

Joint Committee Report Summary

The Waqf (Amendment) Bill, 2024

- The Joint Parliamentary Committee on the Waqf (Amendment) Bill, 2024 (Chair: Mr. Jagdambika Pal) submitted its report in the Lok Sabha. The Bill seeks to amend the Waqf Act, 1995. The Act regulates waqf property in India. It defines waqf as the endowment of property for purposes considered religious, pious, or charitable under Muslim law. Key observations and recommendations of the Committee include:
 - **Waqf-by-user:** Under the Act, waqf can be created through: (i) declaration, (ii) endowment at end of the line of succession, and (iii) recognition based on long term use of a property. Creation of waqf through use is termed waqf by user. The Bill removes waqf by user. The Committee noted that Bill raises ambiguities around whether existing waqf by user properties would cease to be waqf. It recommended providing that the removal of waqf-by-user will only apply prospectively.
 - **Proof of practicing Islam:** The Act allows any person to create waqf. The Bill states that only a person practicing Islam for at least five years may declare a waqf. The Committee recommended adding that only persons showing or demonstrating that they have been practicing Islam for at least five years can create waqf.
 - **Identification of government property:** The Bill states that government property declared as waqf will cease to be waqf. As per the Ministry of Minority Affairs, as of September 2024, 5,973 government properties in 25 states were declared as waqf. The Bill empowers the collector to determine the ownership of property and submit a report to the state government. The Committee noted several objections to the collector being given these powers. These included objections against the definition of a collector being wide enough to include officers equal to the deputy collector. It recommended replacing the collector with an officer above his rank, chosen by the state.
- **Application for registration of Waqf:** The Act provides for application for registration of waqf as prescribed. The Bill mandates applying for registration with the Board through a portal and database. If not registered under the provisions of the Bill in six months, no legal proceedings can be instituted for enforcing any right related to such waqf. The Committee noted that the time given is inadequate for all stakeholders to represent. It recommended allowing legal proceedings after six months if the Court is satisfied that the applicant had sufficient cause for not applying within the prescribed period.
- **Composition of Waqf Tribunal:** The Act provides for a Tribunal to adjudicate waqf related disputes. It consists of three members, one of whom is an expert in Muslim law. The Bill removes this expert from the Tribunal, and makes it a two-member body. The Committee recommended including the expert in Muslim law to ensure that the Tribunal remains a three-member body.

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