

وقف بل 2024 کا تجزیہ
वक्फ़ बिल 2024 का विश्लेषण
Analysis of Waqf Bill 2024

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Dr Syed Zafar Mahmood
President

Zakat Foundation of India



ZakatIndia.org

جزاک اللہ منتظمین جلسہ

خواتین و حضرات

سمندر کے طوفان اور لہروں کی شدت ہی
سے موتی کو تازگی اور زندگی ملتی ہے

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یعنی مشکلات اور چیلنجز سے ہی انسان
کی اصل خوبی اور صلاحیت ابھرتی ہے۔

مسلمانا كو مسلمانا كر ديا طوفانِ مغرب نے
تلاطم ہائے دریا ہی سے ہے گوہر کی سیرابی

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ملی جفاکشی کے لئے مبارکباد
اللہ تعالیٰ آج کی محفل میں
نیک نیتی کو قبول فرمائے، آمین۔

وقف بل کا تجزیہ شروع کرنے سے
پہلے کچھ عرضداشت ہے

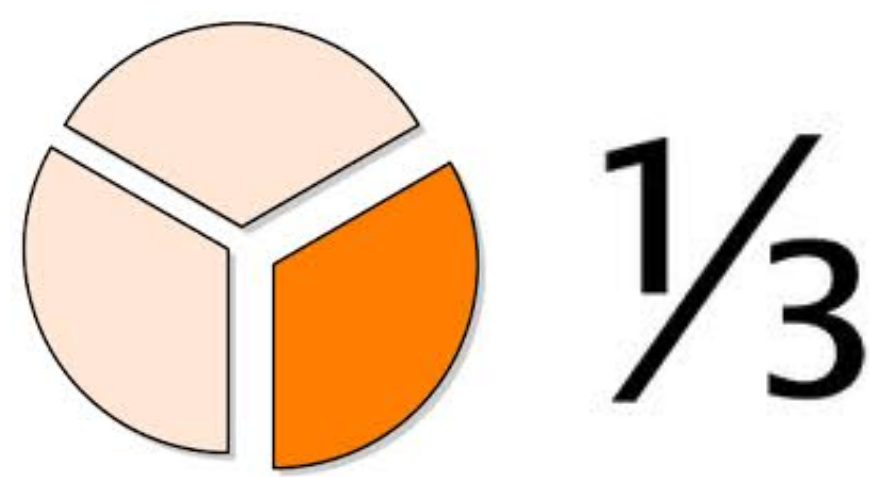
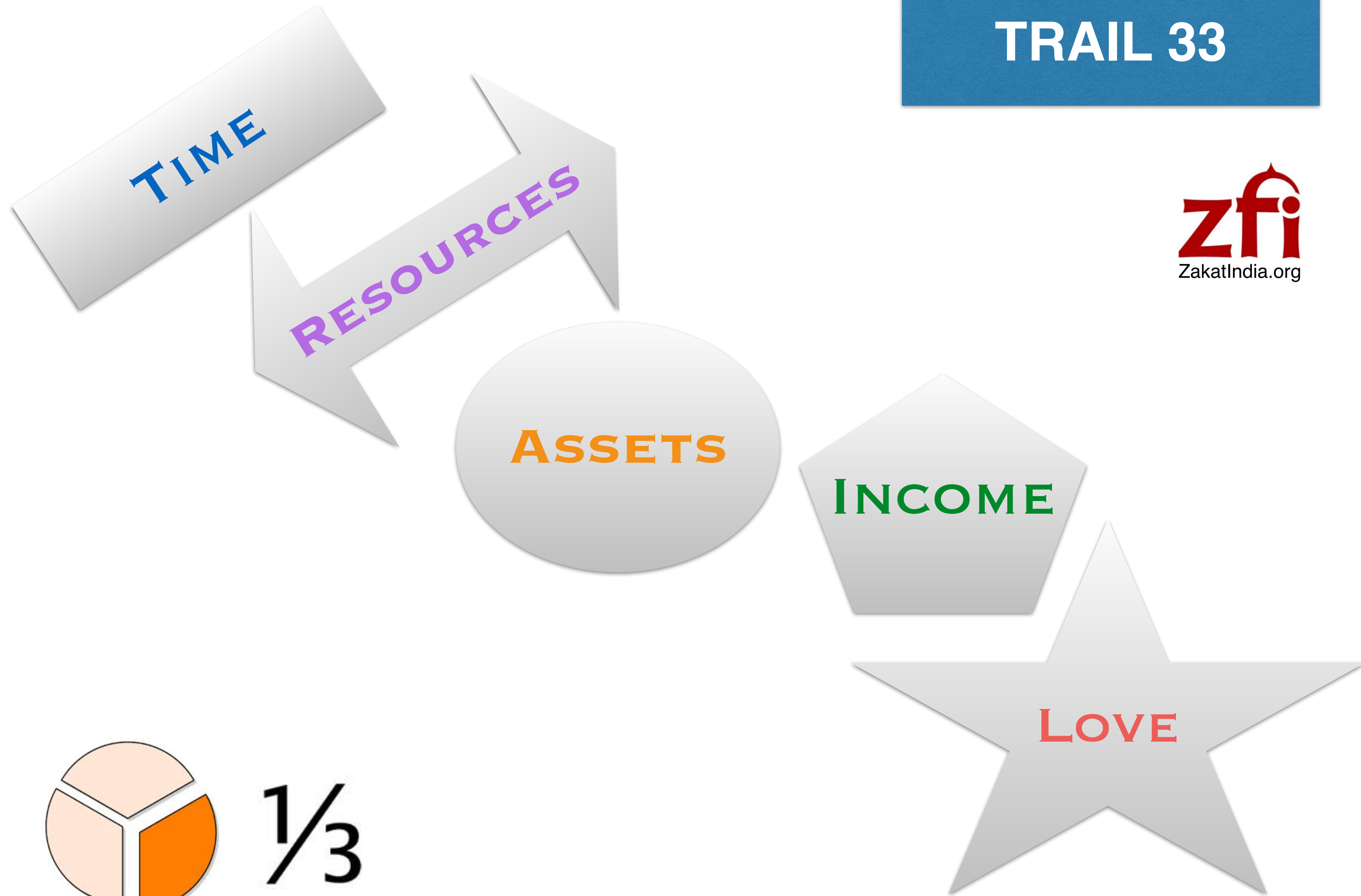
اے نبی!
وہ آپ سے پوچھتے ہیں کہ وہ (اللہ کی راہ
میں اور محتاجوں کے لیے) کیا خرچ
کریں؟
کہہ دیجیے: جو کچھ ضرورتوں کو پورا
کرنے کے بعد بچ جائے۔

