/concerns related to Waqf properties and Waqf Board and made some suggestions/requests before the Committee.

6. The Members sought clarification on various submissions made by the representatives of Uttarakhand Waqf Board, Call for Justice, Waqf Tenant Welfare Association, Delhi and RWA, B.K.Dutt Colony, New Delhi which were briefly replied to by them. The Chairperson, then, directed the representatives of Uttarakhand Waqf Board, Call for Justice, Waqf Tenant Welfare Association, Delhi and RWA, B.K.Dutt Colony, New Delhi to provide written replies to all points raised by the Members during the Sitting.

The representatives of (i) Uttarakhand Waqf Board, (ii) Call for Justice, Delhi, (iii) Waqf Tenant Welfare Association, Delhi and (iv) RWA, B.K.Dutt Colony, New Delhi withdrew in turn after their deposition.

7. Thereafter, the Chairperson apprised the Committee that due consultation was made with the Competent Authority, which held the view that Delhi Waqf Board has been called for the JPC as a witness and the Committee is well within its rights to record deposition of the Board and that the written documents officially submitted by the Delhi Waqf Board need to be taken cognizance of by the Joint Parliamentary Committee. The Chairperson invited the representatives of Delhi Waqf Board to apprise the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. However, due to paucity of time, the Chairperson decided that the representatives of Delhi Waqf Board would present their views and suggestions on the Bill at 1100 hrs on 29.10.2024.

The representatives of Delhi Waqf Board then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 20th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 20th Sitting of the Joint Committee was held on Tuesday, the 29th October, 2024 from 1100 hrs to 1430 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Dilip Saikia
4. Shri Abhijit Gangopadhyay
5. Smt. D.K.Aruna
6. Dr. Mohammad Jawed
7. Shri Mohibbullah
8. Shri Kalyan Banerjee
9. Shri Lavu Sri Krishna Devarayalu
10. Shri Dileshwar Kamait
11. Shri Arun Bharti
12. Shri Asaduddin Owaisi

RAJYA SABHA

13. Shri Brij Lal
14. Dr. Medha Vishram Kulkarni
15. Shri Gulam Ali
16. Dr. Syed Naseer Hussain
17. Shri Mohammed Nadimul Haque
18. Shri M.Mohamed Abdulla
19. Shri Sanjay Singh

SECRETARIAT

- | | | |
|---------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF DELHI WAQF BOARD

- | | | | |
|----|--------------------------|---|-------------------------------|
| 1. | Shri Ashwani Kumar | - | Commissioner, MCD |
| 2. | Dr. Mohd. Rehan Raza | - | Chief Executive Officer (CEO) |
| 3. | Shri Mohammed Ahsan Abid | - | Survey Commissioner |
| 4. | Shri Himail Akhter | - | Advocate |
| 5. | Shri Asad Khan | - | Imam, India Gate Mosque |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the twentieth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting. The deposition by the Delhi Waqf Board was again contested by some Members on grounds of a letter dated 29.10.2024, addressed to the Chairperson from Chief Minister, Government of National Capital Territory of Delhi wherein it was stated that directions have been given to CEO Waqf Board to first obtain the approval of the Government of NCT of Delhi and then submit the report before the JPC. It was therefore, requested that the presentation and appearance of Delhi Waqf Board may be postponed till the Delhi Waqf Board obtains the approval of the Government. However, the Chairperson decided to hear the witnesses who were summoned by the Committee.

3. Thereafter, the Chairperson invited the representatives of Delhi Waqf Board to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Delhi Waqf Board submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Delhi Waqf Board which were briefly replied to by them. The Chairperson, then, directed the representatives Delhi Waqf Board to provide written replies to all points raised by the Members during the Sitting.

The representatives of Delhi Waqf Board then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record.

MINUTES OF THE SITTINGS

Minutes of the 21st Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 21st Sitting of the Joint Committee was held on Tuesday, the 29th October, 2024 from 1530 hrs to 1650 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Dilip Saikia
4. Shri Abhijit Gangopadhyay
5. Smt. D.K.Aruna
6. Dr. Mohammad Jawed
7. Shri Lavu Sri Krishna Devarayalu
8. Shri Dileshwar Kamait
9. Shri Arun Bharti
10. Shri Asaduddin Owaisi

RAJYA SABHA

11. Shri Brij Lal
12. Dr. Medha Vishram Kulkarni
13. Shri Gulam Ali
14. Dr. Syed Naseer Hussain
15. Shri M.Mohamed Abdulla

SECRETARIAT

- | | | |
|---------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty First sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Ministry of Minority Affairs to brief the Committee on the 44 Clauses of the proposed Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Ministry of Minority Affairs made a comprehensive presentation on the Clauses (Clause 1 to 10) proposed in the Bill to the Committee.

5. The Chairperson, then, directed the representatives of Ministry of Minority Affairs to continue the Clause-by-clause presentation on the proposed Amendments in the Bill at the next Sitting with the Ministry.

The representatives of Ministry of Minority Affairs then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 22nd Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 22nd Sitting of the Joint Committee was held on Monday, the 4th November, 2024 from 1100 hrs to 1330 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt. Aparajita Sarangi
3. Dr. Sanjay Jaiswal
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Smt. D.K. Aruna
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri Kalyan Banerjee
10. Shri A. Raja
11. Shri Lavu Sri Krishna Devarayalu
12. Shri Dileshwar Kamait
13. Shri Asaduddin Owaisi

RAJYA SABHA

14. Shri Brij Lal
15. Shri Gulam Ali
16. Dr. Radha Mohan Das Agrawal
17. Shri Mohammed Nadimul Haque
18. Shri M. Mohamed Abdulla

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J.M. Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF JAMAAT-E-ISLAM-E-HIND

- | | | | |
|----|---------------------------------------|---|---------------------|
| 1. | Shri Malik Mohtasim Khan | - | Vice President |
| 2. | Shri Mohammad Salim | - | Vice President |
| 3. | Shri Md. Abdur Rafique | - | Secretary |
| 4. | Ms. Rahmathunnissa A. | - | Secretary |
| 5. | Shri Iman-ur-Rehman | - | Assistant Secretary |
| 6. | Shri Ansari Shabbir Ahmad Shaikh Daud | - | Waqf Activist |
| 7. | Shri Muhammad Nizamuddin Pasha | - | Advocate |
| 8. | Ms. Zeba Khair | - | Advocate |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE

(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Second sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Jamaat-E-Islam-E-Hind to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Jamaat-E-Islam-E-Hind presented their views and suggestions on the various amendments proposed in the Bill.
5. The Members, thereafter, sought clarification on various submissions made by the representatives of Jamaat-E-Islam-E-Hind which were briefly replied to by them. The Chairperson, then, directed the representatives of Jamaat-E-Islam-E-Hind to provide written replies to all points raised by the Members during the Sitting.

The representatives of Jamaat-E-Islam-E-Hind then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 23rd Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 23rd Sitting of the Joint Committee was held on Monday, the 4th November, 2024 from 1400 hrs to 1830 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt. Aparajita Sarangi
3. Dr. Sanjay Jaiswal
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Smt. D.K. Aruna
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri Kalyan Banerjee
10. Shri A. Raja
11. Shri Lavu Sri Krishna Devarayalu
12. Shri Dileshwar Kamait

RAJYA SABHA

13. Shri Brij Lal
14. Shri Gulam Ali
15. Dr. Radha Mohan Das Agrawal
16. Shri Mohammed Nadimul Haque
17. Shri M. Mohamed Abdulla

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J.M. Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MUSLIM WOMEN INTELLECTUAL GROUP

- | | | | |
|----|----------------------|---|-----------------------------|
| 1. | Dr Shalini Ali | - | National Convenor |
| 2. | Dr Shaista Sami | - | Convenor |
| 3. | Ms. Shabeena Sheikh | - | Convenor |
| 4. | Ms. Seema Javed | - | State Convenor – Uttrakhand |
| 5. | Ms. Shadaab Tabussum | - | Convenor |

REPRESENTATIVES OF JAMIYAT HIMAYTUL ISLAM

- | | | | |
|----|----------------------------|---|------------------------|
| 1. | Qari Mohd Abrar Jamal | - | National President |
| 2. | Shri Mohammad Abdul Najeeb | - | President, North India |
| 3. | Shri Mohammad Naseem | - | Member |
| 4. | Shri Mohammad Israr | - | Member |

REPRESENTATIVES OF SHIA MUSLIM DHARMGURU AND INTELLECTUAL GROUP

- | | | | |
|-----|-----------------------------|---|-----------|
| 1. | Maulana Kaukab Mujtaba | - | President |
| 2. | Prof. Zafar Mujtaba | - | Member |
| 3. | Syed Ali Mehdi | - | Member |
| 4. | Maulana Syed Shabahat Abbas | - | Member |
| 5. | Syed Firoz Abbas | - | Member |
| 6. | Maulana Mohammad Anwar | - | Member |
| 7. | Syed Haider Raza | - | Member |
| 8. | Syed Ali Naqi | - | Member |
| 9. | Dr. Syed Hussain Mehdi | - | Member |
| 10. | Maulana Razi Abbas | - | Member |

REPRESENTATIVES OF VISHWA SHANTI PARISHAD

- | | | | |
|----|----------------------|---|-----------|
| 1. | Shri Faiz Ahmad Faiz | - | President |
| 2. | Shri Murtuza Ali | - | Member |
| 3. | Shri Mohd Shakir | - | Member |
| 4. | Ms. Sarwat Mahal | - | Member |
| 5. | Shri Nadeem Ansari | - | Member |
| 6. | Shri Mohd Zakir | - | Member |
| 7. | Shri Mohd Yunus Khan | - | Member |
| 8. | Shri Shams Parvez | - | Member |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Third sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Muslim Women Intellectual Group to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Muslim Women Intellectual Group presented their views and suggestions on the various amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Muslim Women Intellectual Group which were briefly replied to by them. The Chairperson, then, directed the representatives of Muslim Women Intellectual Group to provide written replies to all points raised by the Members during the Sitting.

The representatives of Muslim Women Intellectual Group then withdrew.

6. Thereafter, the Chairperson invited the representatives of Jamiyat Himaytul Islam, Shia Muslim Dharmguru and Intellectual Group and Vishwa Shanti Parishad to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

7. The representatives of Jamiyat Himaytul Islam, Shia Muslim Dharmguru and Intellectual Group and Vishwa Shanti Parishad presented their views and suggestions on the various amendments proposed in the Bill.

8. The Members, thereafter, sought clarification on various submissions made by the representatives of Jamiyat Himaytul Islam, Shia Muslim Dharmguru and Intellectual Group and Vishwa Shanti Parishad which were briefly replied to by them. The Chairperson, then, directed the representatives of Jamiyat Himaytul Islam, Shia Muslim Dharmguru and Intellectual Group and Vishwa Shanti Parishad to provide written replies to all points raised by the Members during the Sitting.

The representatives of Jamiyat Himaytul Islam, Shia Muslim Dharmguru and Intellectual Group and Vishwa Shanti Parishad then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 24th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 24th Sitting of the Joint Committee was held on Tuesday, the 5th November, 2024 from 1100 hrs to 1450 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Tejasvi Surya
3. Smt. Aparajita Sarangi
4. Dr. Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D.K.Aruna
8. Dr. Mohammad Jawed
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A.Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait

RAJYA SABHA

14. Shri Brij Lal
15. Shri Gulam Ali
16. Dr. Radha Mohan Das Agrawal
17. Shri Mohammed Nadimul Haque
18. Shri M.Mohamed Abdulla
19. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF AKHIL BHARTIYA ADHIVAKTA PARISHAD

- | | | | |
|----|----------------------------|---|-------------------------|
| 1. | Dr Seema Singh | - | National Vice President |
| 2. | Shri C.Mohan Rao | - | Senior Advocate |
| 3. | Shri M.B.Nargund | - | Senior Advocate |
| 4. | Shri Sanjeev Deshpande | - | Senior Advocate |
| 5. | Shri Sanjay Poddar | - | Advocate |
| 6. | Ms. Ankita Chaudhary Rathi | - | Advocate |

REPRESENTATIVES OF ANVESHAK

- | | | | |
|-----|--------------------------|---|----------------------|
| 1. | Shri Gaurav Agarwal | - | Founder & Researcher |
| 2. | Shri Sushil Kumar | - | Co-Founder & Guide |
| 3. | Shri Surya Prakash Tonk | - | Co-Founder |
| 4. | Shri Jitender Singh | - | Researcher |
| 5. | Shri Neeraj Rajput | - | Researcher |
| 6. | Shri Kuldeep Agarwal | - | Researcher |
| 7. | Shri Prateek Amoria | - | Researcher |
| 8. | Shri Dalbeer Singh | - | Researcher |
| 9. | Shri Shivam Rastogi | - | Researcher |
| 10. | Shri Vikas Mohan Agarwal | - | Researcher |
| 11. | Shri Kapil Chaudhary | - | Researcher |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Fourth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Akhil Bhartiya Adhivakta Parishad and Anveshak to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Akhil Bhartiya Adhivakta Parishad and Anveshak presented their views and suggestions on the various amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Akhil Bhartiya Adhivakta Parishad and Anveshak which were briefly replied to by them. The Chairperson, then, directed the representatives of Akhil Bhartiya Adhivakta Parishad and Anveshak to provide written replies to all points raised by the Members during the Sitting.

The representatives of Akhil Bhartiya Adhivakta Parishad and Anveshak then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 25th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 25th Sitting of the Joint Committee was held on Tuesday, the 5th November, 2024 from 1520 hrs to 1820 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Tejasvi Surya
3. Smt. Aparajita Sarangi
4. Dr. Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D.K.Aruna
8. Dr. Mohammad Jawed
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A.Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait

RAJYA SABHA

14. Shri Brij Lal
15. Shri Gulam Ali
16. Dr. Radha Mohan Das Agrawal
17. Shri Mohammed Nadimul Haque
18. Shri M.Mohamed Abdulla
19. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |
| 3. Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF ANJUMAN E SHIATEALI DAWOODI BOHRA COMMUNITY

- | | | | |
|----|----------------------------|---|-----------------------------|
| 1. | Shri Harish Salve
India | - | Former Solicitor General of |
| 2. | Shri Mustafa Lokhandwala | - | Convenor |
| 3. | Shri Alaqmar Dawood | - | Member |
| 4. | Shri Abdulqadir Nooruddin | - | Member |
| 5. | Shri Dheeraj Nair | - | Member |
| 6. | Ms. Vishruti Sahni | - | Member |
| 7. | Shri Hozefa Saifee | - | Member |

EXPERT/WITNESS

- | | | | |
|----|--------------------------|---|--------------------------|
| 1. | Dr. Mohammad Hanif Ahmad | - | Associate Professor, AMU |
| 2. | Dr. Mohd Arshad Bari | - | Associate Professor, AMU |

REPRESENTATIVES OF MASUMA FOUNDATION

- | | | | |
|----|------------------------|---|----------|
| 1. | Dr. Imran Chaudhry | - | Convenor |
| 2. | Hafiz Mohammad Sabreen | - | Member |
| 3. | Dr. Safina Razzaq | - | Member |
| 4. | Dr. Mohammed Waseem | - | Member |
| 5. | Ms. Afnan Begum | - | Member |
| 6. | Dr. Saif Khan Rana | - | Member |
| 7. | Shri Mohd Talha Zamir | - | Member |
| 8. | Shri Amir Ahmed | - | Member |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|----------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Khilli Ram Meena | - | Additional Secretary |
| 3. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Ms. Sunita Anand | - | Additional Secretary |
| 3. | Shri Diwakar Singh | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Fifth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Anjuman E Shiateali Dawoodi Bohra Community to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Anjuman E Shiateali Dawoodi Bohra Community presented their views and suggestions on the amendments related to Bohras in the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Anjuman E Shiateali Dawoodi Bohra Community which were briefly replied to by them. The Chairperson, then, directed the representatives of Anjuman E Shiateali Dawoodi Bohra Community to provide written replies to all points raised by the Members during the Sitting.

The representatives of Anjuman E Shiateali Dawoodi Bohra Community then withdrew.

6. Thereafter, the Chairperson invited the Expert Witnesses and the representatives of Masuma Foundation to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

7. The Expert Witnesses and the representatives of Masuma Foundation presented their views and suggestions on the various amendments proposed in the Bill.

8. The Members, thereafter, sought clarification on various submissions made by the Expert Witnesses and the representatives of Masuma Foundation which were briefly replied to by them. The Chairperson, then, directed the Expert Witnesses and the representatives of Masuma Foundation to provide written replies to all points raised by the Members during the Sitting.

The Expert Witnesses and the representatives of Masuma Foundation then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 26th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 26th Sitting of the Joint Committee was held on Thursday, the 21st November, 2024 from 1100 hrs to 1635 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Dr. Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D.K.Aruna
8. Shri Imran Masood
9. Dr. Mohammad Jawed
10. Shri Mohibbullah
11. Shri Kalyan Banerjee
12. Shri A.Raja
13. Shri Dileshwar Kamait
14. Shri Asaduddin Owaisi

RAJYA SABHA

15. Shri Brij Lal
16. Dr. Medha Vishram Kulkarni
17. Shri Gulam Ali
18. Dr. Radha Mohan Das Agrawal
19. Dr. Syed Naseer Hussain
20. Shri Mohammed Nadimul Haque
21. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|--|
| 1. | Shri Diwakar Singh | - | Additional Secretary, Legislative Department |
| 2. | Ms. Sunita Anand | - | Additional Secretary, Dept. of Legal Affairs |
| 3. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Sixth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Ministry of Minority Affairs to continue their Clause-wise Justification on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Ministry of Minority Affairs made a comprehensive presentation on the Clause-wise Justification for all the 44 Clauses of the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Ministry of Minority Affairs which were briefly replied to by them. The Chairperson, then, directed the representatives of Ministry of Minority Affairs to provide written replies to all points raised by the Members during the Sitting. The Chairperson further requested all the Members to go through all the slides presented by the Ministry of Minority Affairs and frame questions to be raised in the next Meeting of the Committee.

The representatives of Ministry of Minority Affairs then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 27th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 27th Sitting of the Joint Committee was held on Wednesday, the 27th November, 2024 from 1500 hrs to 1730 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Smt. D.K.Aruna
7. Shri Gaurav Gogoi
8. Shri Imran Masood
9. Dr. Mohammad Jawed
10. Shri Mohibbullah
11. Shri Kalyan Banerjee
12. Shri A.Raja
13. Shri Lavu Sri Krishna Devarayalu
14. Shri Dileshwar Kamait
15. Shri Arvind Sawant
16. Shri Mhatre Balya Mama Suresh Gopinath
17. Shri Naresh Ganpat Mhaske
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Shri Gulam Ali
21. Dr. Radha Mohan Das Agrawal
22. Dr. Syed Naseer Hussain
23. Shri Mohammed Nadimul Haque
24. Shri V.Vijayasai Reddy
25. Shri M.Mohamed Abdulla
26. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|-------------------------|---|-----------------|
| 1. | Shri J.M.Baisakh | - | Joint Secretary |
| 2. | Shri Sanjay Sethi | - | Director |
| 3. | Smt Banani Sarker Joshi | - | Under Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|---------------------|---|----------------------------|
| 1. | Dr. Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary |
| 3. | Ms. Sunita Anand | - | Additional Secretary |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Seventh sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the Members to raise questions, seek clarifications and provide valuable insights on the provisions of the Bill and requested the officials from the Ministry of Minority Affairs to provide detailed clarifications addressing the issues raised by each Member on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. Some Members raised the issue regarding the tenure of the Committee and whether an extension of time for presentation of the Report has been sought as several steps including listing of amendments and clause-by-clause consideration were yet to be done. Some Members suggested that the Committee should undertake more Study visits to various States including West Bengal and Bihar. Some Members were of the opinion that the submission of the Ministry of Minority Affairs is yet to be completed, several States have not provided information and that several stakeholders have not been heard by the Committee.

5. Some Members expressed concern regarding the uncertainty in the extension of the tenure of the Committee and after brief discussion walked out of the Meeting. The Members who walked out of the meeting, however came back after some time. The Chairperson and Members sought clarifications on various submissions made by the representatives of Ministry of Minority Affairs. The Chairperson, then, directed the representatives of Ministry of Minority Affairs to provide written replies to all points raised by the Members during the Sitting. The Committee decided to seek extension of time for presentation of the Report on the Bill up to the last day of the Budget Session, 2025.

The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 28th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 28th Sitting of the Joint Committee was held on Thursday, the 5th December, 2024 from 1510 hrs to 1805 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr. Sanjay Jaiswal
6. Shri Dilip Saikia
7. Smt. D.K.Aruna
8. Shri Imran Masood
9. Dr. Mohammad Jawed
10. Shri Mohibbullah
11. Shri Kalyan Banerjee
12. Shri A.Raja
13. Shri Lavu Sri Krishna Devarayalu
14. Shri Asaduddin Owaisi

RAJYA SABHA

15. Shri Brij Lal
16. Shri Gulam Ali
17. Dr. Radha Mohan Das Agrawal
18. Dr. Syed Naseer Hussain
19. Shri Mohammed Nadimul Haque
20. Shri V.Vijayasai Reddy
21. Shri M.Mohamed Abdulla

SECRETARIAT

- | | | |
|---------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|--|
| 1. | Shri Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary, Legislative Department |
| 3. | Ms. Sunita Anand | - | Additional Secretary, Dept. of Legal Affairs |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Eighth sitting of the Joint Committee. He further apprised the Members that the Committee has been granted extension of time for presentation of the Report on the Bill up to the last day of the next Session, that is, Budget Session 2025.

3. Thereafter, the Chairperson invited the Members to raise questions and seek clarifications on the provisions of the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The Members, thereafter, sought clarification on various provisions of the Bill and raised queries on the submissions made by the representatives of Ministry of Minority Affairs which were briefly replied to by them. The Chairperson, then, directed the representatives of Ministry of Minority Affairs to provide written replies to all points raised by the Members during the Sitting.

The representatives of Ministry of Minority Affairs then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 29th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 29th Sitting of the Joint Committee was held on Wednesday, the 11th December, 2024 from 1510 hrs to 1805 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr. Sanjay Jaiswal
6. Shri Dilip Saikia
7. Shri Abhijit Gangopadhyay
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri Kalyan Banerjee
13. Shri A.Raja
14. Shri Lavu Sri Krishna Devarayalu
15. Shri Dileshwar Kamait
16. Shri Arvind Sawant
17. Shri Mhatre Balya Mama Suresh Gopinath
18. Shri Naresh Ganpat Mhaske
19. Shri Asaduddin Owaisi

RAJYA SABHA

20. Shri Brij Lal
21. Dr. Medha Vishram Kulkarni
22. Shri Gulam Ali
23. Dr. Radha Mohan Das Agrawal
24. Dr. Syed Naseer Hussain
25. Shri V.Vijayasai Reddy
26. Shri M.Mohamed Abdulla

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri J.M.Baisakh | - | Joint Secretary |
| 2. | Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF DARUL ULOOM DEOBAND

- | | | | |
|----|---------------------------|---|------------------------------------|
| 1. | (Maulana) Arshad Madani | - | Head of Academic Council |
| 2. | (Mufti) Abul Qasim Nomani | - | Vice Chancellor (Mohtamim) |
| 3. | (Mufti) Mohammad Salman | - | Professor of Hadith |
| 4. | Shri Fuzail Ahmad Ayyubi | - | Sr. Advocate, Supreme Court |
| 5. | Dr. Mohammadullah | - | Coordinator of Internet Department |
| 6. | Mr. Mohd Khabbab | - | Assistant |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|---------------------|---|--|
| 1. | Shri Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary, Legislative Department |
| 3. | Ms. Sunita Anand | - | Additional Secretary, Dept. of Legal Affairs |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, the Chairperson welcomed the Members to the Twenty Ninth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Darul Uloom Deoband to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Darul Uloom Deoband presented their views and suggestions on the various amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of Darul Uloom Deoband which were briefly replied to by them. The Chairperson, then, directed the representatives of Darul Uloom Deoband to provide written replies to all points raised by the Members during the Sitting.

The representatives of Darul Uloom Deoband then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 30th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 30th Sitting of the Joint Committee was held on Wednesday, the 18th December, 2024 from 1520 hrs to 1700 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Dr. Sanjay Jaiswal
5. Shri Dilip Saikia
6. Shri Abhijit Gangopadhyay
7. Smt. D.K.Aruna
8. Shri Gaurav Gogoi
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri Kalyan Banerjee
13. Shri A.Raja
14. Shri Lavu Sri Krishna Devarayalu
15. Shri Dileshwar Kamait
16. Shri Arvind Sawant
17. Shri Mhatre Balya Mama Suresh Gopinath
18. Shri Naresh Ganpat Mhaske
19. Shri Arun Bharti
20. Shri Asaduddin Owaisi

RAJYA SABHA

21. Shri Brij Lal
22. Shri Gulam Ali
23. Dr. Radha Mohan Das Agrawal
24. Shri Mohammed Nadimul Haque
25. Shri M.Mohamed Abdulla

SECRETARIAT

- | | | |
|----------------------|---|-----------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |

3. Ms Swati Parwal - Deputy Secretary

**REPRESENTATIVES OF ALL INDIA SHIA PERSONAL LAW BOARD
(AISPLB)**

7. Syed Ashjay Raza Zaidi - President
8. Syed Fasi Haider Zaidi - Secretary

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Shekhar Kumar - Secretary
2. Shri Shersha C. Shaik Mohiddin - Joint Secretary

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

1. Shri Rajiv Mani - Secretary
2. Shri Diwakar Singh - Additional Secretary, Legislative
Department
3. Ms. Sunita Anand - Additional Secretary, Dept. of Legal
Affairs
4. Shri Shanti Bhushan - Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members to the Thirtieth sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of All India Shia Personal Law Board (AISPLB) to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of All India Shia Personal Law Board (AISPLB) presented their views and suggestions on the various amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of All India Shia Personal Law Board (AISPLB) which were briefly replied to by them. The Chairperson, then, directed the representatives of All India Shia Personal Law Board (AISPLB) to provide written replies to all points raised by the Members during the Sitting.

