



Bill Summary

The Wakf (Amendment) Bill, 2010

- The Wakf (Amendment) Bill, 2010 was introduced in the Lok Sabha on April 27, 2010 by the Minister of Minority Affairs, Shri Salman Kurshid. The Bill was passed by the Lok Sabha on May 7, 2010 and is pending in the Rajya Sabha.
- The Bill seeks to amend the Wakf Act, 1995 that provides for administration of Wakfs. “Wakf” is defined as permanent dedication of property by a Muslim for any purpose recognized to be religious or charitable under Muslim law. The Bill changes the term “Wakfs” to “Auqaf”.
- Every state government shall maintain a list of auqafs. The Bill further states that survey of auqaf should be completed within one year of the law being enacted. It also states that the list of auqaf based on the survey data should be referred to the revenue authorities for updating their land records.
- The Tribunals have the power to determine disputes regarding waqf. The Bill gives the Tribunals the power to assess damages due to unauthorized occupation of waqf property and penalize unauthorized occupants. The damages can be recovered as arrears of land revenue through the Collector. The Bill penalizes public servants if they failed to prevent or remove encroachment.
- The central government may establish a Central Waqf Council to advise the government and State Waqf Boards for administering auqaf. The Council shall issue directives to the Boards on specified issues (financial performance, maintenance of waqf deeds, revenue records, etc). The Bill prescribes members of the Board and provides for their removal in certain circumstances. Women, professionals and experts shall be represented in the Council or Boards.
- The Bill provides for establishing a Board of Adjudication for adjudicating disputes over directives issued by the Council to the Boards. It shall be presided over by a retired Judge of the Supreme Court.
- The Bill prohibits the sale and gift of waqf properties. For sanctioning transfer of waqf property by mortgage, exchange or lease, 50 per cent of members of the Board have to be present and two-thirds of the members are in favour of the transaction.
- The Bill increases the maximum permissible period of lease or sub-lease of waqf properties from three years to 30 years. It also provides that a waqf property may be leased for commercial activities for three to ten years. For education and health purpose, the property may be leased for more than 10 years (upto 30 years).
- The state government may constitute Tribunals for the determination of all disputes relating to waqf or waqf properties. The Bill states that every Tribunal shall be a three member body consisting of a person of minimum rank of District, Session or Civil Judge Class I as the Chairman and two other members, namely, an officer from the State Civil Service equivalent in rank to that of Additional District Magistrate and another person having knowledge of Muslim law and jurisprudence.

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May 24, 2010



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