

Waqf Amendment Bill 2024, Meaning, Highlights & Important Updates

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The **Waqf Amendment Bill 2024** was introduced to bring changes to the existing **Waqf Act, 1995** with the aim of improving the management of waqf properties. It focuses on making the system more transparent, accountable, and efficient. The bill also proposes steps like better record-keeping, increased participation, including women in decision-making bodies, and the use of digital systems. At present, the bill is being examined by a Joint Parliamentary Committee.

Waqf Amendment Bill 2024 Highlights

- **Waqf** means a permanent **donation of property by a person for religious, charitable, or pious purposes under Muslim law**.
- Such purposes include **maintaining mosques and graveyards, running schools and hospitals, and helping the poor and needy**.
- Matters related to religious and charitable institutions come under the **Concurrent List** of the Constitution, so both the Central and State Governments can make laws on them.

- At present, **waqf properties in India are governed by the Waqf Act, 1995**, which replaced earlier laws made in **1913, 1923, and 1954**.
- Earlier, some states like **Uttar Pradesh and West Bengal had their own waqf laws**, but these were removed after the 1995 Act came into force.
- A waqf can be created in different ways:
 - By declaring property through an oral or written statement
 - By using land for a long time for religious or charitable purposes
 - By donating property after the end of family inheritance
- The person **who creates a waqf is called a wakif**, and the person who manages it is called a **mutawalli**.
- As of September 2024, there are about **8.7 lakh registered immovable waqf properties in India**.
- India has the largest waqf property holding in the world.
- The **Sachar Committee (2006)** estimated their value at around **₹1.2 lakh crore**.
- However, there are several issues:
 - **Around 7% properties are encroached**
 - **2% are under legal disputes**
 - **The status of nearly 50% properties is unknown**
- Most waqf properties include **graveyards, agricultural land, mosques, and shops**.
- States with the highest share are **Uttar Pradesh, West Bengal, and Punjab**.
- Over time, waqf laws have expanded:
 - **1913 Act:** Recognised waqf deeds
 - **1923 Act:** Made registration compulsory
 - **1954 Act:** Created Central Waqf Council and State **Waqf Boards**
 - **1995 Act:** Introduced tribunals and better management systems
- Various committees have pointed out problems such as:
 - Poor use of property income
 - Encroachment of land
 - Lack of proper maintenance
 - Delay in tribunal cases
 - Weak transparency and survey systems
- In 2013, the Act was amended to improve oversight, define encroachers, and strengthen tribunals.
- The **Waqf Amendment Bill 2024** was introduced in Lok Sabha on August 8, 2024.
- It proposes changes related to:
 - Structure of Waqf Boards and Council
 - Rules for creating waqf
 - Powers of the Board in identifying waqf properties
- The Bill is currently being examined by a **Joint Parliamentary Committee, headed by Jagdambika Pal**.

Waqf Amendment Bill 2024 Key Features

- **Formation of waqf:**
 - The law earlier allowed waqf through declaration, long-term use (waqf by user), and family endowment (waqf-alal-aulad). The Bill now allows only those who have practiced Islam for at least five years to

create waqf and requires them to be the rightful owner of the property. It removes the concept of waqf by user and ensures that waqf-alal-aulad does not deny inheritance rights, including those of women.

- **Survey of waqf properties:**

- The existing system of Survey Commissioner is replaced, and the District Collector will now be responsible for conducting surveys of waqf properties.

- **Government property as waqf:**

- If any government property is identified as waqf, it will no longer be treated as such. In case of disputes, the District Collector will decide ownership and update official records accordingly.

- **Central Waqf Council composition:**

- Earlier, most members had to be Muslims. The Bill removes this requirement for certain members like MPs and judges and makes it mandatory to include at least two non-Muslim members, while continuing representation of women.

- **Waqf Board composition:**

- Instead of elections, members will now be nominated by the state government, and they may be non-Muslims. The Board must include at least two non-Muslims, representation from Shia, Sunni, and backward Muslim groups, and at least two Muslim women members.

- **Tribunal composition:**

- The earlier inclusion of an expert in Muslim law is removed. The **Tribunal** will now consist of a current or former **District Court** judge and a senior government officer.

- **Appeals provision:**

- Earlier, Tribunal decisions were final. The Bill allows appeals against these decisions in the **High Court** within 90 days, increasing scope for **judicial review**.

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