The representatives of All India Shia Personal Law Board (AISPLB) then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 31st Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 31st Sitting of the Joint Committee was held on Thursday, the 19th December, 2024 from 1515 hrs to 1750 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Shri Dilip Saikia
5. Shri Abhijit Gangopadhyay
6. Smt. D.K.Aruna
7. Shri Imran Masood
8. Dr. Mohammad Jawed
9. Shri Mohibbullah
10. Shri Kalyan Banerjee
11. Shri A.Raja
12. Shri Lavu Sri Krishna Devarayalu
13. Shri Dileshwar Kamait
14. Shri Arvind Sawant
15. Shri Naresh Ganpat Mhaske
16. Shri Arun Bharti

RAJYA SABHA

17. Shri Brij Lal
18. Shri Gulam Ali
19. Dr. Radha Mohan Das Agrawal
20. Dr. Syed Naseer Hussain
21. Shri Mohammed Nadimul Haque
22. Shri V.Vijayasai Reddy
23. Shri M.Mohamed Abdulla
24. Shri Sanjay Singh

SECRETARIAT

- | | | |
|----------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Shri Sanjay Sethi | - | Director |
| 3. Ms Swati Parwal | - | Deputy Secretary |

EXPERT/WITNESS

9. Syed Abubaker Naqvi - Ex Chairman (State Minister) Waqf Board, Rajasthan
10. Ms. Reshma Husain
11. Shri Irshad Ali
12. Shri Mohammad Haneef Khan
13. Shri Abdul Aziz Khan
14. Shri Mohammed Saleem Chhipa
15. Shri Ahsan Ali
16. Shri Mehfooz Ali Khan
17. Shri Saleem Ahmed
18. Shri Fazle Kareem Sahu
19. Shri Sadik
20. Prof (Dr.)Mahrukh Mirza - Former Vice Chancellor, Khwaja Moinuddin Chishti Language University, Lucknow
21. Shri Afroz Alam
22. Shri Mohammad Yusuf Dar
23. Shri Raza Husain
24. Mirza Mohd. Ali Raza

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Shri Shersha C. Shaik Mohiddin - Joint Secretary

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

1. Shri Diwakar Singh - Additional Secretary, Legislative Department
2. Shri Shanti Bhushan - Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members to the Thirty First sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited Syed Abubaker Naqvi, Ex Chairman (State Minister) Waqf Board Rajasthan and Prof. Mahrukh Mirza, Former Vice Chancellor, Khwaja Moinuddin Chisti Language University, Lucknow to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the

Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The witnesses presented their views and suggestions on the various amendments proposed in the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the witnesses which were briefly replied to by them. The Chairperson, then, directed the witnesses to provide written replies to all points raised by the Members during the Sitting.

The witnesses then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 32nd Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 32nd Sitting of the Joint Committee was held on Thursday, the 26th December, 2024 from 1115 hrs to 1335 hrs. in Main Committee Room , Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Abhijit Gangopadhyay
3. Shri A.Raja
4. Shri Dileshwar Kamait
5. Shri Naresh Ganpat Mhaske
6. Shri Arun Bharti
7. Shri Asaduddin Owaisi

RAJYA SABHA

8. Shri Brij Lal
9. Shri Gulam Ali
10. Dr. Radha Mohan Das Agrawal
11. Shri Mohammed Nadimul Haque
12. Shri M.Mohamed Abdulla
13. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri J.M.Baisakh | - | Joint Secretary |
| 2. | Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF THE STATE GOVERNMENT OF KARNATAKA

1. Shri Rajender Kumar Kataria, IAS - Principal Secretary to Government Karnataka, Revenue Department
2. Shri Manoz Jain - Secretary, to Government of Karnataka Minority Welfare, Haj & Waqf Department,
3. Shri Jilani H. Mokashi - CEO, Karnataka State Board of Auqaf

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Shekhar Kumar - Secretary
2. Shri Samir Sinha - Deputy Secretary (Waqf)

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Shri Rajiv Mani - Secretary
2. Shri Diwakar Singh - Additional Secretary, Legislative Department
3. Shri Shanti Bhushan - Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members to the Thirty- second sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of the State Government of Karnataka to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of State Government of Karnataka thereafter presented their views and suggestions on the various amendments proposed on the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of State Government of Karnataka which were briefly replied to by them. The Chairperson, then, directed the representatives of State Government of Karnataka to provide written replies to all points raised by the Members during the Sitting.

The representatives of State Government of Karnataka then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 33rd Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 33rd Sitting of the Joint Committee was held on Thursday, the 26th December, 2024 from 1430 hrs to 1655 hrs. in Main Committee Room , Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Shri Abhijit Gangopadhyay
3. Shri A.Raja
4. Shri Dileshwar Kamait
5. Shri Naresh Ganpat Mhaske
6. Shri Asaduddin Owaisi

.

RAJYA SABHA

7. Shri Brij Lal
8. Shri Gulam Ali
9. Dr. Radha Mohan Das Agrawal
10. Shri Mohammed Nadimul Haque
11. Shri M.Mohamed Abdulla
12. Shri Sanjay Singh

SECRETARIAT

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|---------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF THE STATE GOVERNMENT OF MADHYA PRADESH

1. Shri Ajit Kesari, - Additional Chief Secretary, Government of Madhya Pradesh,
2. Shri Saurav K. Suman, - OSD-Cum-Commissioner, Backward Classes and Minority Welfare Department
3. Shri Sanjay Kumar - Additional Secretary, Revenue Deptt
4. Dr. Farzana Ghazal - CEO, Madhya Pradesh Waqf Board, and
5. Dr. Neelesh Desai - Secretary, Commission Madhya Pradesh Minority

REPRESENTATIVES OF THE STATE GOVERNMENT OF RAJASTHAN

1. Shri Ashwini Bhagat, - Principal Secretary, Department of Minority Affairs and Waqf,
2. Shri Abu Sufiyan Chauhan - Additional Director, Department of Minority Affairs & CEO Rajasthan Waqf Board

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Dr. Chandra Shekhar Kumar - Secretary
2. Shri Samir Sinha - Deputy Secretary (Waqf)

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Shri Rajiv Mani - Secretary
2. Shri Diwakar Singh - Additional Secretary, Legislative Department
3. Shri Shanti Bhushan - Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members to the Thirty- third sitting of the Joint Committee. He further apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of the State Governments of Madhya Pradesh and Rajasthan to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the representatives to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of State Government of both Madhya Pradesh and Rajasthan thereafter presented their views and suggestions on the various amendments proposed on the Bill.

5. The Members, thereafter, sought clarification on various submissions made by the representatives of State Governments of Madhya Pradesh and Rajasthan which were briefly replied to by them. The Chairperson, then, directed the representatives of State Governments of Madhya Pradesh and Rajasthan to provide written replies to all points raised by the Members during the Sitting.

The representatives of State Governments of Madhya Pradesh and Rajasthan then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTINGS

Minutes of the 34th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 34th Sitting of the Joint Committee was held on Friday, the 27th December, 2024 from 1135 hrs to 1150 hrs. in Main Committee Room , Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Smt Aparajita Sarangi
3. Shri Dilip Saikia
4. Dr. Mohammad Jawed
5. Shri A.Raja
6. Shri Dileshwar Kamait
7. Shri Naresh Ganpat Mhaske
8. Shri Asaduddin Owaisi

RAJYA SABHA

9. Shri Brij Lal
10. Dr. Medha Vishram Kulkarni
11. Shri Gulam Ali
12. Dr. Radha Mohan Das Agrawal
13. Shri Mohammed Nadimul Haque
14. Shri M.Mohamed Abdulla

SECRETARIAT

- | | | |
|-------------------------|---|------------------|
| 1. Shri J.M.Baisakh | - | Joint Secretary |
| 2. Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF THE STATE GOVERNMENT OF UTTAR PRADESH

- | | | | |
|-----|----------------------------|---|--|
| 25. | Smt Monika S. Garg | - | APC & ACS , Minority Welfare |
| 26. | Shri Ramesh Chandra | - | Special Secretary , Minority Welfare and Waqf |
| 27. | Shri Azeez Ahmed | - | CEO , UP Sunni and Shiya Waqf Boards |
| 28. | Shri Bhanu Chandra Goswami | - | Special Secretary and Relief Commissioner
Revenue |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|---------------------------|---|-------------------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Samir Sinha | - | Deputy Secretary (Waqf) |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

- | | | | |
|----|---------------------|---|---|
| 1. | Shri Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary, Legislative
Department |
| 3. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

The Sitting was convened for taking oral evidence of the representatives of the State Government of Uttar Pradesh on the Waqf (Amendment) Bill, 2024. However, the Chairperson informed the Committee about the sad demise of Dr. Manmohan Singh, former Prime Minister of India. The Committee expressed heartfelt condolences to the departed soul and, thereafter, Members stood in silence for a minute.

The Committee then adjourned.

MINUTES OF THE SITTINGS

Minutes of the 35th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 35th Sitting of the Joint Committee was held on Friday, the 24th January, 2025 from 1100 hrs to 1325 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Dr. Sanjay Jaiswal
5. Shri Abhijit Gangopadhyay
6. Smt. D.K Aruna
7. Shri Imran Masood*
8. Dr. Mohammad Jawed*
9. Shri Mohibullah *
9. Shri Kalyan Banerjee*
10. Shri A.Raja*
11. Shri Dileshwar Kamait
12. Shri Arvind Sawant*
13. Shri Mhatre Balya Mama Suresh Gopinath
14. Shri Naresh Ganpat Mhaske
15. Shri Arun Bharti
16. Shri Asaduddin Owaisi*

RAJYA SABHA

17. Shri Brij Lal
18. Dr. Medha Vishram Kulkarni
19. Shri Gulam Ali
20. Dr Radha Mohan Das Agrawal
21. Dr. Syed Naseer Hussain*
22. Shri Mohammed Nadimul Haque*
23. Shri V.Vijayasai Reddy
24. Shri M Mohamed Abdulla*

*Did not sign the attendance Sheet

SECRETARIAT

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| 1. | Shri J M Baisakh | - Joint Secretary |
| 2. | Shri Sanjay Sethi | -Director |
| 3. | Ms Swati Parwal | -Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

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|----|--------------------------------|-------------------|
| 1. | Shri Shersha C. Shaik Mohiddin | - Joint Secretary |
| 2. | Shri S P Singh Teotia | - Director |

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

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|----|---------------------|------------------------------|
| 1. | Shri Diwakar Singh | - Additional Secretary |
| 2. | Shri Shanti Bhushan | - Deputy Legislative Counsel |

REPRESENTATIVES OF MUTTAHEDA MAJLIS-E-ULEMA, JAMMU AND KASHMIR

- | | | |
|-----|---|---|
| 12. | Dr. Molvi Umar Farooq | - |
| 13. | Maulana Muhammad Rahmatullah Mir Qasmi | |
| 14. | Kagha Syed Hasan Almusavi Assavi | |
| 15. | Mufti Azam Mufti Naseerul Islam Farooqi | |
| 16. | Maulana Altaf Ahmed Sanafi | |
| 17. | M.S. Rahman Samas | |
| 18. | Mr. Rizwan Ahmed | |

2. At the outset, the Chairperson welcomed the Members to the thirty-fifth sitting of the Joint Committee. Thereafter some Members of the Joint Committee registered their protest on the last minute change in the agenda of the Sitting and proceeded to the well and raised slogans disrupting the proceedings . The Sitting was adjourned on two occasions .

3. Thereafter, a motion was moved by Dr. Nishikant Dubey, MP, Lok Sabha under Rule 374 of the Rules of Procedure and Conduct of Business in Lok Sabha for suspension of 10

Members, who were protesting in the well, from the proceeding of the entire day ie 24.01.2025. The Members also did not sign the attendance sheet.

The Motion was adopted. Consequently, the Hon'ble Chairperson informed the Committee that the following Members has been suspended from the proceedings of the day.

Lok Sabha

- 1) Shri Imran Masood,
- 2) Dr. Mohammad Jawed
- 3) Shri Mohibullah
- 4) Shri Kalyan Banerjee
- 5) Shri A.Raja
- 6) Shri Arvind Sawant
- 7) Shri Asaduddin Owaisi

Rajya Sabha

- 8) Dr. Syed Naseer Hussain
- 9) Shri Mohammed Nadimul Haque
- 10) Shri M Mohamed Abdulla .

4. Thereafter, the Chairperson invited the representatives of 'Muttaheda Majlis-e-Ulema, Jammu and Kashmir' to brief the Committee regarding their views on the Waqf (Amendment) Bill, 2024. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson then drew the attention of the witness to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

5. The representatives of the 'Muttaheda Majlis-e-Ulema, Jammu and Kashmir' submitted their views and suggestions on the amendments proposed in the Bill to the Committee.

6. The Members, thereafter, sought clarification on the submissions made by the witness which was briefly replied to by the witness. The Chairperson, then, directed the witness to provide written replies to all points raised by the Members during the Sitting.

The representatives of Muttaheda Majlis-e-Ulema, Jammu and Kashmir then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record.

MINUTES OF THE SITTINGS

Minutes of the 36th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 36th Sitting of the Joint Committee was held on Friday, the 24th January, 2025 from 1415 hrs to 1540 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Smt. Aparajita Sarangi
4. Dr. Sanjay Jaiswal
5. Shri Abhijit Gangopadhyay
6. Smt. D.K Aruna
7. Shri Dileshwar Kamait
8. Shri Mhatre Balya Mama Suresh Gopinath
9. Shri Naresh Ganpat Mhaske
10. Shri Arun Bharti

RAJYA SABHA

11. Shri Brij Lal
12. Dr. Medha Vishram Kulkarni
13. Shri Gulam Ali
14. Dr Radha Mohan Das Agrawal
15. Shri V.Vijayasai Reddy

SECRETARIAT

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| 4. | Shri J M Baisakh | - Joint Secretary |
| 5. | Shri Sanjay Sethi | -Director |
| 6. | Ms Swati Parwal | -Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

1. Shri Shersha C. Shaik Mohiddin - Joint Secretary

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)

1. Dr. Rajiv Mani - Secretary
2. Shri Diwakar Singh - Additional Secretary
3. Shri Shanti Bhushan - Deputy Legislative Counsel

REPRESENTATIVES OF LAWYERS FOR JUSTICE, NEW DELHI

1. Shri K K Tyagi
2. Shri Dillep Kumar Dubey
3. Shri Surjeet Singh
4. Dr. Abhishek Atrey
5. Shri Sanjay Kumar Tyagi
6. Shri Gaurav Aggarwal
7. Shri Nikhil Madhukar Walimbe

2. At the outset, the Chairperson welcomed the Members to the thirty-sixth sitting of the Joint Committee. He apprised the Members about the Agenda of the Sitting.

3. Thereafter, the Chairperson invited the representatives of Lawyers for Justice, New Delhi to brief the Committee regarding their views and suggestions on the Waqf (Amendment) Bill, 2024 in turn. The representatives of the Ministry of Minority Affairs and the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) were also present to assist the Committee during the deliberations. The Chairperson drew the attention of the representatives of all above-mentioned organizations/groups to Direction 58 of the Directions by the Speaker, Lok Sabha concerning the confidentiality of the Committee proceedings.

4. The representatives of Lawyers for Justice , New Delhi submitted their views and suggestions on the proposed Bill to the Committee during their turn to depose before the Committee.

5. The representatives of Lawyers for Justice ,New Delhi highlighted their specific issues/concerns related to Waqf properties and Waqf Board and made some suggestions/requests before the Committee.

6. The Members sought clarification on various submissions made by the representatives of Lawyers for Justice, New Delhi which were briefly replied to by them. The Chairperson, then, directed the representatives of Lawyers for Justice, New Delhi to provide written replies to all points raised by the Members during the Sitting.

The representatives of Lawyers for Justice , New Delhi then withdrew.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

MINUTES OF THE SITTING

Minutes of the 37th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 37th Sitting of the Joint Committee was held on Monday, the 27th January, 2025 from 1115 hrs. to 1245 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr. Sanjay Jaiswal
6. Shri Dilip Saikia
7. Shri Abhijit Gangopadhyay
8. Smt. D.K.Aruna
9. Shri Gaurav Gogoi
10. Shri Imran Masood
11. Dr. Mohammad Jawed
12. Shri Mohibbullah
13. Shri Kalyan Banerjee
14. Shri A.Raja
15. Shri Lavu Sri Krishna Devarayalu
16. Shri Dileshwar Kamait
17. Shri Arvind Sawant
18. Shri Naresh Ganpat Mhaske
19. Shri Arun Bharti
20. Shri Asaduddin Owaisi

RAJYA SABHA

21. Shri Brij Lal
22. Dr. Medha Vishram Kulkarni
23. Shri Gulam Ali
24. Dr. Radha Mohan Das Agrawal
25. Dr. Syed Naseer Hussain
26. Shri Mohammed Nadimul Haque
27. Shri M.Mohamed Abdulla

SECRETARIAT

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| 1. | Shri J.M.Baisakh | - | Joint Secretary |
| 2. | Shri Sanjay Sethi | - | Director |
| 3. | Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

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|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Shekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |

**REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE
(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

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|----|----------------------------------|---|--------------------------------------|
| 1. | Shri Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh
Department | - | Additional Secretary, Legislative |
| 3. | Ms. Sunita Anand
Affairs | - | Additional Secretary, Dept. of Legal |
| 4. | Shri Shanti Bhushan | - | Deputy Legislative Counsel |

2. At the outset, Hon'ble Chairperson extended welcome to all the Membes and the representatives from Ministry of Minority Affairs and Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) to the sitting convened for the Clause by Clause consideration of the Waqf Amendment Bill, 2024. Thereafter, the Chairperson outlined the journey of the Joint Committee over the last 36 sittings, citing the extensive deliberation on the Waqf Amendment Bill, 2024 with different Ministries and Stakeholders. Reference was also made to the study visits undertaken to different parts of the country to have an interaction with other stakeholders. The Chairperson then apprised the Committee that the Members of the Joint Committee were requested to give Notice of Amendments as per laid down Rules/Procedure. The Amendments have been consolidated, arranged Clause-wise by the Secretariat and circulated to the Members of the Committee. The Chairperson also drew the attention to the provision of Directions 55(1) regarding confidentiality of the proceedings of the Committee.

3. The Committee then took up for consideration the Clauses of the Waqf (Amendment) Bill, 2024. Since there was lack of consensus on the adoption of the Clauses, the Chairperson put the Clauses to vote Starting from Clause-2. The name of all the Members who had given notice for each Clause were called upon to move their Amendments. All the 44 Clauses were voted upon individually, and at the end Clause-1

was adopted. The statement compiled to reflect the result of voting for all the Clauses has been annexed herewith (Annexure-I).

4. Another proposal adopted by the Committee for reflecting in the recommendation of the Report was that “Provided further that nothing in this Act shall, notwithstanding any judgement, decree or order of any court, apply to a trust (by whatever name called) established before or after the commencement of this Act or statutorily regulated by any statutory provision pertaining to public charities, by a Muslim for purpose similar to a waqf under any law for the time being in force.”

5. The Chairperson then readout the Observations of the Committee regarding the Tribal lands that the Ministry should take appropriate legislative measures to forestall declaration of tribal lands as Waqf land in order to ensure protection of Scheduled areas and tribal areas.

6. It was also pointed out by the Chairperson that the Ministry may consider the concerns of Waqf tenants across the country and introduce laws that allow for long-term leases to safeguard their legitimate rights.

7. Further, the Chairperson inform the Committee that the consequent to the result of consideration of clauses, the amendments accepted by the Committee shall be incorporated in the amended Bill and will reflect in the recommendations in the draft report on the Waqf (Amendment) Bill, 2024.

8. At the end, Chairperson thanked the Members for their participation in the proceedings and requested the representatives of the Legislative Department to incorporate the amendments accepted by the Committee and also to return the vetted Bill to the Secretariat latest by next day.

9. Thereafter, Members were also informed that the next sitting of the Committee for consideration and adoption of draft report shall be held on 29th January 2025 at 10 a.m.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record

ANNEXURE-I

Statement of the Clause by Clause Voting

Clauses	Moved by Members	In Favour	Against	Remarks
Clause-2	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Shri Nadimul Haque Shri M. Mohamed Abdulla	10	16	Negatived
Clause-3	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-3	Shri Nishikant Dubey Shri Tejasvi Surya Shri Lavu Sri Krishna Devarayalu	16	10	Adopted
Clause-4	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-4	Shri Brij Lal Shri Lavu Sri Krishna Devarayalu Shri Dileshwar Kamait Smt. Aparajita Sarangi	16	10	Adopted
Clause-5	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-6	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed	10	16	Negatived

	ShriArvind Sawant			
Clause-6	Shri Dilip Saikia	16	10	Adopted
Clause-7	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negated
Clause-7	Smt. Aparajita Sarangi	16	10	Adopted
Clause-8	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negated
Clause-9	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed ShriArvind Sawant	10	16	Negated
Clause-9	Dr. MedhaVishram Kulkarni	16	10	Adopted
Clause-10	Shri Gaurav Gogoi Dr. Syed Naseer Hussain Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negated
Clause-11	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed ShriArvind Sawant	10	16	Negated
Clause-11	Dr. Medha Vishram Kulkarni Shri Abhijit Gangopadhyay	16	10	Adopted
Clause-12	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed ShriArvind Sawant	10	16	Negated

Clause-12	Dr. Medha Vishram Kulkarni	16	10	Adopted
Clause-13	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-14	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-15	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-16	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-17	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-18	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-18	Shri Dilip Saikia Dr. Radha Mohan Das Agrawal	16	10	Adopted
Clause-19	Shri Asaduddin Owaisi	10	16	Negatived

	Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri Nadimul Haque Shri M. Mohamed Abdulla Dr. Mohammed Jawed ShriArvind Sawant			
Clause-20	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed ShriArvind Sawant	10	16	Negatived
Clause-21	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-22	Dr. Syed NaseerHussain Dr. Mohammed Jawed ShriArvind Sawant	10	16	Negatived
Clause-23	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Shri Kalyan Banerjee Dr. Syed Naseer Hussain Shri M. Mohamed Abdulla Dr. Mohammed Jawed Shri Arvind Sawant	10	16	Negatived
Clause-24	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-25	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-26	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah	10	16	Negatived

	Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed ShriArvind Sawant			
Clause-27	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed ShriArvind Sawant	10	16	Negatived
Clause-28	Dr. Syed Naseer Hussain Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-29	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-30	Shri Mohibbullah Dr. Syed Naseer Hussain Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-31	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-31	Smt. D. K. Aruna	16	10	Adopted
Clause-32	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-33	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed ShriArvind Sawant	10	16	Negatived
Clause-33	Shri Dilip Saikia	16	10	Adopted

	Shri Naresh Ganpat Mhaske			
Clause-34	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-35	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri Nadimul Haque Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-35	Shri Sanjay Jaiswal Shri Gulam Ali	16	10	Adopted
Clause-36	Shri Mohibbullah Dr. Syed Naseer Hussain Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-36	Shri Tejasvi Surya	16	10	Adopted
Clause-37	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-37	Smt. D.K. Aruna	16	10	Adopted
Clause-38	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-39	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-40	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee	10	16	Negatived

	Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant			
Clause-41	Shri Asaduddin Owaisi Shri GauravGogoi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri Nadimul Haque Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-41	Shri Nishikant Dubey	16	10	Adopted
Clause-42	Shri Asaduddin Owaisi Shri Mohibbullah Shri A. Raja Dr. Syed NaseerHussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-43	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Dr. Syed Naseer Hussain Shri Kalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-44	Shri Asaduddin Owaisi Shri Gaurav Gogoi Shri Mohibbullah Shri A. Raja Dr. Syed NaseerHussain ShriKalyan Banerjee Shri M. Mohamed Abdulla Dr Mohammad Jawed Shri Arvind Sawant	10	16	Negatived
Clause-1				Adopted

MINUTES OF THE SITTINGS

Minutes of the 38th Sitting of the Joint Committee on the Waqf (Amendment) Bill, 2024.

The 38th sitting of the Joint Committee was held on Wednesday, the 29th January, 2025 from 1000 hrs to 1100 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

LOK SABHA

2. Dr. Nishikant Dubey
3. Shri Tejasvi Surya
4. Smt. Aparajita Sarangi
5. Dr. Sanjay Jaiswal
6. Shri Dilip Saikia
7. Shri Abhijit Gangopadhyay
8. Smt. D.K.Aruna
9. Shri Imran Masood
10. Dr. Mohammad Jawed
11. Shri Mohibbullah
12. Shri Kalyan Banerjee
13. Shri A.Raja
14. Shri Lavu Sri Krishna Devarayalu
15. Shri Arvind Sawant
16. Shri Naresh Ganpat Mhaske
17. Shri Arun Bharti
18. Shri Asaduddin Owaisi

RAJYA SABHA

19. Shri Brij Lal
20. Dr. Medha Vishram Kulkarni
21. Shri Gulam Ali
22. Dr. Syed Naseer Hussain
23. Shri Mohammed Nadimul Haque
24. Dr. Radha Mohan Das Agrawal
25. Shri M. Mohamed Abdulla
26. Shri Sanjay Singh

SECRETARIAT

- | | | | |
|----|--------------------|---|------------------|
| 1. | Shri J. M. Baisakh | - | Joint Secretary |
| 2. | Shri Sanjay Sethi | - | Director |
| 3. | Ms Swati Parwal | - | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF MINORITY AFFAIRS

- | | | | |
|----|--------------------------------|---|-----------------|
| 1. | Dr. Chandra Sekhar Kumar | - | Secretary |
| 2. | Shri Shersha C. Shaik Mohiddin | - | Joint Secretary |
| 3. | Shri S.P.Singh Teotia | - | Director |

REPRESENTATIVES OF MINISTRY OF LAW & JUSTICE**(LEGISLATIVE DEPARTMENT AND DEPARTMENT OF LEGAL AFFAIRS)**

- | | | | |
|----|--------------------|---|--|
| 1. | Dr Rajiv Mani | - | Secretary |
| 2. | Shri Diwakar Singh | - | Additional Secretary, Legislative Department |
| 3. | Smt Sunita Anand | - | Additional Secretary, Dept. of Legal Affairs |

2. At the outset, the Chairperson welcomed the Members and the representatives of the Ministries to the sitting of the Committee, convened to consider and adopt the Amended Bill and the Draft Report on the Waqf (Amendment) Bill, 2024. The Chairperson appraised that the amendments accepted by the Committee at its Sitting held on 27th January 2025 have been incorporated in the Draft Report and in the revised Bill, as circulated to Members. The Chairperson further appraised the Committee that first the draft Report and then the amended Bill will be considered and adopted by the Committee.

3. The Committee took up the Draft Report along with the Amended bill for consideration. Therefore, the Committee adopted the Draft Report by majority of votes (15 in favor and 11 against).

4. The Committee then authorized the Chairperson to finalise the Report in light of the factual verifications made by the Ministries concerned.

5. Further, the Committee also authorized the Chairperson to present the Report to Hon'ble Speaker and thereafter present the same to both the Houses at the earliest opportunity during the upcoming Budget Session.

6. The Chairperson informed that the Members desirous of submitting dissent note might do so by 1600 hrs on 29 January, 2025 so that the Report could be finalized and presented to the Hon'ble Speaker by 30 January, 2025. The Chairperson also invited attention of the Members to Direction 87 which stipulates as under:

“A Member who has been absent from the sitting or sittings of the Committee at which draft Report of the Committee was considered and adopted with or without amendments, as the case may be, may give a minute of dissent if that member certifies in writing of having read the Report.”

7. The Chairman took the opportunity to render his sincere thanks all his colleagues for their cooperation and active participation in the deliberations of the Committee and finalization of the Report. Further, the Chairman also thanked the officials of the Ministry of Minority Affairs and the Ministry of Law and Justice for appearing before the Committee and extending all assistance during the course of examination of the Bill. The Chairman also extended his gratitude to the various State Governments who deposed before the Committee and also various Associations/ Organisations/ Experts/ Individuals/ Stakeholders who submitted their Memoranda and appeared before the Committee in Delhi and during the Study Visits.

8. At the end, the Chairman placed on record the Committee's appreciation for the Officers and Staff of the Lok Sabha Secretariat who provided timely and able assistance to the Committee in the examination of the Bill and drafting of the Report thereon.

The Committee then adjourned.

A copy of verbatim record of the proceedings is placed on record.

ARVIND SAWANT

MEMBER OF PARLIAMENT
(LOK SABHA)

31 - Mumbai South Constituency

MEMBER :

- Parliamentary Business Advisory Committee
- Parliamentary Committee on Estimates
- Standing Committee on External Affairs
- Consultative Committee on Ministry of Petroleum

LEADER : Shivsena Uddhav Balasaheb Thackeray



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Appendix-V

Date :29-01-2025

Shri Jagadambika Pal,
Hon'ble Chairman,
Joint Parliamentary Committee
on Waqf Amendment Bill, 2024.

Subject : Submission to the Joint Parliamentary Committee
on WAQF Amendment Bill, 2024
- **Dissent Notes with suggestions.**

Dear Chairman,

At the first instance I have a strong objection to change the name of this Bill as it not only applies to a community for religious and Pious functions but is vogue for more than 100 years. In fact, no such bill pertaining to any religion or community should be renamed. If the Government wants to change the components of any such Bill it can be done with due deliberations but the original name should be kept as it is.

The ruling party of the State Government of Maharashtra, in its manifesto, has declared that "Action will be taken against those encroaching on Waqf Board lands and these lands will be returned in the cases where the court has given decisions in favor of the Board, it will strictly implement them". If this is so, the question arises as to whether this principle will be made applicable in the entire country or not. If yes ! Why this Bill ?

Secondly, in the entire JPC I have seen some of the witnesses, who were not at all related to or not concerned with the WAQF Board and have no stake in its functioning, were invited, who without understanding the subject supported the Bill. It was only politically motivated action by the ruling party. Hence, being a member of Shivsena (Uddhav Balasaheb Thackarey) Party, I strongly object to considering their amendments.

I further could not understand as to why Govt wants Non-Muslim members on Waqf Board. Nomination of such non-related

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LEADER : Shivsena Uddhav Balasaheb Thackeray

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members will create chaos as tomorrow the other communities may demand parity in all Endowments.

The proposed overtake of the Waqf by the Government through the authority of the Collector is illogical. Wherever the dispute arises regarding land and Government wants the land to be acquired back, in that case the Government is the complainant and on behalf of the Government, the Collector being the Head of the revenue at district level will file a complaint. Now to decide about this in The Waqf Act, 1995 the Survey Commissioner and Tribunal use to deliver the justice as Order. In this case the complainant is Collector and Justice is also Collector. I feel this provision is incorporated with malafide intention and hence should be deleted.

Also this action seeks to undermine the very purpose of the Waqf Act, which is to protect and preserve the properties which are personal properties dedicated by various Rulers, Nawabs, Zamindars etc. for the good and benefit of Muslim Community and further to help the underprivileged. These properties exist since centuries and decades and most of these properties are predates the independence of our country. Hence, for genuineness and authentication of such properties, very old documents i.e. 100-150 years prior to the independence should not demanded but there should be a cut-off date for the documents called for this reason. This may happen with Hindu Temples and shrines also where to prove the genuineness and the authentication of the properties of Hindu Temples will become difficult. However, henceforth if any Muslim desires to dedicate his property it should not be given orally but it should be given in writing. There should be an Affidavit executed by such person. Everything should be in writing. So that no dispute should arise in future in this regard.

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In fact, the proposed amendments in Waqf Act are completely against the interests of the Muslim community and also violate the universally accepted fundamental rights of the communities. Hence I recommend as to no such provision should be made neither in this Bill nor any other Bill pertaining to the Religious Endowment.

Also, no study is conducted and no data has been produced to justify the proposed amendment in the Waqf Act 1995. On the contrary study and data are available to make the Waqf Act, 1995 more stronger and powerful to get the properties released from encroachers who have encroached the Waqf properties in various ways. The said encroachment is by individuals, organizations and various other authorities.

The Waqf Act was made to save and safeguard the Waqf properties. However, the proposed amendments to Waqf Act is going to do exactly the opposite and instead of saving the Waqf properties it will open the new ways and avenues to further encroach upon and usurp the Waqf properties. It is on record which proves that thousands of Waqf properties are usurped, illegally encroached upon and are in possession of illegal encroachers thereby denying the use and benefit of the same for which these properties were created and donated i.e. the benefit of Muslim Community primarily and society at large.

It is totally unconstitutional. Article 25 (1) of the Constitution grants the freedom of religion and 25 (2) speaks about areas where the State may intervene and make laws or regulate religious institutions. Also article 26 of the constitution provides for the freedom to manage the religious affairs of the citizens and is subject to public order, morality and health. Further, in future the interests of Hindu Community will also be endangered if the amendments are proposed by such committees. The Laws enacted by various states in the country in this regard like The Hindu Religious Institutions and Charitable Endowments Act, 1997 enacted by Karnataka State will be strongly affected by such amendments in the Acts meant for the community related properties spread all over the country.

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The Article 36 of the Constitution belongs to Directive Principles of State Policy. The peculiarity of this part of the Constitution is that these Principles are not enforceable in any Court of Law. These are the Principles and values of our democracy for the overall development of the nation, and thus, the citizens are expected to abide by them. Hence, Provision 36 of the constitution should be honoured by everyone.

I, therefore, request that taking into consideration these important facts my suggestions should be reflected in the observations and report of the Committee to be placed in the Parliament.

Yours sincerely,

With Regards!!

Arvind Sawant

Member of Parliament
Member, Joint Parliamentary Committee
on Waqf Amendment Bill, 2024

SUGGESTION-OBJECTION REGARDING PROPOSED AMENDMENT, 2024.

1. Sr. No. 1 – Section 1 of Principal Act of 1995: As stated above, no study is conducted and no data has been produced to justify the proposed amendment in the Waqf Act 1995, therefore there is no need to further amend the Waqf Act, 1995.

2. Sr. No. 2 – Section 1 of Principal Act of 1995: Changing the name of Act would not empower it or make it efficient but unnecessarily lengthen the name, it would be proper if the original title as “Waqf Act, 1995” is maintained. There is no need to change the name of the Act.

The preamble of the Waqf Act 1995 has covered the aims and object of the act which as follow: -

“An Act to provide for the better administration of 1[Auqaf] and for matters connected therewith or incidental thereto.” The substituted name “Unified Waqf Management, Empowerment, Efficiency and Development” is inadequate and does not go with preamble of the Act. The said substitution failed to cover the term “Auqaf” which is the base and reason for the enforcement of the act. The waqf act was enacted with the intention to protect the interest of the properties given as charity or religious purpose to the Muslim community governed and protected by Article 26 of Constitution of India. The substitution words “Unified Waqf Management, Empowerment, Efficiency and Development” provide the general sense to the Act which is contrary to aims and object of the Act.

3. Sr. No. 3 – Section 3(i) and 3(ii) of Principal Act of 1995: The proposed clause (aa) and (ca) is not at all required as the Waqf and Waqf Properties are managed as per the intention and direction of the Waqif. There is absolutely no need to insert the proposed clause in the Waqf Act for identifying the waqf made and dedicated by an “Aghakhani” and “Bohra” Waqif respectively, as stated above, the Waqf Properties are managed as per the intention and direction of the Waqif and as per the intention, direction and requirement as mentioned in the Waqf Deed. In other words, if the Waqf and/or Properties belongs to Aghakhani or Bohra person then the same is always managed as per their belief and requirement.

Sr. No. 3 – Section 3(iii)(da) of Principal Act of 1995: In view of the role of the Collector introduced in the proposed Amendment Act more particularly under section 5 (Section 4 of 1995 Act), 7 (Section 6 of 1995 Act), 18 (Section 36 of 1995 Act), 28 (Section 61 of 1995 Act), 38 (Section 100 of 1995 Act) and 39 (Section 101 of 1995 Act), the insertion of this section will take away most of the powers of Waqf Board and due to the omission of Section 3(p) from the 1995 Act which deals with the definition of "Survey Commissioner" and substituting it with the Collector will have a drastic effect on the working of Waqf Board. Because of the amendments to other sections more particularly section 4 of the 1995 Act, which deals with "Preliminary survey of [auqaf]", effectively all the powers are vested in Collector which is neither desirable nor required.

There is going to be a great deal of "Conflict of Interest" if Collector is also empowered with the power presently vested in "Survey Commissioner" to survey the Auqaf in the State. The duty of the Collector to protect the interest of the State with the additional duty to safeguard the interest of the Waqf Properties are going to certainly create a inclusion and drastic power. However, in proposed sub-section (da) in Section 3 Deputy Commissioner and officer not below the rank of Deputy Collector are included in the definition of Collector, considering the proposed role and power given to Collector, permitting an Officer of such a low Rank would be detrimental in future to the Waqf Properties.

In addition to above, one fails to understand that the logic behind the proposed empowering the Collector with the powers presently vested in Survey Commissioner under section 4 of Waqf Act 1995 for reasons the Survey Commissioner is also appointed by the State Government for the purpose of survey of auqaf in the State. Both the authorities i.e. the Collector as well as Survey Commissioner are appointed by the State Government hence there is no need to empower the Collector with the powers presently vested in Survey Commissioner.

Sr. No. 3 – Section 3(iv)(fa) & (fb) of Principal Act of 1995: Meaning and definition of Government Organization and Government Property is well known to all hence no need to be inserted in the Waqf Act of 1995. Further, it appears that by introducing this definition, the intention is clear to target the Waqf Properties presently that are held by and are in control of the Government Organizations.

Sr. No. 3 – Section 3(v) of Principal Act of 1995: The omission of word “either verbally or” will create great confusion and problems in managing the Waqf and its Properties which are managed by Mutawallis since decades by the way of verbal appointment. It will create a havoc in further administration of Waqf and its Properties, as the amendment by way of omission of verbal appointment will open flood gates of challenges to the said oral appointments of Mutawallis by unscrupulous persons and other antisocial elements.

Sr. No. 3 – Section 3(vi) of Principal Act of 1995: A portal and database are already in place namely WAMSI (Waqf Assets Management System of India) where details of properties are uploaded. The Home Page of the said Website reads “WAQF ASSETS MANAGEMENT SYSTEM OF INDIA, An On-line System for Searching Waqf Properties in your area & their Status, An e-Governance Initiative under the aegis of Ministry of Minority Affairs, Government of India. Therefore, there is no need to introduce this amendment.

Sr. No. 3 – Section 3(vii) of Principal Act of 1995: Under this amendment, the definition/meaning of “prescribed” assigned in section 3(i) of the Waqf Act, 1995, is changed from “rules made by the State Government” to the “rules made under this Act.” Thus, the proposed amendment takes away the power of State Government to make rules and gives the same to Central Government. This is nothing but snatching away the authority of State Government who are more aware of the local and ground situation where the Waqf and Waqf Properties are situated and are in much better position to prescribe rules for better implementing of the intention and provisions of the Waqf Act. The Central Government wants to be the sole authority to make rules under the Act, so that the Central government will have the total control over the waqf properties, which in this federal system of governance is neither desirable nor required. Hence, no amendment is required to in this section of Waqf Act 1995.

Sr. No. 1 – Section 3 (viii) of Principal Act of 1995: The definition of “Survey Commissioner” is omitted in view of the powers given to the “Collector”. The objections and reasons recorded in the foregoing para regarding proposed section 3(iii)(da) is applicable to this proposed amendment. Hence the same is no repeated here.

Sr. No. 3 – Section 3(ix)(a) of Principal Act of 1995: The Amendment to clause (r) in Section 3 by replacing the word “any person” with “person practicing Islam for at least 5 years” defeats the very purpose and intention of not only of the waqf but also the rights and choice on an individual/institution/corporation etc. who want to create a Waqf and dedicate property. It is also against the interest of Waqf and the person who wants to make a Waqf and/or donate any movable and/or immovable property. No restrictions can be imposed on any person whether Muslim or having any other faith to create a Waqf and/or donate any property to the Waqf as this will be against the basic spirit of the Constitution of India. No law can put restrictions on the freedom of choice and expression which one is entitled to under the Constitution of India. Hence, no condition can be put on permanent dedication of any movable or immovable property by any person for Waqf. It amounts to taking away the person’s right to deal with his property. The proposed amendment is ultra-vires to the Constitution of India.

It is also against the secular nature of our Country. On 15th August, 2024, Hon’ble Prime Minister expressed need of Secular Law. By replacing the word “any person” by “person practicing Islam for at least 5 years” defeats the very intention of Hon’ble Prime Minister. In India we do not have any Authority that certifies whether a person belongs to a particular religion or is practicing for a certain period, therefore, making such Amendment would give rise to multiple litigations and create an embargo on the person who want to donate his property for the pious, religious or charitable purposes recognized by Muslim Law.

Sr. No. 3 – Section 3(ix)(b) of Principal Act of 1995: This provision goes against the freedom of conscience and free profession, practice and propagation of religion as guaranteed under Article 25 of the Constitution of India.

The deletion of sub-clause (i) from section 3(r) of Waqf Act 1995 which deals with “Waqf by User” and saves the property even in case when the user having ceased irrespective of the period of such cesser would cause great prejudice, loss, irreparable harm and damages not only to the existing waqf properties but also to the properties where the use/user of the same have changed due to encroachment, illegal possession, pendency of cases, lapse of long period of time etc. This will strike at the very object, purpose and intention for which the Waqf Act was made.

Sr. No. 3 – Section 3(ix)(c) of Principal Act of 1995: There is no need to insert the words “maintenance of widow, divorced woman and orphan in such manner as may be prescribed by the Central Government”. Firstly, the cause mentioned in the said amendment is already covered under the purposes recognized by the Muslim law. Secondly, the same amounts to interference in the administration, management and affairs of the Waqf by the Central Government, since the Central Government may prescribe anything which may not be compatible with the aims and object of the Waqf.

Sr. No. 3 – Section 3(ix)(d) of Principal Act of 1995: The substitution of words “any person” with the words “any such person” will restrict the scope and meaning of words “any person” which is unnecessary and not at all required.

4. Sr. No. 4 – Section 3A to 3C of Principal Act of 1995: The proposed insertion of new sections from 3A to 3C is in clear violation of the purpose and object of the Waqf Act. It clearly takes away very essence of the Waqf Act by endangering the properties of the Waqf by putting at the risk of getting it deleted from the record/list of Waqf Property specially section 3(C) of the proposed amendment which deals with the alleged Government Property irrespective of the period for which the property is held as Waqf Property since it gives retrospective effect to the proposed amendment. Hence, is again ultra vires to the Constitution of India.

Sr. No. 4 – Section 3A(1) of Principal Act of 1995: The proposed amendment by way of insertion of this section would wreak havoc for the Waqf and Waqif as the condition that to create a waqf the person has to be the lawful owner of the property will take away the rights of the person to make a Waqf and/or transfer or dedicate property who is otherwise entitled to the property by way of user/possessor/occupier of the property for a very long period of time. For example, a person may be lawfully entitled to a property by way of adverse possession i.e. being in use/occupation/possession of such property for a continuous period of 12 years or more etc.

Sr. No. 4 – Section 3A(2) of Principal Act of 1995: Addition of sub-clause (2) in Section 3A will amount to interference with the religious affairs and Personal Law of Muslims. It amounts to taking away the person's right to deal with his property. In

Islamic Law of Inheritance, the right to inherit property would arise on the day of death of the owner and the existence of the survivor and not by the birth of the heir.

This provision violates the right of freedom to manage religious affairs that includes to own and administer property in accordance with religious practices and law and guaranteed under Article 26 of the Constitution of India.

Sr. No. 4 – Section 3B(2) of Principal Act of 1995: In proposed Section 3B (2) it is mandatory for every Waqf registered prior to coming into force of the proposed Amendment to file details on Portal and Database about the name and address of the creator of the Waqf, mode and date of such creation. Most of the Waqfs are in existence since centuries and are in use. The history and name of the creator of such Waqfs are not available due to the passage of time. For the existing Waqfs making of such mandatory provision would amount to defeating the purpose of enactment of Waqf Act and creation of further complications in smooth administration, it may have effect of deregistration and loss of the Waqf Properties.

By doing this the Amendment Bill place the Waqf Properties in the danger of being usurp by non-beneficiaries or bring in controversies.

Further as stated in the foregoing para there already exist a portal and database is already in place namely WAMSI (Waqf Assets Management System of India) where details of properties are uploaded. The Home Page of the said Website reads "WAQF ASSETS MANAGEMENT SYSTEM OF INDIA, An On-line System for Searching Waqf Properties in your area & their Status, An e-Governance Initiative under the aegis of Ministry of Minority Affairs, Government of India. Therefore, there is absolutely no need to introduce this amendment.

Sr. No. 4 – Section 3C of Principal Act of 1995: Introduction of Section 3C(1) is most unconstitutional provision as it gives retrospectivity to the provisions of Amendment and declares the Waqf Properties that were identified, declared and settled through the judgments of the Waqf Tribunal, High Court and even Supreme Court not to be the Waqf Properties. The proposed amendment is intended to be given retrospective which will jeopardize most of the waqf properties.

Newly proposed definition of Government Property the provision of Section 3C will create multi-litigation considering the fact that at most places in India the Graveyards (Qabrastans) are on the lands which will now come under the proposed definition of "Government Property" but are registered with the appropriate Waqf Boards as Waqf Properties. If, Section 3C is added then all Qabrastans may be declared to be not a Waqf Property thereby creating a very typical situation. This is just an illustration; many such issues will arise without there being any benefit to the Waqf.

Further, giving Jurisdiction and power in the hands of Collector to determine the nature of property of belonging to Waqf or Government would certainly prejudice the case of the Waqf. Further it is well known that a person cannot judge his own case, empowering the Collector to determine whether a particular property is a Government property or not is like the same as the Government judging its own case.

The Collector cannot be considered to be an independent adjudicator when it comes to the dispute between a Waqf and Government property. There is always going to be conflict of interest in safeguarding the interest of Government on one hand and the Waqf on the other hand.

Sr. No. 5 – Section 4(a), (b), (c) and (d) of Principal Act of 1995: The submission regarding the introduction of Collector is already made above while dealing with the proposed amendment by way of introducing 3(da) to the 1995 Act. As stated in the foregoing submissions in view of the role of the Collector introduced in the proposed Amendment Act more particularly under section 5 (Section 4 of 1995 Act), 7 (Section 6 of 1995 Act), 18 (Section 36 of 1995 Act), 28 (Section 61 of 1995 Act), 38 (Section 100 of 1995 Act) and 39 (Section 101 of 1995 Act), the insertion of this section will take away most of the powers of Waqf Board and due to the omission of Section 3(p) from the 1995 Act which deals with the definition of "Survey Commissioner" and substituting it with the Collector will have a drastic effect on the working of Waqf Board. Because of the amendments to other sections more particularly section 4 of the 1995 Act, which deals with "Preliminary survey of [auqaf]", effectively all the powers are vested in Collector which is neither desirable nor required.

There is going to be a great deal of "Conflict of Interest" if Collector is also empowered with the power presently vested in "Survey Commissioner" to survey the Auqaf in the State. The duty of the Collector to protect the interest of the State with the additional duty to safeguard the interest of the Waqf Properties are going to certainly create a confusion and chaos. However, in proposed sub-section (da) in Section 3 Deputy Commissioner and officer not below the rank of Deputy Collector are included in the definition of Collector, considering the proposed role and power given to Collector, permitting an Officer of such a low Rank would be detrimental in future to the Waqf Properties.

Further, one fails to understand that the logic behind the proposed empowerment of the Collector with the powers presently vested in Survey Commissioner under section 4 of Waqf Act 1995 for reasons the Survey Commissioner is also appointed by the State Government for the purpose of survey of auqaf in the State. Both the authorities i.e. the Collector as well as Survey Commissioner are appointed by the State Government hence there is no need to empower the Collector with the powers presently vested in Survey Commissioner.

Further, the introduction of "making survey in accordance with the procedure in the revenue laws of the State from the stage such survey is transferred to the Collector" by deleting sub-section 2 and 3 of the 1995 Act will cause prejudice to the Waqf Properties. By deleting sub-sections 2 and 3 and introducing procedure of revenue laws will create unnecessary confusion in conducting the survey which is already partly completed or are on the verge of completion. The proposed amendment is highly prejudicial to the Waqf Properties.

Sr. No. 5 – Section 4(e) of Principal Act of 1995: As submitted above with regard to proposed amendment to Section 3 of 1995 Act for inserting "Aghakhani Waqf" and "Bohra Waqf". In view of the said submissions the proposed amendment is not at all required.

Sr. No. 5 – Section 4(f) of Principal Act of 1995: This proposed amendment takes away the power of State Government to direct the Survey Commissioner to make a second or subsequent survey of Waqf properties in the State. The taking away of the power of State Government to order a second or subsequent survey would jeopardize the fate of Waqf Properties left to be included in the first survey causing

the Waqf irreparable harm, loss and damage, hence the same is contrary to the aims and objectives of the Waqf Act.

6. Sr. No. 6 – Section 5(a) of Principal Act of 1995: This proposed amendment is linked with the above amendment in Section 4 of the 1995 Act for which submissions have been made in the above para, hence the same is not repeated here.

Sr. No. 6 – Section 5(b) of Principal Act of 1995: As already stated above no need to introduce the amendment to add Aghakhani Waqf and Bohra Waqf.

Sr. No. 6 – Section 5(c)(2A), (2B) & (e) of Principal Act of 1995: As stated in the foregoing paras a portal and database are already in place, WAMSI (Waqf Assets Management System of India) where details of properties are uploaded. The Home Page of the said Website reads “WAQF ASSETS MANAGEMENT SYSTEM OF INDIA, An On-line System for Searching Waqf Properties in your area & their Status, An eGovernance Initiative under the aegis of Ministry of Minority Affairs, Government of India. Therefore, there is absolutely no need to introduce this amendment.

Sr. No. 6 – Section 5(3) of Principal Act of 1995: The existing Section 5 subsection (3) is proposed to be substituted giving authority to Revenue Authorities to decide whether to mutate the land record in the name of Waqf or not instead as against the present mandate in Section 5(3)(i)(ii) of the 1995 Act to include the list of auqaf referred to in sub-section (2), while updating the land records; and take into consideration the list of auqaf referred to in subsection (2), while deciding mutation in the land records.

This is one more attempt to curtail the power of the Waqf Board and assign the same to Revenue Authorities with introduction of additional procedure to further prejudice the interest of the Waqf Properties. Further, this will also create one more opportunity of litigation. This will completely destroy the purpose for which Waqf Board is created and will take away an important function assigned to it. This also goes contrary to very purpose of bringing the present Bill and replacing the Survey Commissioner by Collector. Once, Collector conducts a Survey how his subordinate Revenue Officer can be given such authority.

7. Sr. No. 7 – Section 6(a)(i) of Principal Act of 1995: Same arguments as stated in the foregoing submissions regarding Aghakhani Waqf and Bohra Waqf, hence not repeated.

Sr. No. 7 – Section 6(a)(ii) of Principal Act of 1995: The omission of words “and the decision of the Tribunal in respect of such matter shall be final” will render the Tribunal as a toothless tiger having no finality in deciding dispute regarding Auqaf. This goes completely against the object, purpose and intention for which the Waqf Act was enacted. The Tribunal is the forum provided for decision on disputes regarding Auqaf. Any attempt to take away and curtail the powers of Tribunal would render the objects and purpose of Waqf Act as nugatory, causing irreparable harm and damage to the Waqf Institutions and Waqf Properties and hence the same should not be allowed. It is never the case that the Waqf Tribunal are the final authorities, the gates of revision, appeal to the High Courts and further to the Supreme Court, is always open for the parties aggrieved by the order of the Tribunal. The proposed amendment is liable to be rejected.

Sr. No. 7 – Section 6(a)(iii) and (iv) of Principal Act of 1995: Here again, the increasing the period of filing suit from one year to two years will prejudice to the Waqf and its Properties, giving opportunity to the miscreants to enter into the whirlpool of litigation rendering the genuine persons hopeless.

Further, the deletion of second proviso to section 6 “Notwithstanding anything contained in sub-section (1), no proceeding under this Act in respect of any waqf shall be stayed by reason only of the pendency of any such suit or of any appeal or other proceeding arising out of such suit.” Will further cement the chaotic and slow pace of the litigations. Omission of this proviso will open floodgates of staying of the important proceedings even for the purpose of trivial matters.

8. Sr. No. 8 – Section 7(1) of Principal Act of 1995: Same arguments as stated in the foregoing submissions regarding Aghakhani Waqf and Bohra Waqf, hence not repeated.

Same arguments as stated in the foregoing submissions regarding the omission of the decision of the Tribunal thereon shall be final, hence not repeated.

Same arguments as stated in the foregoing submissions regarding the extension of time period from one year to two years, hence not repeated.

9. Sr. No. 9 – Section 9(2) of Principal Act of 1995: By the proposed Amendment to Section 9(2) the composition of Central Waqf Council is sought to be altered by removing the mandate for the members to be amongst Muslims only. Now, 3 members of Parliament, 2 Judges, 1 Advocate, 4 persons of National eminence need

not be Muslims and 2 members must be compulsorily non-Muslims, Additional Secretary or Joint Secretary to the Government of India dealing with waqf matters in the Union Ministry or department. This Amendment would make Muslims a minority in the Council resulting into the non-Muslims dictating their terms without knowing the principles governing Waqf and the Islamic Law. This amendment will not only damage the prospect of the Act, but will make the very purpose of Waqf redundant. This amendment (proposed) is in contravention with the Fundamental Rights of the Muslims to manage their religious affairs enshrined under article 26 of the Constitution of India.

Already, proviso to sub-section (2) of Section 9 in existing law mandates to have at least 2 women members, by the Amendment the pool from which the women can be taken is shrunken as now the women would be only from clause C, at present they are from all categories.

10. Sr. No. 10 – Section 13 of Principal Act of 1995: For the purpose of Section 13(2)(A) of the Act, Same arguments as stated in the foregoing submissions regarding Aghakhani Waqf and Bohra Waqf, hence not repeated.

11. Sr. No. 11 – Section 14 of Principal Act of 1995: Same is the position with the proposed Amendment to Section 14. The proposed Amendment in fact converts the elected nature of the Board to Government controlled, monitored and nominated Board. If this Bill is passed, it will unfortunately be the beginning of the end of the Waqf Boards, as the Government will nominate its agents and control the Waqf Board as per its whims and not as per the constitutional mandate of secularism and the right of Minority Muslim community to manage its properties as per its Personal Law. Inclusion of non-Muslim members mandatorily is further contrary to Article 26 of the Constitution of India. Further, omitting the word Muslim in section 14 sub sections 1 (a) (b) (i), (ii) is a calculated attempt to subterfuge and destroy the purpose of article 25 of the Constitution of India.

and an attempt to damage and dilute the biggest charitable institution. This amendment is a direct attempt to interfere in the Muslim Personal laws.

Further, in India there are various laws made for the governance of Hindu Religious endowments and prescribed mandatorily the Officers and Members to be appointed who professes Hindu religion only. By making a provision to have non-Muslim members in Board, Article 14 of the Constitution of India is being violated in addition to Article 25 and 26. This seems to be an attempt of taking over the Waqf Properties by non-Muslims through this proposed Amendments.

Categorization of Muslims into other backward classes, Bohra, Aghakhani is not needed. Further, such categorization would lead into more confusion and chaos rather than doing any good to the purpose of the Waqf Act.

12. Sr. No. 12 – Section 16 of Principal Act of 1995: The proposed Amendment will grant leverage to the Chairperson and a kind of immunity as it removes the provision where the Chairperson can also be disqualified on conviction of offence involving moral turpitude which have less than 2 years of punishment.

13. Sr. No. 13 – Section 17 of Principal Act of 1995: No comments

14. Sr. No. 14 – Section 20(A) of Principal Act of 1995: Removal of Section 20A makes the Chairperson immune from removal by vote of no confidence by the members of the

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~~_____~~ Such action would be contrary to the interest of the Waqf.

15. Sr. No. 15 – Section 23 of Principal Act of 1995: By substituting sub-section (1) of Section 23 the Bill further attempts to remove Muslim from, "There shall be a fulltime Chief Executive Officer of the Board which shall be a Muslim". This issue is already discussed in the forgoing paragraphs as to how this destroys the purpose of Muslim institution of Waqf.

16. Sr. No. 16 – Section 32 of Principal Act of 1995: By removing explanation and the proviso in (e) in sub-section (2) of Section 32, the bill wrongfully aims to handicap the waqf properties, and keep the issue of the usage of surplus income levitating at the whims of the any random member who is not concerned with the said purpose or the concerned authorities instead of channelizing its usage for the religious

purpose, in case of Sunni waqf, by the Sunni members of the Board and in case of Shia Waqf, shia members of the Board.

Sr. No. 16 – Section 32(3) of Principal Act of 1995: Same arguments as stated in the foregoing submissions regarding the omission of the decision of the Tribunal thereon shall be final, hence not repeated.

17. Sr. No. 17 – Section 33 of Principal Act of 1995: By removing proviso to subsection (4) of Section 33 the principles of natural justice are being violated as the opportunity of hearing to the affected parties is taken away.

33(6) Of the Act: Same arguments as stated in the foregoing submissions regarding the omission of the decision of the Tribunal thereon shall be final, hence not repeated.

18. Sr. No. 18 – Section 36 of Principal Act of 1995: The proposed omission in clause (c) in sub-section (4) of Section 36 of the Act, would result into restriction on registration of Waqf in existence and having old property in use as Waqf without knowing the origin, nature and objects. This goes contrary to the very purpose of the framing the Waqf Act. It is germane to note that there are properties under the waqf which are centuries old and shall remain waqf till the end of times, they can be designated as waqf only through a detailed particular, as far as they are known to the applicant, of the origin, nature and object of the waqf.

Further the substitution of sub-section (7) in Section 36 would amount in creating one more Authority i.e. Collector being a Higher Authority than the Waqf Board. Also, the Collector being the government servant having purpose and duty to safe guard government properties, if bestowed the power to safe guard the properties of Waqf, will further lead to conflict of interest and ambiguity. As it is quite certain that the Collector will be duty bound to protect the government lands, thus the land or property in dispute between the government and the waqf will put the position of the Collector in fix.

The proposed Amendment Bill seeks the CEO to be an Officer of Joint Secretary Rank i.e. much higher to the Rank of the Collector, therefore, this provision creates an ambiguity.

19. Sr. No. 19 – Section 37 of Principal Act of 1995: Addition made to sub section (1) of section 37 and additions made in clause (f) of sub section (1) of section 37,

gives powers and opens gates for the Central Government to interfere in the functioning of the waqf, which is again in contravention to the mandates of the constitution.

Additions made in sub-section (3) of Section 37 of publication of notice of ninety days, in 2 daily newspapers before mutation would burden the Waqfs with additional expenses and delay in entries in the land record office, without there being any need as the Waqf Property is identified and notified after following the due procedure of law and natural principles. Further due consideration and scrutiny is made to identify and notify the properties as that of waqf.

20. Sr. No. 20 – Section 40 of Principal Act of 1995: The proposed omission of Section 40 would amount to worst approach against the Waqf Act, it will further reveal the intention of the legislature of doing away with the waqf and its properties, rendering the minorities sans the rights given to them by the constitution. The said proposed amendment (omission) will give leverage to the wrong doers and the person who have suppressed existence of Waqf Property. The very purpose of enactment of Waqf Act was to identify and safeguard the Waqf Property. And the said very purpose will be diluted. Removal of Section 40 would take away power of the Board to collect information and conduct inquiry into the question whether the property is Waqf Property or not. This will make Waqf Board a toothless tiger and an institution good for nothing. This being most important provision must be retained. It is pertinent to note that retaining the said Section 40 won't affect adversely to the parties to the dispute as the Section 40 does not give absolute power to the Board but is subject to appeal before the Waqf Tribunal and revisable before the High Court.

21. Sr. No. 21 – Section 46 of Principal Act of 1995: Substituting Clause (b) of sub section (2) of Section 46, as mentioned in the forgoing paragraphs, will make the interference of the Central Government in the Islamic organization inevitable, which goes against the principles of the Constitution.

22. Sr. No. 22 – Section 47 of Principal Act of 1995: By substituting and inserting various clauses the independence of Waqf Board is taken away and the interference of the Government is introduced in the financial matters and appointment of auditors by the Government instead of the Waqf Board. This will create a sense of fear and affect the independent working of the Board and increase the control of Central as well as State Governments on the Waqf Boards.

23. Sr. No. 23 – Section 48 of Principal Act of 1995: The insertion of section 2(A) will further increase the interference of Central Government. Further, there is no need to insert this section as WAMSI website is already there giving required information. Further any person can obtain desired information under RTI.

Further, omission of words from sub-section 3 would take away the vital powers of the Waqf Board as the orders of it can be stayed by the Tribunal giving benefit and further time to the encroachers and illegal user/occupant/possessor of Waqf Properties to continue the enjoyment of Waqf Properties by obtaining stay from the Waqf Tribunal.

24. Sr. No. 24 – Section 50 of Principal Act of 1995: If, Section 50A is to be introduced prescribing disqualifications for Mutawalli then one more disqualification needs to be added as a person shall not be qualified for being appointed, or for continuing as, a mutawalli, if he “is not a Muslim”.

25. Sr. No. 25 – Section 52 of Principal Act of 1995: Same arguments as stated in the foregoing submissions regarding the omission of the decision of the Tribunal thereon shall be final, hence not repeated.

26. Sr. No. 26 – Section 52A of Principal Act of 1995: The proposed Amendment to Section 52A in sub-section (a)(i) dilutes the stringent punishment by “rigorous imprisonment” with “imprisonment” and is against the interest of Waqf and fails to deter the offender.

Deletion of sub-section (2) and (4) is unnecessary and protects the wrong doers, further casts the doubts on the intent of the legislature.

27. Sr. No. 27 – Section 55A of Principal Act of 1995: Again the finality of the decision of Waqf Tribunal is taken away which is not in the interest of Waqf. The arguments regarding the same is already stated above, hence not repeated.

28. Sr. No. 28 – Section 61 of Principal Act of 1995: Here again the Waqf has been put to jeopardy by removing the provision of imprisonment for failing to obey the order of Board or Tribunal and further the role of Collector has been introduced which clearly amounts to interference in the matters of Waqf by the Government.

29. Sr. No. 29 – Section 64 (4) of Principal Act of 1995: Once again the finality of the decision of Waqf Tribunal has been omitted. Same arguments as stated in the

foregoing submissions regarding the omission of the decision of the Tribunal thereon shall be final, hence not repeated.

30. Sr. No. 30 – Section 65 of Principal Act of 1995: The substitution of words “as soon as possible” with “within six months” will encourage the Waqf Board to take advantage of the same and instead of sending the report as soon as possible will wait till six months are nearing. This will delay the relevant proceedings in the Board.

31. Sr. No. 31 – Section 67 of Principal Act of 1995: In sub section (6) of Section 67 of the Act: Same arguments as stated in the foregoing submissions regarding the omission of the decision of the Tribunal thereon shall be final, hence not repeated.

32. Sr. No. 32 – Section 69 of Principal Act of 1995: The finality of the order of Waqf Tribunal has been omitted and interference of State Government has been introduced. Both points have been covered in the foregoing paras, hence not repeated.

33. Sr. No. 33 – Section 72 of Principal Act of 1995: The income of Board has been reduced from seven percent to five percent and further the finality of the decision of the Board has been omitted thereby further reducing the power of Waqf Board. Hence prejudicial to the interest of the Waqf.

34. Sr. No. 34 – Section 73 of Principal Act of 1995: Once again the finality of the decision of Waqf Tribunal has been omitted. The same is covered in the foregoing paras, hence not repeated.

35. Sr. No. 35 – Section 83 of Principal Act of 1995: The insertion of proviso to subsection 1 of Section 83 will take away the importance of Waqf Tribunal as provision is made to declare any other Tribunal as Waqf Tribunal. Further, provision is also inserted for appeal to the High Court if there is no Tribunal or Tribunal is not working. If the Government are not interested in forming as Exclusive Waqf Tribunal then in that case, other Tribunals will be notified for the is purpose which will create problems for waqf matters as the other Tribunals will also be dealing with the other matters. Further, making a provision to directly file appeal in the High Court will render the provision of Waqf Tribunal as redundant.

Further, other provisions regarding composition of Waqf Tribunal, appointment of members and other provisions are contrary to the interest of the Waqf and should not be incorporated.

36. Sr. No. 36 – Section 84 of Principal Act of 1995: Introduction of time line to complete the proceedings within six months, which is further extendable by six months is highly objectionable as parties will try to take advantage of the same by taking adjournments on one pretext or another. Further, in case of non-availability of members of the Tribunal or due to want of vacancy, it would not be possible to complete the proceedings in the time frame sought to be introduced in the proposed amendment. The original section sufficient to take care of the situation which provides the time line for completing the proceedings “as soon as practicable”. Hence, no need to interfere and change the original section.
37. Sr. No. 27 – Section 91 of Principal Act of 1995: No comments as to replacement of “Land Acquisition Act 1894” with “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. However, the time limit for Board to approach the Collector should not be reduced from three months to one months and should continue with three months.
38. Sr. No. 38 – Section 100 of Principal Act of 1995: Same arguments as stated in the foregoing submissions regarding the substitution for the Survey officer to the Collector. Hence, not repeated again.
39. Sr. No. 39 – Section 101 of Principal Act of 1995: Same arguments as stated in the foregoing submissions regarding the substitution for the Survey officer to the Collector. Hence, not repeated again.
40. Sr. No. 40 – Section 104 of Principal Act of 1995 : Grave prejudice and irreparable harm, loss and injury would be caused to the Waqf and its properties if this section is deleted from the Waqf Act 1995. Omission of Section 104 directly hits the spirit of secularism and essence of the Waqf Act. The Waqf by user is recognized by the law till this date and religion of the creator, donor was never an issue but the purpose of the user and donor were the essence. Existing Section 104 considers donation by non-Muslim for the support of a Mosque, Idgah, Imambada, Dargah, Khangah, Maqbara, Muslim Graveyard, Choultry or Musafirkhana to be comprised in that Waqf. If, this provision is omitted, the non-Muslims will be precluded from donating the properties for the purpose of his choice and also creates a situation of alienation amongst the Muslims and non-Muslims. This provision must be retained. This will also create trouble for properties already in possession and control of Waqf as the heirs and successors of those properties may challenge the donation of

properties to Waqf and may initiate legal proceedings in Courts for recovery of properties belonging to the Waqf since decades.

Further, Omission of Section 104, will open floodgates of sale, gift, exchange, mortgage or transfer of waqf property. It should be noted that the principal averment of waqf property is, ONCE A WAQF IS ALWAYS A WAQF.

41. Sr. No. 41 – Section 107, 108 and 108A of Principal Act of 1995: The omission of Sections 107, 108 and 108A would be counterproductive to the very existence of the Waqf Act itself. The omission of said Sections will completely destroy the purpose, object and essence of the Waqf Act, 1995. Thousands of properties belonging to Waqf will cease to be of the Waqf Properties causing huge loss to the Waqf. This will further weaken the Waqf Act, 1995. It will further make ways to do away with the Waqf act itself, in the near future.

42. Sr. No. 42 – Section 108 of Principal Act of 1995: The insertion of Section 108A after deleting the original section from the Principal Act is nothing but an attempt to completely take control of the Waqf and its Properties, by taking power to make rules for almost everything. This will render the entire Waqf Act as redundant and make it completely powerless and ineffective. This provision coupled with omission of section 104, 107, 108 and 108A and introducing new section 108A will be the death of the Waqf Act.

43. Sr. No. 43 – Section 109 of Principal Act of 1995: This will further weaken the Waqf Act, 1995.

44. Sr. No. 44 – Section 110 of Principal Act of 1995: This will once again weaken the Waqf Act 1995.

(D). Provisions relating to constitution of Waqf Council and Waqf Board in Section 9 and 14 respectively, if are permitted to be amended then the Muslims would be in minority and if, the majority frames a scheme for any Waqf Property and gives management in the hands of non-Muslims, there will be no protection of law and the said Waqf Property would be permanently lost by the course of law. Considering the manner in which the Waqf Properties are being claimed by non-Muslims and use of violence for that, the possibility apprehended above cannot be ruled out.

Date: 29th January 2025

To

Shri Jagdambika Pal

Chairperson

Joint Parliamentary Committee on Waqf (Amendment) Bill, 2024

Parliament House, New Delhi

Re.: Note of Dissent on the Draft Report and the Waqf (Amendment) Bill, 2024

We have received copies of the Draft Report of the Joint Parliamentary Committee on Waqf (Amendment) Bill, 2024 around 7.30 PM on 28th January 2024.

We express our dissent under Direction 85 of the Directions by the Speaker Lok Sabha read with Rule 303 (4) of the Rules of Procedure & Conduct of Business in Lok Sabha.

We strongly oppose the said Waqf (Amendment) Bill, 2024.

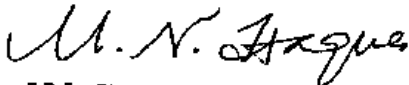
We are attaching / enclosing the Note of Dissent in detail for undertaking necessary action from your end.

Sincerely,


Kalyan Banerjee

MP- Lok Sabha

Member, Joint Parliamentary Committee on Waqf (Amendment) Bill, 2024


Md. Nadimul Haque

MP- Rajya Sabha

Member, Joint Parliamentary Committee on Waqf (Amendment) Bill, 2024

Before dealing with the Draft Report on the Waqf (Amendment) Bill 2024, we would like to state our following views:

1. The Joint Parliamentary Committee on Waqf (Amendment) Bill, 2024 was constituted for active deliberation and consideration of the views may be expressed by all the Members in the Joint Parliamentary Committee. The Committee sat for number of days and also made study tours. Before the Committee a good number of witnesses deposed their depositions. The Chairperson of the Committee also directed them to send their further comments within 15 days because of the asking of the questions by the Members to the witnesses. When the Members asked questions to the Witnesses, the Chairperson of the Committee asked them to send reply of the questions of the Members in writing within 15 days.
2. The copies of the Depositions of the Witnesses were not supplied to the Members, including us. The copy of the Written Reply on the queries and/or questions of the Members to the Witnesses were not supplied to the Members. The copy of the Day-to-day Minutes of the Joint Parliamentary Committee of the Meeting were not circulated. On various occasions, the Members sought for the Copy of the depositions of the Witnesses but were not supplied. One of our Members, Shri Kalyan Banerjee, vide Email dated 26th January 2025, requested the Chairperson to furnish the following documents, before starting Clause by Clause Discussion of the Waqf (Amendment) Bill 2024:
 - iii. All representations made by the Stake Holders, whether examined or not
 - iv. List of Stakeholders, who submitted before the JPC

In the aforementioned email, it was pointed out that the aforesaid documents were essentially required for further discussion by the JPC and since, as he, was opposing the Bill in its entirety, unless, the aforesaid documents were supplied his right to oppose the Bill would be frustrated and there would be a clear breach of the principles of natural justice.

3. On around 11:30 PM on 26th January 2025, the Notice of Amendments were circulated. On 27th January 2025 around 10:25 AM, Notice of Supplementary Amendments were supplied. By Email dated 27th January 2025, one of our Members, Shri Kalyan Banerjee, informed the Chairperson that insufficient time was given to consider all the Amendments. The Right of the JPC Members to Speak on the Bills were taken away by the Chairperson, by an unknown procedure adopted by him.
4. At 11 AM on 27th January 2025, when the Meeting had been commenced all the Members of the Opposition had requested the Chairperson to supply the copy of the depositions of the witnesses and to also supply the copy of the replies given by the Witnesses on the questions made by the Members. The Chairperson did not accede to such request and started the proceedings. The Opposition Members requested the Chairperson to allow the Members to express the views on Clause-by-Clause Discussion and the Chairperson outrightly rejected that prayers and stated that enough discussions have taken place and no further discussion of Clause-by-Clause will be held. Then the Chairperson said that the Amendment motion should be moved. At the time of moving of the Amendments, the Chairperson did not allow any Member to speak for what reasons the Amendments were moved and the Chairperson said that either the Members shall raise their hands to support or oppose the Amendments and nothing would be allowed to be said by the Members. Under such a compulsive situation, we the Members of the Opposition raised our hands and the Chairperson out rightly rejected the Amendments proposed by from the Oppositions by saying that 10 Votes in Favour of Amendment and 16 Votes Against the Amendment.

5. The whole Proceeding of the Joint Parliamentary Committee have been made eye wash and farce by reason of taking the method unknown to the law by the Chairperson. The Parliamentary Procedure has been eschewed and has been given a total go by, by the Chairperson and there by violated the rights of the Members to oppose the Bill and thereby violated the provisions of the Article 14 of the COI. 27th January 2025 will be marked as a Black Day in the Democracy by reason of the whimsical arbitrary procedure adopted by the Chairperson.
6. We are opposing the Bills in its entirety. The various Clauses of the Amendment Bill deals with the land and building of the Waqf Board. The Parliament is not having the power to take away the right of the State Legislature and to Legislate a Law as regards land, that is to say, right over lands, lands and buildings vested in or in possession of the State, which falls under Entry 18 and Entry 35 of the State List, that is List II of the 7th Schedule of the Constitution of India, in the name of the Waqf (Amendment) Bill 2024. The Bill violates not only the Basic Structure but also the Federal Structure of the Constitution of India. The parliament is incompetent to enact a bill to legislate a law in respect of land and building.
7. Article 26 of the Constitution of India speaks about freedom to manage religious affairs: The said Article provide that subject to public order, morality and health every religious denomination or any section thereof shall have the right
 - a. To establish and maintain institution for religious and charitable purposes
 - b. To manage its own affairs in matters of religion
 - c. To own and acquire movable and immovable property
 - d. To administer such property in accordance with law

This Amendment Bill in question clearly violates the rights of the Muslim, as protected under Article 26 of the Constitution of India.

8. There is a difference between Waqfs recognised by Muslim law and religious endowments recognised by Hindu law on the one hand and Public Charitable Trusts as contemplated by the English law on the other. This question had been considered by the Privy Council in **Vidya Varuthi Thirtha v. Balusami Ayyar** [48 IA 302]. Mr Ameer Ali who delivered the judgment of the Board observed that *"it is to be remembered that a 'trust' in the sense in which the expression is used in English law, is unknown to the Hindu system, pure and simple. Hindu piety found expression in gifts to idols and images consecrated and installed in temples, to religious institutions of every kind, and for all purposes considered meritorious in the Hindu social and religious systems to Brahmins, Goswamis, Sanyasis, etc...When the gift is directly to an idol or a temple, the seisin to complete the gift is necessarily effected by human agency. Called by whatever name, he is only the manager or custodian of the idol or the institution...In no case is the property conveyed to or vested in him, nor is he a trustee in the English sense of the term, although in view of the obligations and duties resting on him, he is answerable as a trustee in the general sense for mal-administration"*. Thus, these observations show that the basic concept of a religious endowment under Hindu Law differs in essential particulars from the concept of trust known to English law.

Similarly, the Muslim law relating to trusts differs fundamentally from the English law. According to Mr. Ameer Ali, *"the Mohammadan law owes its origin to a rule laid down by the Prophet of Islam; and means 'the tying up of property in the ownership of God the Almighty and the devotion of the profits for the benefit of human beings.'* As a result of the creation of a wakf, the right of wakif is extinguished and the ownership is transferred to the Almighty. The manager of the wakf is the mutawalli, the governor, superintendent, or curator. But in that capacity, he has no right in the property belonging to the wakf; the property is not vested in him and he is not a trustee in the legal sense". Therefore, there is no doubt that the Waqf to which the Act applies is, in essential features, different from the trust as is known to English law. Having noticed this broad distinction between the Waqf and the Secular Trust of a public and religious character, it is

necessary to add that under Muslim law, there is no prohibition against the creation of a Trust of the latter kind. Usually, followers of Islam would naturally prefer to dedicate their property to the Almighty and create a waqf in the conventional Mahommedan sense. But that is not to say that the follower of Islam is precluded from creating a public, religious or charitable trust which does not conform to the conventional notion of a waqf and which purports to create a public religious charity in a nonreligious secular sense.

9. The aforesaid proposition of law clearly establishes that the Bill in question is completely the contrary to the concept of Waqf and hits the religious faith of the Muslims as protected under Article 26 of the Constitution of India. In other words, the Bill in question is thoroughly contrary to the jurisprudence of Muslim Law. The Law relating to Waqf is one of the most significant branches of Mahommedan Law. The doctrine has been recognized and enforced within the Muslim Community since early times. Its origine traces back to the directly to the teachings of Prophet Mohamad.
10. In **Shayara Bano V. Union of India** [(2017) 9 SCC 1], the Constitution Bench held that any legal provision should be made with the application of known principles and rules. If any decision is taken without any supporting principles of rule of law it becomes unpredictable and such a decision is antithesis of a decision taken in accordance with the rule of law. The Hon'ble Supreme Court in the Judgement of **Shayara Bano** (*Supra*) laid down the test of manifestly arbitrariness and held that *"the test of manifest arbitrariness, therefore, legislation as well as subordinate legislation under Article 14. Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining principle. Also, when something is done which is excessive and disproportionate, such legislation would be manifestly arbitrary. We are, therefore, of the view that arbitrariness in the sense of manifest arbitrariness as pointed out by us above would apply to negate legislation as well under Article 14"*. The various provisions of the Waqf (Amendment) Bill, 2024 is manifestly arbitrary and therefore cannot be passed by the Parliament.

11. The Waqf system in Islamic tradition, stands as a testament to the enduring values of charity, community welfare, and spiritual dedication. Rooted in the principle of *sadagah jariyah* – the idea of continuous charity that benefits individuals even after death—it enables individuals to dedicate wealth, property, or resources for the perpetual benefit of society. Across the Muslim world, Waqf has historically been a vital institution supporting education, healthcare, religious activities, and social welfare. In India, Waqf properties form the backbone of the Muslim community's social, cultural, and religious life, playing a pivotal role in maintaining their collective identity. These endowments sustain mosques, madrasas, and cemeteries while providing essential resources to marginalized sections of society, especially in an environment where minority communities often struggle for equitable access to public resources. Despite its noble objectives and historical significance, the Waqf system in India faces a series of grave challenges that threaten its integrity and effectiveness. Over the years, excessive government oversight has raised concerns about the erosion of the autonomy and sanctity of Waqf, which, under Islamic law, is intended to function independently to serve its religious and charitable purposes. At the heart of the Waqf system's administration lies the State Waqf Boards, which act as custodians of Waqf properties, ensuring their proper management and alignment with the purposes defined by Islamic law. These boards have consistently worked to protect Waqf properties from mismanagement and encroachment, striving to uphold the community's interests. Many provisions in the Bill are overly vague or intrusive, leading to fears of increased governmental control that could undermine the autonomy of Waqf institutions and dilute their alignment with Islamic principles. The Waqf Bill has become a contentious issue, not only for its inability to comprehensively address the fundamental problems of encroachment but also for the broader implications it holds for the future of Waqf in India. At the heart of the dissent is the concern that excessive state involvement, coupled with the failure to prioritize the community's needs, risks diminishing the institution's ability to function as a self-sustaining and community-driven entity. To truly safeguard the sanctity and purpose of Waqf, it is essential to examine the deficiencies of the Bill critically and advocate for a

balanced approach that respects the institution's religious and charitable essence while addressing modern challenges effectively. The Bill risks undermining Federal Principles, as land is a State subject under the Seventh Schedule of the Indian Constitution. By allowing central intervention in matters concerning Waqf properties, the Bill sets a troubling precedent for overreach into state jurisdiction. Additionally, constitutional rights enshrined under Articles 25 and 26, which guarantee the freedom of religion and the right to administer religious institutions, could be at risk due to increased governmental oversight and diminished autonomy of Waqf Boards. The Bill violates Article 14, which guarantees equality before the law. Provisions granting discretionary powers to District Collectors to determine Waqf properties, coupled with the inclusion of non-Muslims in key decision-making councils, are discriminatory. These provisions contrast sharply with the relative autonomy enjoyed by other religious endowments, particularly Hindu trusts. Moreover, the Bill disregards a critical Supreme Court precedent established in the *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay* (1962) case, which emphasized the importance of non-interference in the internal affairs of religious institutions. Compounding these issues is the absence of a transparent legislative process. The Bill has bypassed the Pre-Legislative Consultation Policy (PLCP), raising concerns about the lack of community engagement and stakeholder input in shaping a law that significantly affects Waqf properties. This omission undermines the democratic principles of inclusivity and accountability, which are vital for addressing the systemic challenges facing Waqf governance. As such, while the Bill ostensibly aims to streamline the management of Waqf properties and address systemic issues like encroachment, its provisions have sparked widespread apprehension about its broader implications for federalism, religious freedom, and institutional autonomy. A critical examination of the Bill's deficiencies is necessary to ensure that legislative reforms strengthen, rather than undermine, the foundational principles of Waqf and the constitutional rights of the Muslim community. The following discussion delves deeper into the significant shortcomings of the Waqf Bill, examining how it falls short in preserving the independence of Waqf properties, its failure to address

land encroachment comprehensively, and the broader implications for the Muslim Community in India.

12. The Waqf Act was centrally first introduced in 1953. Later on, when ever the new Act was introduced the nomenclature of the Act was Waqf Act 1995. The said Waqf Act 1995 was amended in 2013. Now by introducing Clause 2, the Title of the Act has been amended "Unified Waqf Management, Empowerment, Efficiency & Development". There is no rational basis to make such amendment of the Title of the Act. Every Act is intended to make the Act more efficient and development purpose. As for example the Companies Act was enacted in 1956 and thereafter re-enacted in 2013. The Act was brought to regulate the management, empowerment, efficiency and development of the control of the companies. The Waqf Act 1995 had various provisions for management, empowerment, efficiency and development. Therefore, the said proposed amendment to the title is wholly unwarranted. The title which is being used nearly for 75 years has no necessity to be amended, unless the Government wants to have the satisfaction that something new has been done. The proposed amendment to the Waqf Act, which includes a tacit attempt to alter or dilute the historical and religious significance of the term "Waqf," is deeply concerning and warrants strong objection. The term "Waqf" is not merely a legal or administrative label; it is a sacred concept deeply rooted in Islamic tradition and jurisprudence. Established during the time of the Prophet Muhammad (PBUH), the institution of Waqf has been a cornerstone of Islamic philanthropy and community welfare, embodying the principles of *sadagah jariyah* (continuous charity) and serving humanity without discrimination. The name "Waqf" carries with it centuries of religious, cultural, and historical significance, reflecting the selfless dedication of individuals to the service of humanity through the preservation of endowments for education, healthcare, religious worship, and social welfare. Any attempt to rename or dilute the term undermines its foundational essence and could signal a move to dissociate Waqf properties from their religious and charitable roots. This act would not only alienate the Muslim community but also weaken the spiritual and communal connection that the term has fostered for generations. The historical development of Waqf

legislation in India—from the Bengal Waqf Act of 1934, the Uttar Pradesh Muslim Waqf Act of 1960, the Waqf Act of 1954, and the subsequent unification under the Waqf Act of 1995—has always retained the sanctity of the term. These laws, while designed to provide statutory governance, have consistently respected the essence of Waqf as a concept grounded in Islamic law. The introduction of uniformity in administration through the 1995 Act and its amendments in 2013 did not interfere with the spiritual and religious connotation of Waqf. The current proposal to amend the name in the Waqf Bill departs from this tradition and raises questions about its intent. Such a change appears unnecessary and may be perceived as an attempt to diminish the religious and cultural identity of the institution of Waqf. The name "Waqf" must remain intact, as it is intrinsic to the purpose and identity of these endowments. Any departure from this would risk eroding trust within the Muslim community and could create unnecessary tensions, especially given the historical sensitivities surrounding religious endowments in India. Furthermore, the Waqf Boards, established as statutory bodies to oversee and protect Waqf properties, serve as custodians rather than owners of these assets. They ensure that individual Waqf estates are administered according to Islamic principles and the statutory framework of the Waqf Act. The name "Waqf" is inseparable from the purpose and operation of these boards. Renaming or rebranding the Bill risks diluting this sacred responsibility, creating ambiguity about the religious nature and purpose of Waqf properties. The proposed change in the name of the Waqf Bill also raises concerns about the continuity and alignment of the new legislation with the existing framework. Any amendments must remain consistent with the principles under which Waqfs were created and governed, ensuring their alignment with Islamic law and the aspirations of the community. Altering the name of the Bill, while seemingly a minor act, could have far-reaching implications for how Waqf properties are perceived, managed, and protected. Therefore, it is imperative that the name "Waqf" be preserved in its entirety, both in the title of the Bill and in its operational framework. The proposed amendments must focus on strengthening the administration of Waqf properties and addressing encroachments, rather than diluting the historical and religious significance of the institution. We urge the government to honour the sanctity of

Waqf and ensure that its name, identity, and purpose remain unaltered, reflecting the centuries-old tradition of service to humanity and adherence to Islamic principles.

13. **CLAUSE 3 (ix) of the proposed Bill** – Under Clause 3 (i) of the said proposed Bill, various sects and sub-sects have been created. This attempt to create sub-sect, without having any rational object, is not a good sign for any religion, caste or creed. If the Constitutional Provisions empowers the Parliament to create caste – sub-caste or class sub-class, only then the Parliament can do so. Like the Schedule Castes created inside Hindus. But the Constitutional provisions does not empower the Parliament under the guise of the Waqf (Amendment) Bill, 2024 create Aghakhani Waqf, Bohra Waqf etc. The intention to legislate such kind of classification of Waqf Board based on Sub-Sects, the Ruling Party in the Government is having bad intention. If the title speaks about Unification, creation of various Waqf Boards on the basis of sub-sects itself creates a de-unification between the sects and sub-sects of Muslims.
14. **CLAUSE 3 (fa) of the proposed Bill** – The Clause 3 (fa) of the said proposed Bill, defines Government Organization including Municipalities and Panchayats and autonomous bodies of the State and Central Government is contrary to Part IXA of the Constitution of India. Under the Scheme of Part IXA, the Municipalities and the Panchayats are Self Governments and autonomous Bodies. The properties of the Municipalities and Panchayats cannot be said to be the Government Properties. The Properties of the Municipalities and Panchayats are governed by Municipal and Panchayat Laws. Even the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is not applicable in case of Panchayats and Municipalities. Therefore, the properties of the Panchayats and the Municipalities cannot be brought within the Definition of Clause 3 (fa) and therefore cannot be construed as a Government Property of Clause 3 (fb) of the proposed Bill. Both the provisions under Clause 3 (fa) and 3 (fb) are violative of Part IXA of the Constitution of India.

Introduction of definition of government property seems to be mischievous. Why Waqf Act will be allowed to define Government Property. This is an attempt to legalize "illegal occupation" of Waqf Property by Government Organizations.

15. **CLAUSE 3 (ix) of the proposed Bill** – Practicing Islam for at least 5 years is a precondition for making Waqf is thoroughly unreasonable, irrational and manifest arbitrary. Under the Scheme of the Constitution of India no person can be compelled to practice his own religion. If no person can be compelled to practice his own religion, then such persons cannot be debarred either to offer his property to God whether he is Hindu or Muslim or any other religion. Practicing religion means day to day performing of his religious duty. In a secular democratic country like us no one can be compelled to perform any religious duty. If such a provision cannot be made either in the Constitution or in any other Statute no mandatory provision can be made for practicing Islam for at least 5 years for making Waqf. Even if I discharge my religious duty on my own at any place, I cannot be compelled to speak whether I am performing religious duty or not performing the same. Even if a Hindu does not perform religious duty, he can gift his property to any religious Ashram or body at the end of his life. Believe in religion is not static. A man can believe in performance of religious duties at any point of time in his life.

Performing of religious duty cannot be the basis of belonging to that religion. Even in a Hindu Mandir, which is governed by an Act like Puri Jaganath Temple or Kashi Vishwanath Temple, there is no such provision any person practicing Hindu for at least 5 years and then only can donate anything to the deity. Even a Hindu under the existing law can dedicate his property as Waqf. By reason of insertion of this Clause, no other person of any religion can make over any property to Waqf. The proposed amendment is thoroughly misconceived, arbitrary, irrational and thus violates Article 14 of the Constitution of India.

16. **CLAUSE 3 (ix) (b) of the proposed Bill seeking amendment of CLAUSE 3 (r) (i) of the Original Act** – Under Clause 3 (ix) (b) existing Clause 3 (r) (i) has been omitted. That means Waqf by user is being taken away. Waqf by user is a

long-standing practice of Muslims. In our country Waqf by User is very common practice and decades after decades, rather time immemorial, Waqf by user is an Islamic practice. The "concept of Waqf by user" was recognized in our country in the case of Court of Wards for the property of **Magdum Hassan Bakhsh v. Ilahi Bakhsh & Others** [(1912) SCC Online PC 45]. In the aforementioned Case, the Hon'ble High Court at Bombay was touched with the determining whether or not a particular graveyard in the city of Multan constituted a Waqf. Without there been any expressed dedication to that effect. In this background, the Hon'ble High Court, held as follows in Paragraph 11 "*Their Lordships agree with the Chief Court in thinking that the land in suit forms part of a graveyard set apart for the Musalman Community and that by user, if not be dedication, the land is Waqf*". The Hon'ble Apex Court in the matter of **Syed Mohd. Salie Labbai (Dead) by L.R.s & Others v. Mohd. Hanifa (Dead) by L.R.s & Others** [(1976) 4 SCC 780 – Paragraphs 34, 36 & 39]. While recognizing the question of Land and Property of the Mosque is Waqfs or not, the Civil Court before whom the question came up for consideration has shown profound ignorance of Muslim Law (Hanafi School in relation to the Waqf) recapitulating the principles governing the Waqf and recorded that,

"34. This brings us to the second question, namely, regarding the mosque and its adjuncts being public wakfs. We have already found that the judgments relied upon by the appellants did not operate as res judicata and we now proceed to decide this issue on the facts and the evidence that have been led in this case. The parties admittedly belong to the Hanfi sect of the Mahomedans and are governed by the Hanfi (Sunni) School of Mahomedan law. Before however, going into this question it may be necessary to enter into an exhaustive discussion of the law on the subject, particularly because we find that the civil courts before whom this question came up for consideration from one angle or the other have betrayed a profound ignorance of the Mahomedan law (Hanfi School) of wakf relating to a public mosque. The word "wakf" means detention or appropriation. According to the well recognized Hanfi School of Mahomedan Law when a Mahomedan dedicates his property for objects of charity or to God, he completely parts with the corpus which vests in God and never returns to the founder.

Mahomedan Law contemplates two kinds of wakfs - a wakf which is private in nature where although the ultimate object is public charity or God, but the property vests in a set of beneficiaries chosen by the founder who appoints a mutawalli to manage the wakf which are normally known as wakf-alal-aulad. We are concerned with public wakf i.e. dedication made for the purpose of public charity e.g. an imambada, a mosque, a serai and the like. So far as the dedication to a mosque is concerned, it is governed by special rules and special equity in the light of which a particular dedication has to be determined. A mosque is obviously a place where the Muslims offer their prayers. It is well-known that there are certain formalities which have to be observed by the Muslims before they observe the prayers. These formalities are:

- (i) wazoo i.e. washing of hands and feet in a manner prescribed by shariat;*
- (ii) the recitation of azaan and ikamat which is usually done by the Pesh imam or the muazzin;*
- (iii) there must be a person who possesses virtuous qualities and a knowledge of Koran and other religious rites who should lead the prayers."*

This is necessary in case of prayers offered in congregation. A single Muslim can also offer his prayers with or without an imam but the prayers in a congregation of a jamaat are offered only behind an imam who leads the prayers. As Islam is an extremely modern and liberal religion, there is no question of any person being denied admission in a mosque for the purpose of offering prayers and that is why the law is so strict that the moment a person is allowed to offer his prayers in a mosque, the mosque becomes dedicated to the public. Finally, it is not necessary for the dedication of a public mosque that a mutawalli or a Pesh imam should be appointed which could be done by the members of the Muslim community. All that is necessary is that there should be a declaration of the intention to dedicate either expressly or impliedly and a divestment of his interest in the property by the owner followed by delivery of possession. Here also the delivery of possession does not involve any ritual formality or any technical rule. For instance, in the case of a mosque if the Mahomedans of the village, town or the area are permitted to offer their prayers either on the vacant land or in a mosque built for the said

purpose that amounts to the delivery of possession and divestment and after the prayers have been offered the dedication becomes complete. Unfortunately, the courts which decided the previous litigation between the parties do not appear to be aware of the considerations mentioned above.

36. Ameer Ali in his book *Muhammadian Law*, Vol. I, 3rd Edn., has given several instances of a complete and irrevocable dedication made by the wakif or the founder and the consequences flowing from the same. Ameer Ali observed as follows:

"The proprietary right of the wakif in a building or ground set apart for prayers becomes extinguished either on the declaration of the wakif that he has constituted it a mosque or musalla consecrated it for worship, or on the performance of prayers therein or thereon."

Thus the moment a building is set apart for offering prayers the proprietary right of the wakif is completely extinguished. Similarly the following observations of the author indicate the various contingencies in which a dedication can be made to a public mosque:

"So that when a person erects a building with the object of dedicating it as a mosque, and permits people to offer prayers therein, without declaring that he has constituted it into a mosque, and prayers are offered there bil-jamaat, the mosque becomes irrevocably dedicated.

When a mosque is erected or set up inside a dwelling-house or residence (dar), and permission is granted to the public to come and pray, and a pathway is also made or set apart for their egress and ingress, the dedication is good by general consensus. If a pathway is not indicated, in that case, according to Abu Hanifa, the dedication is But according to Abu Yusuf and Mohammed, it is good, and the pathway will be implied by the permission to pray, and this is correct.

At the same time, though the public may have no right in a private mosque, it may constitute a good wakf so as to exclude the rights of the heirs over it. Where prayers have been once offered, it is not necessary to prove an express dedication. The very fact of the prayers being offered in it will imply a valid and good dedication.

Similarly, as the purpose of a mosque is that people should pray there is jammaat, it is required that where there is no express dedication, prayers should have been offered there with the azan and ikamat.

If prayers are offered once in a mosque it is sufficient to constitute a good dedication.

According to Kazi Khan, 'the delivery of possession as regards a masjid is complete when only one person has prayed in it with azan, and ikamat'. The view universally adopted is that prayers offered by one person in a mosque is sufficient to constitute it a public mosque devoted to the worship of God, for a mosque belongs to the deity and there affixes to it a right of the Mussalmans in general, and one person can be a proxy for the establishment of the right of the Creator and the public.

Therefore, if a person creates a mosque and gives permission to people to pray therein, it is an absolute wakf and this opinion we adopt." The observations of the learned author are based on Radd-ul-Mukhtar and other original religious books which contain law on the subject.

39. It would thus appear that in order to create a valid dedication of a public nature, the following conditions must be satisfied:

(1) that the founder must declare his intention to dedicate a property for the purpose of a mosque. No particular form of declaration is necessary. The declaration can be presumed from the conduct of the founder either express or implied;

(2) that the founder must divest himself completely from the ownership of the property. The divestment can be inferred from the fact that he had delivered possession to the mutawalli or an imam of the mosque. Even if there is no actual delivery of possession the mere fact that members of the Mahomedan public are permitted to offer prayers with azan and ikamat, the wakf is complete irrevocable; and

(3) that the founder must make some sort of a separate entrance to the mosque which may be used by the public to enter the mosque."

As regards the adjuncts the law is that where a mosque is built or dedicated for the public if any additions or alterations, either structural or otherwise, are made which are incidental to the offering of prayers or for other religious purposes, those constructions would be deemed to be accretions to the mosque and the entire thing will form one single unit so as to be a part of the mosque."

Neither a document nor express words are essential for a dedication of religious or public purpose in our country. Such dedication may be implied for user permitted for public and religious purposes for sufficient length of time. The conduct of those whose property is presumed to be dedicated for religious or public purpose and other circumstances are taken into account inference of such a dedication. Although religious ceremonies of sankalpa and samarpanam are relevant for proving a dedication, yet they are not indispensable. Shri B. K. Mukherjee on Hindu Law of Religious and Charitable Law – 3rd Edition – 1970 at Page 80.

In the case of **M. Siddiq (D) through LRs v. Mahanth Suresh Das [(2020) 1 SCC 1 Paragraph 1134]** expressly helped that Indian Jurisprudence recognizes the principle of "Waqf by User" by observing as follows, "Our jurisprudence recognizes the principle of waqf by user even absent and express deed of dedication or declaration. Whether or not properties are Waqf property by long use is a matter of evidence. The test is whether the property has been used for public religious worship by those professing the Islamic faith. The evidentiary threshold is high, in most cases the requiring evidence of public worship at the

property in question since time immemorial. In *Faqir Mohamad Shah*, it was admitted that the old mosque was waqf property. The Court subsequently examined the evidence on record to determine whether the structure forming the "New Mosque" built on property adjoining the "Old Mosque" had also been used for public religious worship. It is on this basis that this Court held portions of the "New Mosque", in conjunction with "Old Mosque", to be a composite Waqf Property".

17. **CLAUSE 3 (5) of the proposed Bill** – Clause 3 (5) of the said proposed Bill. The verbal declaration of Waqf has been taken away. This is contrary to the history of creating Waqf by any individual. Several properties were dedicated as Waqf by a good number of persons to be made as Waqf Property. If we consider the history of Muslim Law, the doctrine of Waqf is found in the work and the deed of the Prophet. If the donor of the properties who have donated verbally does not create any dispute, the right of oral declaration of Waqf cannot be taken away by the proposed Bill. If an Oral Contract is permissible under the Contract Act, 1872, then Verbal Waqf is also permissible. If the entire proposed Amendment is given a retrospective effect, then new disputes may arise as regards the properties which were dedicated to Allah by creating Waqf. In a country like India, where a number of disputes is already been settled, some motivated persons would get the opportunity in connection of each and every Waqf to reopen disputes in connection with each and every Waqf which has been verbally dedicated. Introducing a Statutory Prohibition, against moral Waqf declarations, effectively imposes a dual standard that undermines the authority and integrity of Islamic Law. This move could erode the spiritual significance of Waqf and disrupt the traditional practice of the Muslim Community, which really on oral declaration to fulfil religious obligations and create enduring legacies of charitable giving. This is necessary when it comes to for example death bed declaration of charitable Waqf, establishing a Waqf in rural areas with limited literacy and urgent dedication of property for immediate community use, like disaster relief or religious purpose. The deletion of the word "either verbally" violates the right of the Muslims as protected under Article 25 and 26 of the Constitution of India.

In **Commissioner of Police v. Acharya Jagadishwarananda Avadhuta**[(2004) 12 SCC 770 Paragraph 9], the Hon'ble Supreme Court of India held that "the protection guaranteed under Articles 25 and 26 of the Constitution is not confined to matters of doctrine or belief but extends to acts done in pursuance of religion and, therefore, contains a guarantee for rituals, observances, ceremonies and modes of worship which are essential or integral part of religion. What constitutes an integral or essential part of religion has to be determined with reference to its doctrines, practices, tenets, historical background, etc. of the given religion.(See generally the Constitution Bench decisions in *Commr., H.R.E. v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* 5, *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay* 2 and *Seshammal V. State of T.N.* I regarding those aspects that are to be looked into so as to determine whether a part or practice is essential or not.)What is meant by "an essential part or practices of a religion" is now the matter for elucidation. Essential part of a religion means the core beliefs upon which a religion is founded. Essential practice means those practices that are fundamental to follow a religious belief. It is upon the cornerstone of essential parts or practices that the superstructure of a religion is built, without which a religion will be no religion. Test to determine whether a part or practice is essential to a religion is to find out whether the nature of the religion will be changed without that part or practice. If the taking away of that part or practice could result in a fundamental change in the character of that religion or in its belief, then such part could be treated as an essential or integral part. There cannot be additions or subtractions to such part because it is the very essence of that religion and alterations will change its fundamental character. It is such permanent essential parts which are protected by the Constitution. Nobody can say that an essential part or practice of one's religion has changed from a particular date or by an event. Such alterable parts or practices are definitely not the "core" of religion whereupon the belief is based and religion is founded upon. They could only be treated as mere embellishments to the non-essential (sic essential) part or practices".

The proposed Amendment under Clause 3 proceeds with the assumption that Waqf are riddled with issues of mismanagement. It appears that the primary basis of this assumption is the quantum of pending litigation surrounding Waqf. If the basis of identifying a body as mismanaged is the amount of litigation that is pending against it this cannot be a rational basis of determining the standard of management of a body. In fact, the Hon'ble High Court of Delhi in the case of **Union of India v. Kiran Kanaujiya (F. S. O. 262/2014)** noted that "current LIMBS Data indicates that approximately 6,00,000 Cases involving the Central Government remains pending. While this data lacks a holistic view regarding pending litigation concerning PSU's, State Governments and other public authorities, the voluminous study of central government cases also serves as a resounding wake up call. It accentuates the dire need for a thoughtful, equitable and effective litigation strategy – a Strategy Committee to the Principles of Justice while recognizing the pivotal role of the Governmental and Public Authorities".

If pending Litigations is taken into consideration for mismanagement of the Waqf on that ground alone it can be said Central Government itself is mismanaged. The pendency of litigation is not used as a primary basis for introducing amendments. As on date pending cases before the Hon'ble Supreme Court as follows:

Pending Civil Case 64687
 Pending Criminal Cases 18235
 Total Pending Cases 82922

18. **CLAUSE 4 of the proposed Bill seeking amendment of SECTION 3A (2) of the Original Act** –Section 3A (2) of the Original Act, prescribes "the creation of Waqf – All – Aulad shall not result in denial inheritance, right of heirs, including women heirs, of the Waqf. While inserting the said provision, the right of the creator of waqf-alal-aulad has been disregarded. All Waqf Alal Aulad are created by way of a written instrument by the creator and the deed of waqf-alal-aulad delineates the benefits and the beneficiaries. It has to be interpreted in the

same way that Wills are interpreted. If a creator of waqf-alal-aulad has formulated a scheme, which includes only few of his heirs as beneficiaries and excludes others, there cannot be any qualm over such scheme, thus, the restrictions are not reasonable. When a religious denomination is dealing with things like dogmas, religious ceremonies, matters concerning its own day to day affairs, the State should not interfere with those matters. However, generally, the deeds of Waqf Alal Aulad contain provisions for the female heirs of the creator also and the scheme is followed in general. Hence, the proposed amendment is not even necessary. The proposed amendment disregards the fundamental rights of the creator of a Waqf-Alal-Aulad, which is established through a written instrument outlining specific beneficiaries and their entitlements, similar to a will. This type of Waqf is a dedication of property for the benefit of heirs, where the ownership of the property itself remains with the Waqf, and the heirs only have rights over the income or benefits generated from the property, not the property itself. This is not a matter of succession or inheritance, as the property is permanently dedicated to the Waqf, and the creator's intention regarding the distribution of benefits to selected heirs should be respected, just as with the interpretation of a will. Religious institutions managing Waqf-Alal-Aulad have traditionally adhered to such schemes, and interference with this established framework is unnecessary and unwarranted. The restriction implied by the amendment could undermine the creator's autonomy in allocating benefits to specific heirs, including female heirs, which is generally accounted for in Waqf deeds. Hence, the proposed amendment is not only unnecessary but also an unwarranted encroachment on religious autonomy and property rights. The words inheritance and heir unnecessarily complicate things and creates ambiguity.

19. **CLAUSE 4 of the proposed Bill seeking amendment of SECTION 3B of the Original Act** –Section 3B: Insertion of Section that mandates that every Waqf, prior to the commencement of the Amendment, shall file the details of the waqf and the property dedicated to the waqf on the portal and database, within a period of six months from such commencement. However, six months is an inadequate and short duration for updating and filing all the details of waqf on

the portal and the period may be enhanced from six months to 5 years. This provision may be logistically inadequate for ensuring comprehensive surveys and accurate data gathering. As a result, numerous Waqf properties, potentially worth crores, could remain unregistered. This lack of registration raises questions about the future of these properties and the challenges of maintaining accountability and oversight without proper documentation.

20. **CLAUSE 4 of the proposed Bill seeking insertion of SECTION 3C (1) in the Original Act** –By insertion of Section 3C (1), if any government property is identified or declared as Waqf Property, before or after the enforcement of this Act, shall not be a Waqf property and if any question arises regarding the property to be Government Property then the issue shall be referred to an Officer above the rank of Collector, as notified by the State Government, for adjudication. This is thoroughly contrary to the Civil Jurisprudence. If there is a dispute that if a Government Property has been declared as Waqf Property illegally then the said issue has to be considered to be Civil Dispute to be adjudicated in accordance with law. Firstly, the proposed Bill cannot deal with matters relating to property as the power to deal with land and property laws vests with the State Legislative Assembly as has been listed under the State List [Entry 18 and Entry 35], that is List II of the 7th Schedule to the Constitution of India. If the Government claims that a Government Property is illegally declared as Waqf property then a single State Government Officer cannot deal with the disputes in as much as the Government cannot be judge of its own cause.

If the Waqf Board under its main statute has declared a property to be Waqf in that case the Government has to challenge the same before the appropriate Court of Law in accordance with the law. The Government cannot nullify the order of the Waqf Board on its own. By the proposed Amendment the Power of the Board is being curtailed by terming the Waqf Property to be Government Property. Furthermore, in various States the Government is capturing the Waqf Property unauthorizedly. When the Government finds that any of its property is being termed as Waqf Property then the same Government cannot say that the

said Waqf Property as Government Property. The said Amendment hits the basic tenants of the property laws. The government is not meant to create its property by taking recourse in an unauthorized manner. When the government is acting as a trespasser, such unauthorized acts cannot be legalized by the proposed amendment. Under the proposed Section 3C (2), the methods of the enquiry have not been prescribed. No provisions have been made for giving an opportunity of hearing to the affected persons. This proviso itself indicates the predetermined mind of the Government. The proposed clause 3C (1) (2) are violative of Article 14 of the Constitution of India, since no provision has been made for granting any opportunity of hearing to the effected persons. If any question arises as to whether any property is government property or not that can only be decided by the Civil Court established under the Code of Civil Procedure. Right title and interest in the property can only be decided by the Civil Courts and not by any Statutory Authority.

21. **Amendment of SECTION 3C (4)** – the Waqf Board itself is Statutory Body. If there is any wrong writing in the records of the Waqf Board, that can be challenged by the Government in accordance with law. The Government cannot direct the Waqf Board to make the correction. This itself is hit by the doctrine of dictation.
22. **CLAUSE 5 of the proposed Bill seeking amendment of SECTION 4 of the Original Act** – Apart from the survey that are currently pending there is no expressed obligation on, powers granted to the Collectors for conducting surveys. Therefore, the Collector would be required to rely solely on revenue records to decide on title to properties. The Hon'ble Supreme Court time and again reiterated that Revenue Records are not documents of title and that they do not vest the right of ownership as the property to the individuals named in the land records. Reference may be quoted in *State of Himachal Pradesh v. Keshav Ram & Others* [(1996) 11 SCC 257 Paragraph 11]; *Union of India & Others v. Vasavi Cooperative Housing Society Limited & Others* [(2014) 2 SCC 269 Paragraph 21 & 24] and *Balwant Singh & Another v. Daulat Singh (Dead) by LRS. & Others* [(1997) 7 SCC 137 Paragraph 29].

23. **CLAUSE 5 (e) of the proposed Bill** - In Clause 5 (e), the proposed amendment amounts to creating sub classes amongst the Muslims for the purpose of giving birth to disputes among the Muslim community itself. This proposed amendment has been put forth with an ill motive.
24. **CLAUSE 9 of the proposed Bill** -Proviso to Clause 9 is totally unacceptable as it provides that two Members appointed under this sub-section shall be non-Muslim. The exclusion of Muslim Community persons from holding the post of two members in the Waqf Board is hit by Article 14 of the Constitution of India which provides equal opportunity to everyone. In the case of Hindu Temples, the non-inclusion of Hindus cannot be imagined. For example, under Section 6(2)(l) of the Uttar Pradesh Sri Kashi Vishwanath Temple Act, 1983, it has been specifically mentioned that three eminent Hindu Scholars well versed in Hindu Theology are to be nominated by the State Government in the Board of Trustees. If in the case of a Hindu Temple Trust or Hindu Trust, only Hindus can be the members, then in a Waqf property, how Muslims can be excluded? Furthermore, particularly this provision and the other provisions are violative of Article 14 of the Constitution of India. That apart under the proposed Amendment, the Council shall consist of 20 persons and out of 20 persons only 5 persons would be Muslims. In the proposed amendment, the majority Members have not been brought in from the Muslim Community. Article 26 of the Constitution of India gives right to any religion to management its own affairs in the matters of religion and to administer such property in accordance with law. This proposed Amendment has taken away the right of the Muslims to manage its own affairs and to administer such property in accordance with law. The main object of the Waqf Act is to administer the property of the Waqf Board and to own movable and immovable property. The Waqf is based on religious faith and therefore by the proposed amendment Article 26 is clearly violated. Since, Article 25 and 26 of the Constitution of India is the basic structure of the Constitution, the entire amendment Bill including Clause 9 of the Bill hits the basic structure of the Constitution.

25. **CLAUSE 11 of the proposed Bill seeking amendment of SECTION 14 of the Original Act** - Clause 11 of the Amendment Bill that is amendment of Section 14 of the Original Act, suffers from same illegalities as stated in the previous paragraph.
26. **CLAUSE 14 of the proposed Bill seeking amendment of SECTION 20A of the Original Act** - Clause 14 of the proposed Bill whereby Section 20A of the Original Act that is removal of the Chairperson by Vote of No Confidence has been deleted. Such deletion is also improper, illegal and manifestly arbitrary in as much as if the Chairperson does not enjoy the confidence of the majority of Members, then how he can continue as the Chairperson.
27. **CLAUSE 18 of the proposed Bill seeking amendment of SECTION 36 of the Original Act** - The proposed amendments to Sections 36 and 37 of the Waqf Bill introduce significant challenges to the registration and mutation of waqf properties. Section 36 ties the registration process to the functionality of a dedicated portal and database, which are not under the control of the Wakif (the individual dedicating the property as waqf). This creates a dependency on external authorities and administrative infrastructure, potentially leading to indefinite delays if the portal is non-functional or experiences technical issues. By making the State's administrative readiness a prerequisite for registration, the burden unfairly shifts onto the Wakif. Together, these provisions create a slow, cumbersome, and expensive process, which could discourage individuals from dedicating properties as waqf. This also places an administrative burden on both the Wakif and waqf boards, potentially undermining the accessibility and effectiveness of waqf institutions. Communities reliant on these properties for religious or charitable purposes may be disproportionately affected, as delays and disputes limit their ability to benefit from waqf resources. To address these concerns, it is essential to simplify the registration process. The dependency on the portal and database for registration should be removed, or a manual alternative should be provided to avoid unnecessary delays.

Amendment of Section 36 (3) is effectively taking away the power of the Waqf Board regarding receiving of registration of Waqf and such amendment has been envisaged to empower the Government in an indirect manner to control the activities of the Waqf Board. Incorporation of Clause 7A in Section 36 gives unbridled unfettered power to the Collector and the same is bad.

28. **CLAUSE 20 of the proposed Bill seeking amendment of SECTION 40 of the Original Act** – Clause 20 of the Bill amending Section 40 of the Original Act – If Section 40 is deleted the Waqf Board itself will be toothless doll. If Section 40 is deleted then there is no necessity to keep the Waqf Board itself. Clause 20 is taking away the power, control, to regulate of a Statutory Body like Waqf Board. This is completely contrary to the reason and object of the Waqf Act, 1995.
29. **CLAUSE 21 of the proposed Bill seeking amendment of SECTION 46 of the Original Act** – The proposed amendment under Clause 21 seeking amendment of Section 46 of the Original Act once again empowers the Central Government to make regulations with respect of maintaining of Accounts which were required to be done by the Waqf Board. This proposed amendment also hits Article 26 of the Constitution of India.
30. **CLAUSE 22 of the proposed Bill seeking amendment of SECTION 47 of the Original Act** – Clause 22 amendment of Section 47 of the Original Act – This proposed Amendment empowers the Central Government to call for the audit of any Waqf at any point of time by an Auditor appointed by the Comptroller and Auditor General of India, which is not within the scope of the CAG. Since the funds collected and spent by the Waqf Board are not consolidated funds of India and therefore the CAG has no power under the Constitution of India to make Audit of the Waqf Board. This provision is inherently disproportionate and excessive therefore violative of Article 14 of the Constitution of India. By this proposed Amendment, the Central Government wants to take control over all the Waqf Board in the country in an indirect manner.

31. **CLAUSE 24 of the proposed Bill seeking amendment of SECTION 50 of the Original Act** – Under the existing provisions of the Waqf Act, a *Mutawali* is person charged with the administration of Waqf Property either through appointment or custom. As per the Islamic tenants as well as the existing Waqf Act, the creation of Waqf and the appointment of *Mutawali* can both be done orally. To limit the appointment of *Mutawali* only through express Waqf Deeds creates a significant and unnecessary barrier in the creation and administration of Waqfs.
32. **CLAUSE 35 of the proposed Bill seeking amendment of SECTION 83 of the Original Act** – By the proposed Amendment, the Members of the Tribunal has been reduced to two and one person having knowledge of Muslim law and jurisprudence have been deleted. The deletion is completely irrational. The Core issue is in dealing with the Waqf Properties, regulating the Waqf and Management of Waqf and in such a case knowledge of Islamic Law and Muslim Law and also the religious practice, religious duties is an essential knowledge for atleast one Member of the Tribunal. The very basis of the knowledge of Islamic law and practice, at least by one Member of the Tribunal, for deciding the issues in question before the Tribunal is abolished. The facilities of the fundamental knowledge of Islamic Law are being taken away by the proposed amendment. Furthermore, in the case of two Members of the Tribunal in case of differences of opinion how the disputes shall be resolved has not been prescribed. Therefore, the formation of Tribunal by 2 Members is irrational, illegal and is manifestly arbitrary.
33. **CLAUSE 35 (f) of the proposed Bill seeking amendment of SECTION 83 (9) of the Original Act** – The High Court has not given any power to pass an interim Order in the Appeal and also to condone the delay in appropriate cases.
34. **CLAUSE 38 of the proposed Bill seeking amendment of SECTION 38 of the Original Act** – The proposed Amendment has an effect on the decision to replace the Survey Commissioner, as provided presently, Revenue Officer, who

may have little knowledge about the institution of Waqf and how the same should be administered.

35. **CLAUSE 41 of the proposed Bill seeking omission of SECTION 107, 108 and 108A of the Original Act** – Under Clause 41 of the proposed Bill, Section 107 of the Act is deleted and thereby non-applicability of the Limitation Act which was mentioned in the Parent Act of 1995 has been taken away consequently the Limitation Act, 1963 has been made applicable. This deletion amounts to the disentitlement of an owner to claim his property and register his grievance that he did not bequeath his property to Waqf after a lapse of a certain time. The proposed deletion will give rise to the question of adverse possession and thereby insist the wrongdoers claim adverse title over the Waqf Property.

The proposed amendments to the Waqf Act, 1995, as introduced in the Waqf (Amendment) Bill, 2024, particularly the application of the Limitation Act, 1963, to Waqf Properties, raise significant constitutional, legal, and practical concerns. Section 107 of the Waqf Act, 1995, which exempts waqf properties from the Limitation Act, serves to prevent claims of ownership based on adverse possession, ensuring that waqf properties—permanently dedicated for religious and charitable purposes—remain inviolable. Removing this exemption would allow encroachers to claim ownership of waqf properties due to prolonged possession, undermining the will of the *wagif* (donor) and the foundational principle of waqf as a perpetual dedication. This protection aligns with safeguards provided to other religious endowments under laws like the Madras Hindu Religious and Charitable Endowments Act, 1951, and its removal would violate constitutional guarantees, including Article 14 (Equality), Article 15 (Prohibition of Discrimination), and Article 26 (Right of Religious Denominations to Manage their properties). The proposed deletion of Sections 108 and 108A from the Waqf Act, 1995, poses significant threats to the management and protection of waqf properties. Section 108 currently ensures the Waqf Board's control over evacuee properties, which has been in place since independence. Removing this provision would weaken the Board's authority and leave such

properties exposed to encroachments and adverse claims. Similarly, Section 108A, which grants overriding effect to the Waqf Act over other inconsistent laws, is vital to safeguarding waqf properties. Its removal could subject waqf properties to adverse possession and other legal challenges, undermining their religious and charitable purpose. These provisions provide the waqf laws with an overriding effect over inconsistent laws, and their deletion would open a pandora's box and render waqf properties vulnerable to regulatory challenges, such as registration and stamp duties, potentially facilitating their loss. These sections have historically protected waqf properties, especially evacuee properties managed by Waqf Boards since independence, from encroachments and legal inconsistencies. Their omission could disproportionately harm the Muslim community, which already faces resource constraints and minimal representation in public institutions. The historical necessity of protections like Section 107 is evident from legislative developments before and after partition, including the Public Waqf (Extension of Limitation) Act, 1959, and the subsequent enhancements in the Waqf Act, 1984 and 1995, which addressed the adverse possession issue by extending the limitation period or exempting waqf properties from it entirely. The Supreme Court, in **Hemaji Waghaji Jat -V- Bhikhabhai Khengarbhai Harijan &Others [(2009) 16 SCC 517]**, has also criticized the concept of adverse possession as unjust, urging reforms to protect rightful property owners. Given these considerations, the proposed amendments disregard constitutional guarantees of religious freedom and the autonomy of religious institutions, as enshrined in Articles 25 and 26 of the Constitution. They also threaten the integrity of waqf properties and the fundamental rights of the Muslim Community, which relies on waqf properties for religious, social, and economic purposes. These amendments are arbitrary, unreasonable, and beyond the competence of the legislature, as they conflict with the basic structure of the Constitution and risk exacerbating existing vulnerabilities in the Muslim community. Therefore, it is imperative that Sections 107 and 108 be retained and that the proposed amendments be withdrawn in their entirety to uphold constitutional principles, safeguard waqf properties, and ensure the equitable treatment of religious minorities.

DISSENT NOTE:

The Observations and/or Recommendations of the Committee as recorded under Chapter II of the Draft Report of the Clause by Clause Waqf (Amendment) Bill, 2024 are wholly perverse and not sustainable in view of the following reasons:

- i. While making the Observations and/or Recommendations not a single stake holders representations, contents of the representations, depositions of the Witnesses, submissions made by the Opposition Members including us, was not taken into consideration and/or dealt with.
- ii. While making such Observations and/or Recommendations the Draft Report shows that the Committee intended to uphold the only views of the Ministry. The whole exercise made by the Committee for collecting evidences, stakeholders view have been made futile by the reason of the fact that the Majority Members of the Committee does not disclose why the views of the stakeholders, evidences of the Witnesses, submissions of the Opposition Members in JPC did not appeal to the minds of the majority Committee Members.
- iii. After effective Considerations of the submissions of all Opposition Members, evidences of the Witnesses and contentions of the Stakeholders, no prudent person can arrive into the conclusions and/or recommendations made by the Committee under Chapter II that is Clause by Clause Recommendation of the Waqf (Amendment) Bill, 2024.
- iv.
- v. The Observations and/or Recommendations are violative of the Articles 25 and 26 of the Constitution of India.

- vi. The Observations and/or Recommendations encroaches upon the field of legislation and enshrined under List II (State List) of the 7th Schedule of the Constitution of India.
- vii. While making such Observations and/or Recommendations, the history of the Waqf, Islamic Laws and Islamic Practices have not been taken into considerations.
- viii. Under Chapter I of the Draft Report, only the List of Stakeholders have been given but detailed discussions of the Observations and/or Recommendations for rejecting their plea have not been disclosed in Part II.
- ix.
- x. The copies of the Depositions of the Witnesses and the replies of the stakeholder by the reason of the questions raised by the opposition Members have not been supplied. Thus, the Observations and/or Recommendations tantamount to be violative of Article 14 of the Constitution of India.
- xi.
- xii.
- xiii. The Observations and/or Recommendations are based on no reasons at all.

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In view of the submissions made in Part I of this Dissent Note, Observations and/or Recommendations as recorded in the Draft Report are thoroughly baseless, irrational, manifest arbitrary, illegal, beyond logic, violative of the basic structure of the Constitution of India and unsustainable in the eyes of law.

We therefore do not agree with the Observations and/or Recommendations made in the Draft Report and record our Dissent herein.



Dated: 29.01.2025

To

Shri Jagdambika Pal
Chairperson,
Joint Parliamentary Committee on the Waqf Amendment Bill, 2024
Parliament House,
New Delhi.

Re: Note of Dissent on the Draft Report and Bill Circulated

Sir,

Copies of the Draft Report of the JPC on the aforesaid Bill have been received by us. At the very outset, we state that such Report is wholly unconstitutional, fails to address the real issues, is divisive in nature and can destroy the secular fabric of our country.

the intention to bring about purposeful amendment was seemingly overshadowed by a clear attempt to undermine the intention of Waqfs and their dedication for all times to come.

There was and is an attempt to sabotage the Object and Reason of enacting the Waqf Act, 1995. The Sachar Committee Report and the intent behind the 2013 Amendments have been given a complete go bye. Removing the Waqf by User Concept, re-introducing the Limitation Act, omitting the overriding effect of the Waqf Act are wholly detrimental to the concept of Waqf. To our mind, the Bill should be titled as the "**Waqf Annihilation Bill**" given the stealthy manner in which there is an attempt to anyhow change the nature and character of dedicated properties, vesting in the Almighty for all times to come. **This Bill is nothing but a surreptitious attempt to remove the clauses which were**

thoughtfully added after the due deliberations in the Parliament through the Bills in the year 1995 and 2013 as the Nation had come across some flaws in the erstwhile legislation of 1954.

The Pre-Legislative Consultation Policy has been absent and

It is with deep regret that we do hereby attach our Note of Dissent, by recalling the words of Sardar Vallabhai Patel in the Constituent Assembly on February 27, 1947, "Often you must have heard in various debates in British Parliament that have been held on this question recently and before when it has been claimed in behalf of the British Government that they have a special responsibility--a special obligation-for protection of the interests of the minorities. They claim to have more special interest than we have. It is for us to prove that it is a bogus claim, a false claim, and that nobody can be more interested than us in India in the protection of our minorities Our mission is to satisfy every interest and safeguard the interests of all the minorities to their satisfaction."

A copy of Dissent / Clause-wise Reply is annexed along with this Note of Dissent which may be read as a part of this Note.

Yours sincerely,



(A. RAJA)



(MOHAMED ABDULLA)

A. BRIEF OVERVIEW OF CONCEPT OF WAQF

The concept of Waqf has its foundation since the time of the Holy Prophet (peace be upon him). Scholars of eminence in Islamic Theology have relied upon this concept and which finds relevance in Ameer Ali's Commentaries on Mohammedan Law-5th Edition revised by Justice S.H.A. Raza Page 773-788 [Copy enclosed as **ANNEXURE-A**]. A mere declaration is sufficient to constitute a Waqf i.e. no need of a written deed. The Constitutional Courts of India have recognized this concept in several judgments which have become law declared in terms of Article 141 of the Constitution of India.

The concept of "denomination" is also relevant in as much as such permanent dedication is for purposes recognized and sanctioned by Mohammedan Law i.e. essentially for persons practicing Islam.

The property vests in the Almighty Allah for all times to come and cannot be divested. Attempts of unscrupulous members of any Waqf Board, while conniving with authorities having possession of municipal records and errant Mutawallis cannot change the nature of permanent dedication or cause alienation. Hence, there cannot be any effect of the Limitation Act to recover Waqf Properties in as much as the same can never be transferred. The overriding effect of the Waqf Act is inherent in the Act itself and is a characteristic feature which is in-built in the very concept of the dedication.

The concept of Wakf has its foundation in the **Religious Endowment Act, 1863**. This was an Act ***“To enable the Government to divest itself of the management of religious endowments”***. The preamble to this Act indicates that it was to relieve the Boards of Revenue from duties imposed on them in respect of rents and produce of land granted for the support of mosques, temples etc. Sections 3 and 8 of the said Act indicate that Committees formed for management of such religious institutions would be from **(Section 8 of the Act):-**

“.....among persons professing the religion for the purpose of which the mosques, temple or other religious establishment were founded or is now maintained and in accordance, so far as can be ascertained, with the general wishes of those who are interested in the maintenance of such mosques, temple or other religious establishment.” This Section also **speaks of election to be held and therefore, negates nominations.** **The present Bill seeks to have members only by the process of nomination which is an anathema to democratic process.**

The aforesaid indicates that the **wishes of a religious denomination** were sacrosanct even from 1863 and the same can be read into Article 26 of the Constitution of India. **The Bill seeking to give an alleged secular colour in the management of the Wakf Board is contrary to Article 26 of the Constitution of India.**

The historical background as to the **concept of Wakf** right from the promulgation of the Mussalman Wakf Validating Act, 1913 and the Mussalman Wakf Act, 1923 is succinctly stated in a judgment reported in **2022 (4) SCC 414 Paras 10-20 [Rashid Wali Beg vs Farid Pindari]**.

The 1923 Act also required particulars to be furnished i.e. Wakf Properties to be sufficiently identified/described. (Sections 3 and 4 thereof). **In fact, Section 3 of the 1923 Act is almost pari materia to Clause 3B (2) of the Bill. Notably the 1923 Act was repealed by the 1954 Act and hence, Clause 3-B (2) would be a retrograde step taking us back 101 years into history.**

B.CLAUSE-WISE DISSENT / REPLY

- a. There have been **no reasons shown as to why the Statement of Object and Reasons to the Amendment Act**

27 of 2013 was not followed. The said Amending Act was watertight in respect of survey, encroachment, giving extensive powers to the CWC. It is a matter of regret that the survey contemplated under Section 4(1-A) of the Amending Act was not completed and shows the apathy of the Union Government. This has led to further encroachment and multiple litigation as well as substantial monetary losses to various Waqf Estates.

- b. The **Waqf by User Concept** is recognized from the time of the Holy Prophet and is protected under Article 26 of the Constitution of India. To obliterate the freedom to establish, manage, own and administer Waqf by the religious denomination is violative of the Constitution of India [Refer to Ameer Ali's Commentaries on Mohammedan Laws-5th Edition revised by Justice S.H.A. Raza Page 773-788]. **The Waqf by User Concept has been upheld as to be valid even in absence of a dedication**-Reference may be made to the Babri Masjid Ram Janm Bhumi Judgment (2020) 1 SCC Page 1 which held that:- ***“Law recognizes worship offered at a mosque since a long***

time to be presumed to have been so dedicated and even in absence of a dedication is a Waqf by User. The same is a matter of evidence and inference of Court.”

- c. **Newly inserted terms viz. 3(fa) and 3(fb) i.e. “Government Organization” and “Government Property” are contrary to Section 104-B inserted by the 2013 Amendment.** What was actually required was to ensure that said Section 104-B was allowed full play. **There is nothing on record or data provided as to what Waqf Properties in occupation of Government Agencies were restored to the respective Waqf Boards.** The aforesaid two definitions viz. 3(fa) and 3(fb) are therefore at variance with the 2013 Amendment and Section 104-B. **It is clear that by introducing these two definitions the attempt is to change the character of an existing Waqf by an insidious methodology.**
- d. Omitting sub-sections (1-A), (2) and (3) from Section 4 are again contrary to the Amending Act of 2013. **The requirement was to ensure that the survey was completed within the one year period as contemplated.** There is no reason given as to why such survey has not been completed. Instead of solving the problem, the attempt is to introduce a new official

i.e. 'Collector' instead of 'Survey Commissioner' and **thereby skirt the issue** for which the Government is responsible to answer viz. reason for survey extending beyond the one year period. The Collector though being the head of the District Administration he is also more connected with the 'Revenue Land records' as such replacing the 'Survey Commissioner' by the 'Collector' is against the tenets of principle of natural justice *i.e. no one can be a judge for his own cause* . It is strange and dubious that in clause 4 in section 3A (2), 3A(3), 3A(4) , the word 'Collector' replaced by a 'Designated Officer' whereas the same is not replaced herein.

- e. **The vital aspect is with respect to deleting Section 107 of the Waqf Act viz. making the Limitation Act, 1963 applicable to the Waqf Act.** This would put Waqf Properties at peril in as much as a corrupt Mutawalli in connivance with any Waqf Board Member may make unlawful gains by illegal transfer/alienation of Waqf Property. making the Limitation Act applicable would therefore be totally contrary to the intention of the Waqif and would divest the dedication to the Almighty.

There cannot be such a fetter to recover a Waqf Property transferred by an errant Mutawalli/Board Member.

- f. **Omitting Section 108-A**, which the Bill seeks, i.e. overriding effect of the Waqf Act **will make Waqf Properties susceptible to any State Law** and thereby defeat the purpose of the dedication. Section 108-A was inserted by the 2013 Amendment and the purpose of such insertion is to be reflected and deliberated upon vis-à-vis the reason for omitting the same, which the Bill envisages.
- g. **Omitting Section 108** is not justifiable since it is the dedication which is supreme and cannot be regulated by any Act including the Administration of Evacuee Property Act, 1950.
- h. **Section 3(i)** deleting the words “**either verbally or**” is with an oblique motive **as the same would efface the concept of “Waqf by User”**.
- i. The purported explanation viz. **inserting Section 36 (1A)** – making the requirement of a Waqf Deed compulsory i.e. a written execution thereof is contrary to the tenets of Islam. **The overlapping of such Rule making powers will bring in conflict and multiple litigation.**

- j. **Section 3(p) should remain and not be omitted** since the Survey Commissioner has always been the authority responsible since prior to the Waqf Act, 1954. No reason has been indicated in the Justification/Explanation Column.
- k. **Section 3(ka) defining “portal and database”** is already updated as per the WAMSI Report and forming part of Government Records. The Union of India has also filed an affidavit in the Hon’ble Supreme Court of India contending that nearly 99% of all Waqf Properties are part of the database.
- l. **Section 3(l) omits the words “except in Chapter III” without any rational basis** and in the justification column it is stated that the Central Government would make Rules under Section 108 B (as per the Bill to be inserted) and State Government to make Rules in terms of Section 109 of the Bill- as to be amended i.e. by deleting Clause i-a and iv of existing Section 109.
- m. **Section 3(r)(i) should not be omitted as Waqf by User** is from the time of the Holy Prophet (Peace be upon him) and would violate the Fundamental Rights of the Muslim Community. Hence, the same is always a matter of evidence. See **2023 SCC Online S.C. 656**.

- n. **Section 3(r)(a)** introduces certain words viz. “**any person practicing Islam for at least five years**”. Such substitution is **contrary to the basic structure of the Constitution of India** and affects the Fundamental Rights of citizens of this country. **Article 25 of the Constitution of India is offended.**
- o. **Section 3(r)** changing “**any person**” to “**any such person**” does not clarify the reference more particularly by deleting Waqf by User concept.
- p. New **Sections 3A, 3B and 3C** are sought to be inserted and justification given for the same is not appropriate. However, past transactions whereby the dedication is apparent by usage, cannot now be questioned.
- q. **Section 3-B is a repetition of Section 3 of the Mussalman Waqf Act, 1923 which was already repealed by the 1954 Act with some additions.**
- r. **The justification for substituting Section 4(1) is without any rationale purpose.** The Commissioner was always the authority since the 1954 Act and was to function under the aegis of the State Governments.
- s. **Further, Section 5(3) was also inserted with a purpose by the Amending Act of 2013 as was Section 9 (4).** Hence,

there was a complete check and balance
accountability between 4 different authorities viz. Survey
Commissioner,
Waqf Board, Revenue Authorities and the Central Waqf Council.

- t. Section 5(1) as existing is in the nature of a check and balance measure and obliterates any chance of illegal entry or irregular categorization.
- u. **Section 6** as now existing was the primary court/tribunal to decide specific matters only (Please see judgment of Rashid Wali Beg – 2022 (4) SCC 414). A revision always lay before the High Court. Removing the words “decision of tribunal shall be final” **is a step in the right direction since an appeal would have a larger scope than a petition under Article 227 of the Constitution of India.** Removing the second proviso is incorrect and **Section 4(6) should not be omitted** since the **primary object is to ensure that Waqf Properties are properly identified and protected for all times to come and there is good reason for second or subsequent surveys as per Section 4(6).**
- v. In respect of establishment and Constitution of Central Waqf Council, the **justification for inclusivity and diversity is a**

misnomer. It directly offends **Article 26 of the Constitution of India** and Section 96 of the Act cannot be read in favour of such insertion. **The secular activities indicated would always have to follow the tenets of Islam and religious and pious objects of public utility assanctioned and recognized by Muslim Law (Please see Section 3(a) in this context).** Any other meaning offends Article 26 of the **Constitution of India.**

- w. There is a wholesome change in the Constitution of the Central Waqf Council and **conspicuous omission** is seen by **removing the word “Muslim”** from various existing provisions. All along there have been Muslims who have predominantly held posts in the Central Waqf Council and there is good reason for the same as provided in the Constitution of India and for this purpose, a **reference may be made to different endowments finding place in the Tamil Nadu Hindu Religion Charitable Endowment Act, 1959, Orissa Hindu Religion Endowment Act, 1951, Andhra Pradesh Charitable and Hindu Religious Institution and Endowment Act, 1956 and Travancore – Cochin Hindu Religious Institution Act, 1950 etc.**

- x. **The justification of two Non-Muslims in Section 14 of the Bill is offending Article 26 of the Constitution of India.**

Section 96 of the present Act cannot be read to be of any assistance while amending Section 14 of the 1995 Act. There cannot be members who are wholly nominated since the Board is a democratic setup meaning thereby that **elected representation should always be more than nominated membership and reference to the same may be seen in judgment reported in 2021 (14) SCC Page 42-State of Tamil Nadu vs. K. Fazlur Rahman**. Nominated members are always subject to “**doctrine of pleasure**”.

- y. **Several endowments of Hindu faith forbade management by persons other than their denomination.**

- z. **There is no reason to omit a Muslim from the Board in Section 16.** A religious denomination is supposed to be governed by persons practicing the same religion.

- aa. **Section 20-A was inserted to ensure a democratic setup.**

Kindly refer to the Amending Act of 2013. The justification that since a chairperson would be a nominated member and hence, cannot be removed by a vote of no confidence is **alien to a democratic setup and can cause such chairperson to**

act in an arbitrary manner as his removal is solely on the doctrine of pleasure.

- bb. **The justification to amend Section 23 by removal of the word “Muslim” is violative of Article 26 of the Constitution of India.** The purported justification to promote diversity and professional management on the reasoning of applicability of Section 96 **has to be read with the right of a religious denomination to be governed by members of the same sect.**
- cc. Section 23(1) was substituted by the Amending Act of 2013 and the reasoning for such amendment has to be analyzed prior to the purported justification in the present Bill and Parliamentary Debates are to be considered when the 2013 Amending Act was passed.
- dd. **Order of the Tribunal was always subject to scrutiny by the Hon’ble High Court and omitting Section 33(6) was not required.**
- ee. **The Bill proposing insertion of Clause 1-A to Section 36 is contrary to the tenets of Islam and there are oral dedications made by members of other**

communities/denominations i.e. the methodology is not unique to Muslims.

- ff. Inserting sub-section 10 to Section 36 and fixing a period of limitation of six months is **wholly contrary to the concept “once a waqf is always a waqf”**.
- gg. The **omission of words in Section 36(4)** which the Bill seeks, **rules out a right of hearing** and the chance to lead evidence to ensure the validity of the dedication. Such omission is completely arbitrary.
- hh. Similarly, the changes sought in Section 36(7) stops the Board from making inquiries and only allows the Board to forward the application for registration to the Collector. **The Board becomes subject to decision of the Collector** and the combined wisdom of the Board Members.
- ii. Similarly, **Section 36(7-A) as sought to be introduced is arbitrary and disallows the Board from making a scrutiny of the report of the Collector.**
- jj. The Bill seeking to amend Section 37(1) is **misdirected** in as much as all particulars are already stated in the subsequent clauses and the **power to make regulations as envisaged**

under Section 111 of the 1995 Act has been curtailed in an unlawful manner.

- kk. Omitting Section 40 of the Waqf Act, 1995 as the Bill envisages **is unconstitutional and makes the Board practically a spectator even when the Board has reason to believe that such property is Waqf.** The justification is to “rationalize the power of the Board”. In effect, it stops the Board from taking a particular course of action on available material.
- ll. The Bill seeks to amend Section 46 by giving powers only to the Central Government and offends Section 109 and 111 of the Waqf Act, 1995.
- mm. There is no rational or justification given to omit the proviso to Section 47 (3).
- nn. Inserting sub-section 2-A to Section 48 as the Bill envisages, makes orders of the Board subject to Central Government’s control and not subject to State Government action. This is to be read with Section 109 and 111 and **requires Parliamentary Debate.**
- oo. There is **no reason to substitute rigorous imprisonment with simple imprisonment and the same is not in consonance of Section 52(A)(3).**

- pp. Section 52(A)(3) cannot limit action to be taken only by the Board. Omitting Sections 52(A) (2) is without justification and shall embolden an errant Mutawalli and unscrupulous Board Members. Kindly refer to the objects and reasons of the 2013 Amendment Act and Para 3(ii) thereof.
- qq. The decision of the Tribunal was always subject to a challenge before the Hon'ble High Court or the Hon'ble Supreme Court of India.
- rr. Omissions in Section 61 makes the Board a toothless tiger and the justification to make the Mutawalli more accountable **without being regulated of his action by the Board** makes the Bill questionable to this extent. By removing the term of imprisonment of 6 months and making a penalty by mere fine will **cause Mutawallis to make unlawful gain** and get away with payment of mere fine.
- ss. The justification to make Mutawallis accountable under the UAPA Act has to be tested as to how many Mutawallis have been members of a declared such association since 1967. It seems that there is a **targeted reason** for such justification. **No**

similar provision is in respect of endowments of other religions.

tt. The amendment to Section 65 is not required since in any event, **a check and balance measure was already adopted in the present Act in as much as Section 79-81 already contained** provision regarding annual accounts of the Board and the same are to be submitted to the Central Waqf Council under Section 9(4). It therefore appears to be new wine in old bottles.

uu. Reducing annual contribution from 7% to 5% may be **subject to legislative wisdom**. A thorough check on the financial statements of each Waqf is very important. Most of the Waqf Boards have not sent their Annual Financial Statements to the Central Waqf Council and documentary evidence should be produced by all Waqf Boards in this regard i.e. compliance of Section 9(4) of the Waqf Act.

vv. In respect of Section 85, persons having knowledge of Muslim Law should be preferred in the 2Member proposed Tribunal particularly in category-4b.

ww. **A matter of concern is that several Tribunals across the country have remained dormant for months together and in**

some cases, for more than 18 months. This is what is required to be addressed.

- xx. By merely inserting a proviso that decisions to be taken by the Tribunals within 6 months is not sufficient. Giving the fact that now i.e. after Rashid Wali Beg judgment, even eviction matters are to be heard by the Tribunals, the timeframe cannot be adhered to. A single Tribunal in each State does not take the matter any further and the Hon'ble Supreme Court has made observations to this effect in SLP (C) No.32044 of 2016-Shah Alam vs. Union of India. Timeframes have been given under the Arbitration Act as well under the Negotiable Instruments Act but the same timeline has not been followed. Each State requires at least five Tribunals and a single District Judge or judge having at least 10 years of judicial service (preferably a Muslim) can also form a Tribunal.
- yy. The 5-year impediment for a non-Muslim to wait before dedicating his property is against the basic structure of the Constitution of India and completely arbitrary. **Judgments referred to hereinabove and more particularly in 2019 (11) SCC Page 1 explain Articles 25 and 26 of the Constitution of India.**

zz. **Section 107 serves a salutary purpose. A property once vested in the Almighty cannot be divested.** Waqf Properties cannot be made subject matter of alienation i.e. no sale, gift, transfer, mortgage etc. There are instances when the Waqf Boards have connived with Mutawallis. This is reflected in the Statement of Objects and Reasons of the 2013 Amendment – Clause 3(ii) of the Statement of Objects and Reasons.

aaa. **The law of limitation cannot apply to properties which are vested for all times to come in the Almighty, making the same applicable to the Waqf Act would provide opportunity to authorities and builders etc. to form an unholy nexus to rob properties vested in the Almighty.**

bbb. **The justification to omit Section 108 is arbitrary.** Properties which were part of Waqf prior to coming into effect of the Evacuee Property Act, 1950 would continue to remain Waqf since the dedication made at a particular point of time **would remain for all times to come i.e. the nature and character of such property cannot change merely because the aforesaid 1950 Act was repealed in 2005.**

ccc. **The Bill, proposing to omit Section 108-A – Act to have overriding effect is wholly unjustified. The amendment of 2013 specifically inserted Section 108-A and there was good reason for the same.** The omission of this section will also a deliberate legal assault on the Waqf concept since the States can enact their laws inconsistently and parallely to this Act and thereby the purpose of the Waqf will be emasculated.

ddd. **Sections 107, 108, 108-a cannot be omitted being wholly detrimental to the interest of the muslim community, beneficiaries and have the potential to completely eradicate the dedication made by the waqif.**

eee. Inserting Section 108-B as is sought will have overlapping effect with Section 109 as well as Section 110. The ultimate loss would be of a particular Waqf.

fff. **Section 9(4) had immense scope and several disputes could have been resolved under Section 9(5) without resorting to litigation as there was a Board of Adjudication to be presided over by judges of the Hon'ble Supreme Court.**

ggg. There is **no justification** in omitting clause i-a of Section 109. The other changes sought in Section 109 are subject to parliamentary debate.

hhh.The Waqf Board being a statutory authority under the Ministry of Minority Affairs requires to make Regulations and the Rules made under Section 109 by the State Government and the Regulations framed by the Board are required to be placed before the State Legislature and hence, **the omission of Section 110 (f) and (g) is not correct.**

SANJAY SINGH

Member of Parliament, (Rajya Sabha)
Leader of Party in Rajya Sabha
Member of

- Parliamentary Standing Committee Urban Development
- Consultative Committee For Ministry Of Laws & Justice
- Business Advisory Committee
- MPLAD Committee
- Petition Committee



सत्यमेव जयते

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संजय सिंह

सांसद, (राज्य सभा)
राज्य सभा में दल के नेता

सदस्य,

- शहरी विकास संबंधी संसदीय स्थायी समिति
- परामर्शदात्री समिति कानून एवं न्याय मंत्रालय
- व्यापार सलाहकार समिति
- MPLAD समिति
- याचिका समिति

Ref. No. ADML/2025/20180

Date : 29 / 01 / 2025

Shri Jagdambika Pal

Chairperson, Joint Parliamentary Committee on Waqf
New Delhi

Respected Sir,

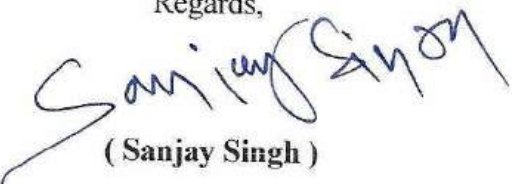
I have actively and consistently participated in the deliberations of the Joint Parliamentary Committee on Waqf. Throughout these discussions, I have raised significant concerns regarding various clauses of the Bill, with the aim of contributing to a more inclusive, equitable, and effective legislation on "Waqf."

After careful consideration, I respectfully dissent from many provisions of the Waqf Amendment Bill, 2024, as well as certain proposed amendments adopted in the consideration of amendment clause-by-clause discussion held on 27th January 2025.

Enclosed herewith is my clause-by-clause analysis and proposed amendments, which I submit as my official "dissent note". This note highlights my reservations, disagreements with the Honorable Committee, and my proposed amendments to specific provisions of the Bill.

I kindly request that my dissent note be included in its entirety in the report of the Joint Parliamentary Committee on Waqf, which is to be submitted to both Houses of Parliament upon formal adoption.

Regards,


(Sanjay Singh)

DISSENT AND COMMENTS ON THE WAQF AMENDMENT BILL, 2024

1. Clause 2: Unified Waqf Management, Empowerment, Efficiency and Development Act

The proposed change to the name of the Waqf is misleading, unnecessary, and serves no practical purpose. Altering the name introduces ambiguity and adds no substantive value to the administration or identity of the Waqf. The existing name “Waqf Act” already reflects the purpose and intent of the institution, and high-sounding terms only create confusion without contributing to the effective functioning or clarity of the Waqf framework. This change is unwarranted and should be reconsidered.

2. Clause 3(i) & Clause 3(ii): Insertion of Section 3(aa) & Section 3 (ca)

Since both Bohras and Aga Khanis are sub-sects within the Shia sect of Muslim community, and the Waqf Act, 1995 already explicitly recognizes Shia Waqfs, there is no justification for creating separate provisions for Agakhani and Bohra Waqfs. The recognition of specific sub-sects within the broader Shia sect sets a precedent for further fragmentation as there are several sub-sects within Shia & Sunni sects. This uneven approach that selectively identifies sub-sects creates a discriminatory framework. Hence, this particular provision is both unwarranted and redundant.

3. Clause 3(ix)(a): Any person showing or demonstrating that he/she is practicing Islam for 5 years

The five-year restriction on Muslims is contrary to Islamic tenets, which do not impose temporal qualifications for such dedications as long as they serve purposes recognized by Islam. This condition also contradicts the inclusivity affirmed in the Waqf 2013 Amendment and is inconsistent with various Other Religious Endowment Acts, which impose no such restrictions. The **Waqf Enquiry Committee Report, 1976**, explicitly clarified that the “Waqif” need not even be a Muslim, provided the purpose of the Waqf is pious and charitable in accordance with Islamic principles. Waqf is rooted in benevolence and is private in nature, allowing individuals to donate freely for religious, pious, or charitable purposes. Restrictive conditions such as these interfere with the fundamental freedom of choice and religious practice. The only essential requirement for Waqf creation is that the donor must be the rightful owner of the property. Thus, Clause 3(ix)(a) is redundant and infringes upon the fundamental principles of religious and individual freedom.

4. Clause 3(ix)(e): “Waqf By User”

The principle of “Waqf by User” is a long-recognized doctrine under Islamic jurisprudence and judicial precedent. The Supreme Court in *M. Siddiq v. Mahant Suresh Das* [(2020) 1 SCC 1 : 2019 SCC OnLine SC 1440 at page 695 1126] upheld that Muslim law permits oral dedication and that Waqf can be inferred from circumstances or religious use over time, without requiring a formal Waqf Deed. This doctrine, rooted in Islamic law, serves as a rule of evidence to determine the dedication of a property in the absence of an express instrument.

Mulla, in his authoritative text *Mahomedan Law*, affirms this principle, stating that if land has been used from time immemorial for religious purposes, such as a mosque or burial ground, it becomes Waqf by user, even without express evidence of dedication (*Mulla's Mahomedan Law, 14th Edn., p. 173*).

The jurisprudence acknowledges this principle, emphasizing that properties used for public religious worship by individuals of the Islamic faith can be recognized as Waqf, even when a formal deed is absent. For instance, in *Faqir Mohamad Shah v. Qazi Fasihuddin Ansari* (AIR 1956 SC 713), the Supreme Court recognized Waqf properties by analyzing evidence of religious use, thereby upholding the principle of Waqf by user.

Hence, retaining this doctrine is essential to uphold constitutional values and preserve the religious heritage. It is welcome to note that after serious objection by the stakeholders on this proposed amendment, the MPs from the Treasury benches have partially agreed to include Waqf By User, while unnecessarily adding “except that the property, wholly or in part, is in dispute or is a government property,” is redundant and unnecessary. It merely states the obvious, as properties under dispute or claimed as government property would naturally be subject to legal adjudication. Including such language adds no substantive value and unnecessarily complicates the legislative text, hence this dissent.

5. Clause 4: Insertion of Sec. 3A, Sec. 3B & Sec. 3C

For proposed Sec. 3A(2):

The proposed amendment in Section 3A(2), that is, *The creation of a waqf-alal-aulad shall not result in denial of inheritance rights of heirs, including women heirs, of the waqif or any other rights of persons with lawful claims*. The clause is redundant as it merely states the obvious by referring to “rights of persons with lawful claims.” Such an inclusion is unnecessary and fails to add any substantive value to the provision. To maintain clarity and precision in the legislation, this clause should be omitted.

For proposed Sec. 3B:

The proposed amendment to create a new portal and database is unnecessary and redundant. The data already available on the WAMSI Portal. All such properties have already been registered through the respective State Waqf Boards, and this exercise has been effectively completed. Creating an additional framework will not yield any meaningful results and will only add to administrative redundancy. Therefore, the proposed amendment should be deleted in its entirety.

For proposed Sec. 3C: Powers given from “Collector” to “Designated Officer”

It is welcome to note that, after serious objections by stakeholders, the MPs from the Treasury benches have partially agreed to transfer the power from the Collector to the Designated Officer. However, the proposed amendment fails to address crucial aspects such as the qualifications or relevant experience required for the Designated Officer, especially in relation to the administration of Waqf properties. Merely introducing the term “Designated Officer” without specifying requisite qualifications or expertise makes the provision inadequate and ineffective. Hence, this amendment is ill-conceived & bogus.

6. CLAUSE 5: POWER OF SURVEY COMMISSIONER TRANSFERRED TO COLLECTOR UNDER SECTION 4 OF THE WAQF ACT, 1995

The proposed amendment, which authorizes the Collector and removes the powers of the Survey Commissioner, is arbitrary and inappropriate. Under the current law, Survey Commissioners are high-ranking officers from the Land and Revenue Department, specifically entrusted with surveying Waqf properties. This specialized role ensures dedicated attention to the notification and protection of Waqf properties.

Furthermore, Collectors often represent the State in disputes over Waqf properties, making them an aggrieved party. Allowing them to decide such matters contradicts the fundamental principle of natural justice that “no one can be a judge in their own cause.” Removing the powers from specialized Survey Commissioners and assigning them to overburdened District Collectors will only delay the process further. Hence, there is no need to include District Collectors in this role.

7. CLAUSE 6: PUBLICATION OF THE LIST OF AUQAF UNDER SECTION 5 OF THE WAQF ACT, 1995

The proposed creation of a new portal for the publication of the list of Auqaf raises concerns about unnecessary duplication of resources and additional expenditure,

particularly when the WAMSI Portal is already operational and serving the purpose of digitizing Waqf properties. Allocating funds for an entirely new system is unwarranted and inefficient. Instead, these resources could be better utilized to enhance and upgrade the existing WAMSI Portal. Therefore, the proposed amendment to upload the notified list of auqaf in the new portal & database is redundant and should be deleted in its entirety.

8. CLAUSE 7: DISPUTES REGARDING AUQAF UNDER SECTION 6 OF THE WAQF ACT, 1995

The proposed amendment under Clause 7 (a)(ii) states that if any question arises regarding whether a particular property is a Waqf property, the decision of the Tribunal shall not be final. Additionally, under Clause 7(a)(iv), the amendment introduces a second proviso, which provides that an application may be entertained by the Tribunal after the specified two-year period in the first proviso, if the applicant satisfies the Tribunal that there was sufficient cause for not making the application within such period.

The proposed amendment undermines the finality of decisions by the Tribunal, which is a significant departure from the standard practice in other legislation governing religious endowments. For instance, **Section 85(3) of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, and Section 79A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, provide that decisions of their respective Tribunals are final and cannot be questioned in any court.** This principle of finality is integral to approximately 15 Tribunals in India, subject only to review by High Courts. It is unclear why such finality is not extended to Waqf Tribunals.

Moreover, the second proviso to the amendment introduces an open-ended clause, allowing applications to be entertained beyond the two-year limitation period if the applicant provides a sufficient cause. This effectively removes the time cap, making it possible for disputes to be filed indefinitely, which is impractical and counterproductive. By removing the finality of Tribunal decisions and extending the time limit indefinitely, the proposed amendment creates unnecessary litigation, allowing cases to be filed for a lifetime, which is counterproductive for the purpose of effective administration of Waqf properties.

9. CLAUSE 8: POWER OF THE TRIBUNAL TO DETERMINE DISPUTES REGARDING AUQAF UNDER SECTION 7 OF THE WAQF ACT, 1995

The proposed amendment under Clause 8(i) includes provisions for recognizing Agakhani Waqfs and Bohra Waqfs. Additionally, Clause 8(ii) states that if a question

arises regarding whether a particular property specified as Waqf property in the list of auqaf, the decision of the Tribunal shall no longer be final.

The proviso under the Waqf Act, 1995, originally specified that such applications could not be entertained after a period of one year from the date of publication of the list of auqaf. However, under the proposed amendment in Clause 8(iii), this period has been extended to "two years." Clause 8(iv) further allows this time period to be extended indefinitely if the applicant satisfies the Tribunal that there was sufficient cause for not making the application within the stipulated period.

This amendment is unwarranted and will lead to a plethora of cases, as already outlined in the discussion under Clause 7. For the sake of brevity and to avoid repetition, the detailed arguments made in opposition to Clause 7 are not repeated here but are equally applicable to this provision.

10. CLAUSE 9 & CLAUSE 14: ESTABLISHMENT AND CONSTITUTION OF CENTRAL WAQF COUNCIL & COMPOSITION OF WAQF BOARD

The proposed amendment in Sections 9 & 14 seeks to ensure that members of the Muslim community, within the composition of the Council & the Board become a minority.

Furthermore, the second proviso to Section 9(2) of the Waqf Act, 1995, as amended under Clause 9 and Clause 11, mandates that "two members appointed under this sub-section shall be non-Muslim excluding ex officio members." This effort effectively enhances the capacity for non-Muslim participation in matters of Waqf.

This provision contradicts the constitutional guarantee under Article 26(d), which secures the right of religious denominations to manage their own properties. The proposed changes undermine the autonomy of Waqf Boards, violating precedents set by the Supreme Court in **Ratilal Panachand Gandhi v. The State of Bombay** [AIR 1954 SC 388] and **The Commissioner, Hindu Religious Endowments, Madras v. Lakshmindra Thirtha Swamiar of Shrirur Mutt** [7-judge Constitution Bench] [AIR 1954 SC 282]. Both judgments emphasize that laws transferring administrative control from a religious denomination to a secular authority would amount to violation of the right guaranteed under Article 26(d) of the Constitution.

If the principle of including non-Muslims in Waqf administration is to be adopted, it raises the question of whether similar religious endowment laws such as the **Bihar Hindu Religious Trusts Act, 1950**, **Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959**, **Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987**, **Telangana Charitable and Hindu Religious**

Institutions and Endowments Act, 1987, and Sikh Gurudwaras Act, 1925 should also include non-Hindus or non-Sikhs. Such a precedent would open a Pandora's box, requiring similar changes across all religious laws, which is not practical or desirable.

The Constitution of India, under Articles 25 and 26, protects the rights of minority communities to manage their religious affairs. By codifying a provision that indirectly dilutes the control of the Muslim community over Waqf properties, this amendment violates both the spirit and letter of the Constitution. Hence, these proposed amendments through Clause 9 & 11 under Section 9 & Section 14 of the Waqf Act, 1995 is unwarranted, redundant, and must be removed.

11. CLAUSE 10: INSERTION OF SEC. 2A UNDER SECTION 13 OF THE WAQF ACT, 1995

The proposed insertion of Section 2A under Clause 10, which calls for the establishment of separate Bohra and Agakhani Waqf Boards, has already been addressed in detail during the discussion on **Clause 3(i)** and **Clause 3(ii)**. For the sake of brevity and to avoid redundancy, the arguments presented there are not repeated here. However, it is reiterated that such provisions are unwarranted and redundant, and therefore, this amendment is not supported.

12. CLAUSE 12: DISQUALIFICATION OF THE MEMBERS OF THE BOARD

The proposed amendment to Section 16 of the Principal Act, as introduced under Clause 12, is unwarranted. The substitution of clause (a) with "he is less than twenty-one years of age" and the insertion of clause (aa), stating "in case a member under clause (c) of sub-section (1) of section 14, is not a Muslim," introduces unnecessary provisions that serve no practical purpose. Such amendments are redundant and do not contribute meaningfully to the administration or objectives of the Waqf Act. Therefore, this amendment should be deleted.

13. CLAUSE 13: MEETINGS OF THE BOARD UNDER SECTION 17 OF THE WAQF ACT, 1995

The proposed provision mandating that the Board meet at least once every month for the transaction of business is impractical and poses operational challenges. Given the diverse composition of the Board and the professional commitments of its members, it is unlikely that all members will be available to meet every month. This rigid requirement could lead to delays in decision-making and ultimately hamper the effective administration of Waqf properties. Such a provision is both bogus and unreasonable.

14. CLAUSE 14: OMISSION OF SECTION 20A OF THE WAQF ACT, 1995

The removal of the Chairperson of the Waqf Board under Section 20A of the Waqf Act, 1995, through a vote of no confidence, ensured a democratic process for accountability. The proposed removal of this democratic element undermines representative governance, transparency, and trust in the administration of Waqf properties. Such a change subverts the principles of accountability, which are critical to the effective functioning of Waqf Boards. This amendment is regressive and should be reconsidered.

15. CLAUSE 15: CHIEF EXECUTIVE OFFICER TO BE A NON-MUSLIM UNDER SECTION 23 OF THE WAQF ACT, 1995

In several religious endowment laws, such as the **Uttar Pradesh Kashi Vishwanath Temple Act, 1983 (Section 3)**, **Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Section 10)**, **Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Section 3(2))**, and **Orissa Hindu Religious Endowments Act, 1951 (Section 6)**, it is mandated that key positions like **Chief Executive Officer or equivalent roles** must be held by individuals **professing the Hindu religion**. Denying a similar provision for Waqf Boards is discriminatory and undermines the religious character and autonomy of Waqf institutions.

In the draft report of the JPC (Para 15.3, Page 185), the justification given by the Ministry of Minority Affairs refers to Section 96 of the Waqf Act, 1995, which mentions the Central Government's power to regulate secular activities of Auqaf in relation to the functioning of the Central Waqf Council and State Waqf Boards, as justification for the appointment of a non-Muslim CEO. However, this justification is flawed. The Central Government's power to regulate secular activities by laying down general principles and policies does not extend to overriding the fundamental religious character of Waqf institutions.

The powers granted to the CEO of Waqf Boards are not confined to merely secular activities. Instead, they include broad authority to control, maintain, and superintend Auqaf, which goes beyond what is deemed "secular." Allowing the appointment of non-Muslims to such a role is inconsistent with the religious essence of Waqf and infringes upon the autonomy guaranteed to religious institutions. This amendment should be reconsidered to preserve the integrity and intent of the Waqf framework.

16. CLAUSE 16: POWERS AND FUNCTIONS OF THE BOARD UNDER SECTION 32 OF THE WAQF ACT, 1995

The lack of finality in the judgments of the Waqf Tribunal, particularly in matters related to the utilization of the surplus income of Waqf properties, negatively affects the Tribunal's efficiency and purpose as a specialized body for resolving Waqf-related

disputes. The absence of finality creates additional layers of litigation, delays resolution, and diminishes the Tribunal's authority. This provision not only hampers the effective management of Waqf but also erodes the trust placed in the Tribunal as an expert body for adjudicating Waqf matters. The principle of finality, subject to High Court review, must be retained to ensure swift and conclusive dispute resolution. Hence, the proposed amendment in its current form is bogus and needs to be reviewed again.

17. CLAUSE 17: POWERS OF INSPECTION BY THE CHIEF EXECUTIVE OFFICER

The proposed amendment under Clause 17(b) omits the finality of the Tribunal's order relating to instances where the Chief Executive Officer (CEO) finds a mutawalli or any officer guilty of misappropriating Waqf money or Waqf property. The removal of finality from Tribunal orders undermines its authority and creates unnecessary delays in resolving disputes.

18. CLAUSE 18: REGISTRATION UNDER SECTION 36 OF THE WAQF ACT, 1995

The introduction of Section 36(1A) in the Waqf Amendment Bill, 2024, mandating that no Waqf shall be created without the execution of a Waqf Deed, fundamentally violates the principles of Muslim Law. Islamic jurisprudence explicitly recognizes the validity of oral gifts (hiba) and oral wills (wasiyath), provided they are executed in the presence of competent witnesses. Insistence on documentary proof as a mandatory precondition disregards these well-established tenets of Islamic law and unjustifiably restricts the creation of waqf, undermining the religious freedoms and practices guaranteed under the Constitution. This provision should be reconsidered and omitted to preserve the integrity of Muslim Law and the rights of the community.

Additionally, The insertion of the proviso after Section 36(10) of the Waqf Act, 1995, which states "*Provided that an application may be entertained by the Court in respect of such suit, appeal, or other legal proceedings after the period of six months specified under this sub-section, if the applicant satisfies the Court that he has sufficient cause for not making the application within such period*" is fundamentally flawed. This provision imposes conditions that, if not complied with, extinguish legal rights, rendering it a mere face-saving provision. Such an impractical and unreasonable amendment will only create procedural hurdles and should be dropped entirely.

19. CLAUSE 19: REGISTER OF AUQAF UNDER SECTION 37 OF THE WAQF ACT, 1995

The proposed amendment to Section 37(3) of the Waqf Act, 1995, introduces an additional condition requiring public notice of ninety days to be issued in two daily

newspapers, one of which must be in the regional language, before recording entries in the Register of Auqaf. This imposes unnecessary delays and administrative hurdles, creating a cumbersome process that will obstruct the efficient administration of Waqf properties. Moreover, no other religious endowments legislation imposes such onerous conditions for recording entries in land records. This provision is discriminatory, excessive, and should be deleted in its entirety to ensure parity and administrative efficiency.

20. CLAUSE 20: OMISSION OF SECTION 40 OF THE WAQF ACT, 1995

The omission of Section 40 of the Waqf Act, 1995, contradicts the very objective of the Act, which is aimed at ensuring the "better administration of Auqaf and for matters connected therewith or incidental thereto." Section 40 empowers the Waqf Board to declare any property as Waqf property based on information gathered, thereby enabling effective management and oversight of Waqf properties.

Eliminating this provision undermines the authority and functionality of the Waqf Boards, leaving them disempowered and unable to fulfill their statutory role of safeguarding Waqf properties.

21. CLAUSE 21: SUBMISSION OF ACCOUNTS OF AUQAF UNDER SECTION 46 OF THE WAQF ACT, 1995

The proposed amendment extending the deadline for submitting financial reports to October, despite the financial year ending on 31st March, unnecessarily delays the administrative process. Such delays subvert accountability and disrupt the efficient functioning of Waqf Boards. Hence, this provision should be reconsidered to ensure timely action and transparency in financial management. Hence, I put my dissent for this proposed amendment.

22. CLAUSE 22: AUDIT OF ACCOUNTS OF AUQAF UNDER SECTION 47 OF THE WAQF ACT, 1995

The proposed amendment under clause 22(a)(iii) inserts a proviso that authorizes the Central Government to direct the audit of any Waqf by an auditor appointed by the Comptroller and Auditor General of India (CAG) or any officer designated by the Central Government, is deeply concerning. Waqf properties, being private religious properties, should fall under the jurisdiction of the respective State Governments. The involvement of the CAG in auditing private religious properties is not only unnecessary but also an overreach, as it dilutes the autonomy of Waqf Boards and State Governments in managing Waqf properties. I strongly disagree with this provision and respectfully register my dissent.

23. CLAUSE 23: POWERS OF THE TRIBUNAL NOT FINAL UNDER SECTION 48 OF THE WAQF ACT, 1995

Under Section 48 of the Waqf Act, 1995, the Board examines the Auditor's Report and passes orders as it deems fit. Any person aggrieved by such an order has the right to approach the Tribunal. The proposed omission of the clause stating that the "Order of the Tribunal be final" subverts the Tribunal's authority and effectiveness as a specialized body for resolving Waqf-related disputes. The finality of the Tribunal's decisions is critical for swift and conclusive resolution of matters, and removing this provision creates unnecessary layers of litigation, delays justice, and complicates the Waqf administrative framework.

Tribunals are constituted as specialized forums with expertise to address specific issues, and snatching away the final authority from the Tribunals, dilutes their purpose and credibility. Therefore, I strongly disagree with this proposed amendment.

24. CLAUSE 24: INSERTION OF NEW SECTION-50A

The proposed insertion of Section 50A, which introduces provisions for the disqualification of a Mutawalli, is entirely redundant. Section 64 of the Waqf Act, 1995 already contains comprehensive provisions for the removal of a Mutawalli. Introducing a separate section for disqualification not only duplicates the existing legal framework but also creates unnecessary confusion and complicates the administration of Waqf properties.

25. CLAUSE 25: RECOVERY OF WAQF PROPERTY UNDER SECTION 52 OF THE WAQF ACT, 1995

The proposed amendment to Section 52 omits the provision stating that the "decision of the Tribunal on such appeal shall be final." For the sake of brevity, I am not repeating the arguments I have already made regarding the importance of maintaining the finality of the Tribunal's decisions. However, the same principle applies here. Removing the finality of the Tribunal's orders undermines its authority as a specialized body and introduces unnecessary layers of litigation, which will delay justice and compromise the efficient resolution of disputes. I respectfully register my dissent on this proposed amendment.

26. CLAUSE 26: PENALTY FOR ALIENATION OF WAQF PROPERTY WITHOUT SANCTION OF THE BOARD UNDER SECTION 52A OF THE WAQF ACT, 1995

Section 52A of the Waqf Amendment Bill, 2024 dilutes the provisions of the Waqf Act, 2013. The 2013 Act imposed "rigorous imprisonment" for alienation, purchase, or

possession of Waqf property without the prior sanction of the Waqf Board. The proposed amendment replaces “rigorous imprisonment” with “imprisonment,” thereby reducing the severity of the punishment. This jeopardizes the protection of Waqf properties. Hence, the proposed amendment is bogus and needs to be reconsidered.

27. CLAUSE 27: DISPOSAL OF PROPERTY LEFT ON WAQF PROPERTY BY UNAUTHORIZED OCCUPANTS UNDER SECTION 55A OF THE WAQF ACT, 1995

The proposed amendment to Section 55A removes the proviso that the “decision of the Tribunal shall be final.” For the sake of brevity, I reiterate my earlier arguments on the importance of upholding the finality of the Tribunal’s decisions to ensure efficiency and certainty in Waqf-related disputes. I respectfully dissent against this amendment.

28. CLAUSE 28: PENALTIES UNDER SECTION 61 OF THE WAQF ACT, 1995

The newly inserted clause imposes imprisonment of up to six months and a fine ranging from ₹20,000 to ₹1 lakh for failures such as uploading details under Section 3B, providing statements of accounts under Section 46, or complying with directions of the Collector or the Board. Merely a delay in uploading details or failing to carry out such directions may unjustifiably lead to imprisonment, which is unreasonably harsh and draconian. I respectfully dissent against this provision.

29. CLAUSE 29: INSERTION OF NEW CLAUSE (I) UNDER SECTION 64 OF THE WAQF ACT, 1995

The newly inserted clause (I) states that a Mutawalli can be removed if they are a member of an association declared unlawful under UAPA. With the frequent use of UAPA, this provision can be easily misused, as it allows a person to be removed as a Mutawalli and jailed even before they have a chance to seek legal remedies. I respectfully register my dissent for this provision.

30. CLAUSE 30: ASSUMPTION OF DIRECT MANAGEMENT OF CERTAIN AUQAF BY THE BOARD UNDER SECTION 65 OF THE WAQF ACT, 1995

The proposed amendment replaces the phrase “as soon as possible” with a rigid six-month deadline for submitting reports to the State Government. The original wording under the Waqf Act, 1995, allowed for immediate submission based on the urgency of the situation, ensuring responsiveness. A fixed six-month deadline may encourage delays, deferring action until the deadline and potentially hampering the efficiency of Waqf

management and reporting. Thus, the proposed amendment is bogus in nature.

31. CLAUSE 31: SUPERVISION AND SUPERSESSION OF COMMITTEE OF MANAGEMENT UNDER SECTION 67 OF THE WAQF ACT, 1995

The proposed amendment omits Section 67(6), second proviso under the Waqf Act, 1995 stating that “the order made by the Tribunal in such appeal shall be final.” For the sake of brevity and to avoid duplication, I am not reiterating my earlier arguments on the importance of maintaining the finality of Tribunal orders. The same rationale applies here, and I respectfully submit my dissent for this clause.

32. CLAUSE 33: ANNUAL CONTRIBUTION PAYABLE TO THE BOARD UNDER SECTION 72 OF THE WAQF ACT, 1995

The proposed amendment requires Mutawallis of waqfs with a net annual income of not less than ₹5,000 or more to pay an annual contribution to the Waqf Board, not exceeding 5% of the net income subject to a maximum amount as prescribed by the Central Government. This last statement of subject to the maximum amount as prescribed by the Central Government creates uncertainty. This provision allows for arbitrary ceilings to be imposed by the Central Government, which could potentially spoil the financial autonomy of the Waqfs.

33. CLAUSE 34: POWER OF CEO TO DIRECT BANKS OR OTHER PERSONS TO MAKE PAYMENTS UNDER SECTION 73 OF THE WAQF ACT, 1995

Clause 34 of the amendment omits the phrase “and the decision of the Board thereon shall be final”. Without finality in the decisions of the Tribunal or the Board, a mutawalli aggrieved by the CEO’s assessment may face prolonged litigation. This opens unnecessary avenues for disputes, delays in resolution, and disrupts the administrative efficiency of waqf management. I respectfully dissent against this amendment, as it will create avoidable procedural hurdles.

34. CLAUSE 35: CONSTITUTION OF TRIBUNALS UNDER SECTION 83 OF THE WAQF ACT, 1995

While it is commendable that the JPC has reinstated the provision for at least one member of the Tribunal to possess knowledge of Muslim law and jurisprudence under Clause 35(c), the effectiveness of this inclusion is negated by Clause 35(e), which states that the Tribunal’s orders shall not be final. On one hand, the Tribunal is being strengthened by ensuring relevant expertise for adjudicating Waqf-related disputes, but on the other hand, its authority is undermined by removing the finality of its decisions. This

contradiction renders the Tribunal ineffective as a specialized body for resolving Waqf disputes and disrupts the efficiency of the adjudication process. The provision for the omission of the finality of the decision of the Tribunal is baseless and should be reinstated to its original position.

35. CLAUSE 37: PROCEEDINGS UNDER ACT 1 OF 1894 UNDER SECTION 91 OF THE WAQF ACT, 1995

Under Clause 37(c)(ii), any order under Sections 31 or 32 of the LARA Act, 2013, passed without giving the opportunity to the Board to be heard, shall be kept in abeyance for the portion of the property claimed by the Board. Amendment made in Section 91, dilutes this protection by merely placing the order in abeyance, leaving Waqf properties vulnerable to prolonged disputes and uncertainty, which could severely impact their administration and sanctity. Hence, I propose my dissent.

36. CLAUSE 38: PROTECTION OF ACTION TAKEN IN GOOD FAITH UNDER SECTION 100 OF THE WAQF ACT, 1995

The proposed amendment under Section 100 of the Waqf Act, 1995 grants legal immunity to the Collector, for actions taken under the Waqf Act. This raises serious concerns as the Collector, being a representative of the Government, often has a conflict of interest, given that many Waqf property disputes are mostly with the State itself. Unlike the Survey Commissioner, who is a specialized authority with expertise in Waqf laws and land administration, the Collector's decisions may be influenced by these conflicts. Providing such immunity could shield biased or questionable actions under the guise of "good faith", thereby adversely impacting the accountability, impartiality, and fair administration of Waqf properties. Hence, I respectfully propose my dissent.

37. CLAUSE 39: SURVEY COMMISSIONER, COLLECTOR, MEMBERS OF THE BOARD DEEMED TO BE PUBLIC SERVANTS UNDER SECTION 101 OF THE WAQF ACT, 1995

Survey Commissioners are trained in Waqf laws and land administration, ensuring dedicated oversight and impartiality. In contrast, the Collector, as a representative of the State, may face conflicts of interest since many disputes regarding Waqf properties involve the State itself. This amendment risks bias in favor of the State and compromises the fair and effective management of Waqf properties. Hence, I respectfully dissent.

38. CLAUSE 40: OMISSION OF THE APPLICATION OF THE ACT TO PROPERTIES DONATED BY PERSONS NOT PROFESSING ISLAM TO SUPPORT CERTAIN WAQF (SECTION 104 OF THE WAQF ACT, 1995)

The Waqf Enquiry Committee Report, 1976, explicitly clarified that the “Waqif” (donor) need not be a Muslim, provided the purpose of the Waqf is pious and charitable in accordance with Islamic principles. The proposed amendment not only negates the Waqf Enquiry Committee Report, 1976 but also contradicts India’s spirit of inclusivity and pluralism. Such provisions go against the values of harmony and cooperation that are the foundation of our secular democracy. Hence, I respectfully submit my dissent for this provision.

39. CLAUSE 40A: LIMITATION ACT, 1963 TO BE MADE APPLICABLE FROM THE COMMENCEMENT OF THE WAQF (AMENDMENT) ACT, 2024 UNDER SECTION 107 OF THE WAQF ACT, 1995

Under Clause 40A of the proposed amendment, the Limitation Act, 1963 is made applicable on the proceedings related to waqf properties on and from the commencement of the Waqf (Amendment) Act, 2025. The purpose of excluding the application of the Limitation Act, 1963, from the Waqf Act, was to protect Waqf properties from the concept of adverse possession. The introduction of Clause 40A, would enable occupiers who have remained in possession of Waqf properties without timely action from the Waqf Board or Mutawalli to claim ownership. This would result in Waqf properties becoming adverse to the Waqf and ultimately being lost. For the reasons mentioned herein, I believe the said proposed amendment may work against the interests of the very community it claims to serve. Hence, I dissent from this provision.

40. CLAUSE 41: OMISSION OF SECTION 108: SPECIAL PROVISION AS TO EVACUEE PROPERTY & SECTION 108A: ACT TO HAVE OVERRIDING EFFECT

The proposal to omit Section 108, which mentions special provisions as to evacuee waqf properties. Removing these provisions would unsettle titles established before 1950, leading to disputes over long-recognized Waqf properties and causing irreparable harm to Waqf interests.

Similarly, the proposed removal of Section 108A, which ensures the overriding effect of Waqf laws over other inconsistent laws, is arbitrary and unfounded. The elimination of this protective provision exposes Waqf properties to the risk of being adversely impacted by conflicting regulatory requirements in other laws, such as registration and stamp acts. This would create avenues for encroachment and dispossession of Waqf properties, counteracting the intended protection under Waqf legislation.

For these reasons, I strongly oppose the proposed omissions of Sections 108 and 108A and respectfully register my dissent to these amendments

41. CLAUSE 42: POWER OF CENTRAL GOVERNMENT TO MAKE RULES UNDER SECTION 108B OF THE WAQF ACT, 1995

The proposed amendment, which imposes a centralized framework for the administration of Auqaf, disregards the unique local specificities and diverse needs of different states. Such a one-size-fits-all approach risks disrupting the effective administration of Auqaf instead of improving it. The administration of Waqf properties requires sensitivity to regional practices, cultural nuances, and state-specific challenges. By enforcing a uniform framework, the amendment snatches away the autonomy and efficiency of state-level Waqf Boards, potentially derailing the very objective of ensuring better Waqf governance. For these reasons, I believe the newly inserted Section 108B is bogus in nature. Hence, should be deleted.

42. CLAUSE 43: POWER TO MAKE RULES UNDER SECTION 109 OF THE WAQF ACT, 1995

The omission of the provision under Section 109(iv), which mandates the election of members of the Board by means of a single transferable vote, removes a crucial democratic element from the functioning of the Waqf Boards. This amendment is contradictory to the principles of accountability and representative governance, which are essential for maintaining transparency and trust in the administration of Waqf properties. The election process ensures that diverse voices and perspectives are represented on the Board, which further perpetuates inclusivity and fairness in decision-making. By removing this provision, the proposed amendment risks centralizing power and eroding the trust of stakeholders in the governance of Auqaf. For these reasons, I believe the provision should again be reconsidered.

43. CLAUSE 44: POWERS TO MAKE REGULATIONS BY THE BOARD UNDER SECTION 110 OF THE WAQF ACT, 1995

The proposed omission of Section 110(f) and (g), which grants the Waqf Board the power to regulate the forms of application for the registration of auqaf and determine the particulars to be included in the register of auqaf, is concerning. Stripping the Waqf Board of these essential regulatory powers disempowers the Waqf Board and its ability to ensure proper oversight, administration, and protection of Waqf properties. These functions are fundamental to the Board's role in maintaining transparency and accountability in the management of Waqf assets. Without these powers, the Board's capacity to fulfill its statutory duties effectively is severely compromised. For these reasons, such an amendment is unwarranted, redundant, and must be removed.

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Member of

- Joint Committee on the Waqf (Amendment) Bill, 2024
- Standing Committee on Science and Technology, Environment, Forests and Climate Change
- Consultative Committee for the Ministry of Environment, Forest and Climate Change

MMP/LS/24/456

Dated: 29.01.2025

To,

Hon'ble Chairman
Shri Jagdambika Pal
Joint Parliamentary Committee on
the Waqf (Amendment) Bill, 2024

Sub: Dissent Note to the Draft Report of the Joint Parliamentary Committee on the Waqf (Amendment) Bill, 2024.

Dear Chairman Sir,

I totally disagree with the observations/ recommendations of this Draft Report of the Joint Parliamentary Committee on the Waqf (Amendment) Bill, 2024 (*hereinafter "the Report"*) that has been circulated electronically last evening i.e. 28 January, 2025 by you for consideration and adoption. Thereby I have no option but to place on record my note of unequivocal dissent.

It is my duty to point out that given the sensitivity of the issue under examination the Hon'ble Members of this august committee ought to have been granted reasonable time by you to examine this lengthy report and submit their views. Unfortunately, you failed in following even this basic principle of natural justice.

Be that as it may, I have rushed through the Report, I find myself to be in complete disagreement with the recommendations which effectively grant an imprimatur to the Bill.

Therefore, the undersigned is submitting the accompanying Note of Dissent against the recommendations as well as reasoning of the Report against the Waqf (Amendment) Bill, 2024. The Note of Dissent has been divided in three parts:

- A. An introductory note on the drawbacks of the Bill and the objections on the Report.

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B. A clause-wise analysis of the Bill and the recommendations/observations with regard to the same as contained in the Report.

C. A concluding note on the objections to the Report and reasons for dissent.

As would be stated in the accompanying Note of Dissent, I want to record my objections both to the report of the committee

The committee members were not granted sufficient opportunity to address the issues with regard to the proposed Bill.

Hence, the draft report circulated by you is not acceptable. The undersigned, therefore, strongly objects to the Bill which is regressive and seeks to place on record his dissent to the report henceforth.

Regards *Mohibbullah*
Maulana Mohibbullah Nadvi



Member, Joint Parliamentary Committee on the Waqf

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Introductory Note

- 1.
- 2.
- 3.
- 4.
5. It is beyond comprehension that instead of applying constitutional norms and rule of law as propounded by our founding fathers, laws existing prior to independence even prior to the British Era are being underscored as if they are good to be followed today. This is reprehensible and an insult to our constitutional values as given by our founding father.



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6. There is no whisper, forget any discussion as to why elected bodies are being converted into nominated bodies, why instead of elections nominations are being preferred. Unfortunately, this hurts the heart and soul of our Constitution.
7. There is a drastic shift in the initial process of ascertainment of a waqf property from judicial forum to the administrative authorities under the proposed bill, which absolutely undermines the basic and core principle of separation of power existing in our country.
8. One of the crucial aspects of the Bill is the removal of *waqf by user* with prospective effect. Though its removal may hardly have any bearing on this judicially developed doctrine, which has been approved by the Hon'ble Supreme Court in the 5 Judge bench decision in *M. Siddiq¹*, its removal from the definition clause is aimed at creating a false narrative and confusion.
9. The amendments proposed by the Bill in the present form will end up helping one side in hotly contested matters in courts. Perhaps this is the reason that this amendment is further curated. The first amendment which omitted the very concept of "waqf by user" was subsequently amended again by adding a proviso to the "omitted waqf by user" apparently keeping in view the present contentious litigation pending before various Courts.
10. The bill seems to dismantle every protection for waqf properties and seeks to introduce a *Collector Raj* by a dual method of disempowering the Waqf Boards and the Waqf Tribunals and empowering the Collector (or his deputy) who, so far in the existing regime, was acting in compliance of, and to provide assistance to, the Board and the Tribunal. The Report fails to address this issue at all and virtually accepts the explanation of the Ministry. The effect of the disempowering the Boards and the elevation of the Collector as a super-authority is dealt with in detail in the clause wise comments. Moreover, the proposal to appoint the '*Designated Officer*' by the State Government to make an inquiry into the dispute

¹ Civil Appeal /1086 /2010; [2019] 18 S.C.R. 1.



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pertaining to waqf also does not answer the objections which were strongly raised during the meetings.

11. On one hand, the Bill seeks to introduce a novel condition for the Waqf to be showcasing/demonstrating Islam for a period of 5 years, on the other hand it seeks to remove Muslim representation from the Waqf Boards and the Central Waqf Council, and under the misnomer of adding 'diversity' seeks to make the members of the minority community again a minority even in an institution like the CWC and Waqf Board. It selectively denudes all instances whereby members of the Muslim community can be appointed be it Chief Executive Officer of the Waqf Boards, MPs, MLAs and at the same time depriving the Waqf Boards of their independent democratic character by doing away with the elections and reducing them to a nominated panel of the State.

The amendments proposed in the Bill are, therefore, unnecessary, lacking any prior consultation, seek to denude the system of waqfs of their character and essence. The Bill further provides avenues for unnecessary and frivolous litigation and seeks to undo the very foundational understanding of waqf jurisprudence. The Bill's proposed provisions are targeted at damaging the personal laws applicable to Muslims and bring in the State, through the Collector (and oddly the Central Government) into the private domain of religion with which the State ought to be unconcerned. I firmly believe that while rejecting the bill in its entirety in its present form that this committee must request an extension from the Parliament and ensure comprehensive consultations with real stakeholders in order to ascertain the applicability of the proposed amendments in practicality.

Clause by Clause Objections

The specific objections to the various clauses of the proposed bill are highlighted in detail over the next few pages.

12. **Clause 2-** There seems to be no bonafide reason to change the name of the Waqf Act, 1955 and the proposed change of name has no relation to the changes proposed in the bill and therefore, the change of name is completely unnecessary. There is no reason for changing the name of the Waqf Act, 1995 to an unnecessarily long title which has nothing to do with any changes proposed in the Act. For reasons as stated with respect to



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other clauses of the Bill, the amendments proposed neither unifies nor provides for effective management of the waqf properties but rather denudes the Waqf Tribunals of their authority, turn democratically elected Waqf Boards into an extension of the Government, make the Collector/Dy. Collector the judge, jury and executioner for all things waqf, among others. It is suggested that the Committee recommends deletion of Clause 2 of the Bill.

13. Clause 3(i) & (ii)- Agakhani and Bohra Waqf already are a part of Shia Waqf therefore, it is not necessary to introduce any separate category of Agakahani and Bohra Waqf. Even otherwise, the committee has not put forth any structure about the formation or constitution of such boards. Clauses 3 (i) and 3(ii) introduce the sub-classification of Aghakhani and Bohra waqf. This distinction is completely unnecessary as these waqfs anyway fall within the ambit of Shia waqfs. All that the introduction of this sub-classification does is reduce the waqfs that would have otherwise counted towards Shia waqfs which would eventually reduce the threshold for constitution of Shia Waqf Boards whereas no threshold is provided for creation of Aghakhani and Bohra Waqf Boards as discussed in the comments on Clause 10 of the Bill. It is therefore suggested that the Committee recommends deletion of Clause 3 (i) and 3 (ii) of the Bill.

14. Clause 3(iv)- It talks about Government organization which includes any organization owned and controlled by the Central as well as State Government. This is a very open ended provision, and will lead to more and more litigations. Clause 3 (iv) introduces the definition of Government Organisation and includes within it any organisation or institution remotely owned and controlled by the Central Government and State Governments. Coupled with the provisions proposed to be introduced in Clause 4 of the Bill this would result in multiplication of litigation and would work to the detriment of waqf properties.

15. Clause 3(v)- This amendment removes the provision of appointing Mutawalli orally/verbally. This is an extremely important part of Islamic Jurisprudence, therefore, removing the concept of appointing Muttawali orally/verbally is arbitrary and is against the principles of Islamic Jurisprudence. Clause 3 (v) seeks to omit the words "either verbally" from Section 3 (i) thereby making oral appointment of Mutawalli impossible.