Quran Karim 2.219

وَيَسْأَلُونَكَ مَاذَا يُنفِقُونَ
قُلِ الْعَفْوَ



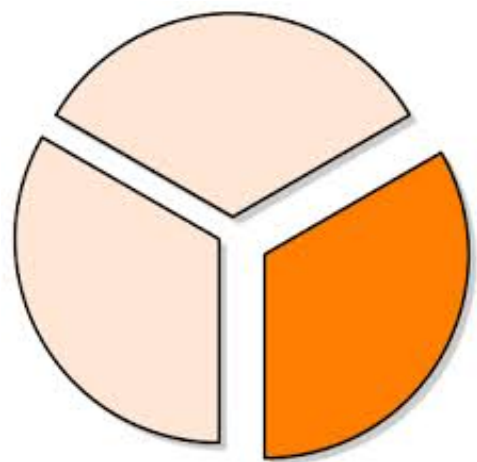
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TRAIL 33

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جب روح جسم سے
الگ ہو جاتی ہے
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اس کے بعد جو ابدہی
انفرادی ہوتی ہے

ہم میں سے ہر ایک پر لازم
ہے کہ وہ انفرادی طور پر
بنیادی سطح پر کام کرے۔

اپنے علاقے میں وقف
جائیدادوں کی نشاندہی کریں۔

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مرکزی وقف کونسل کی ویب
سائٹ پر جائیں اور اپنے علاقے
میں وقف جائیدادوں کی
تفصیلات دیکھیں۔

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www.wamsi.nic.in

ہر وقف جائیداد کا ذاتی طور پر دورہ کریں
، وہاں موجود افراد سے بات کریں
معلومات حاصل کریں اور تصاویر لیں۔

متولی کون صاحبان ہیں؟

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اصل وقف نامہ کی
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تصویر لیں۔

یہ جائزہ لیں کہ آیا وقف جائیداد کو
وقف نامہ میں درج مقاصد کے لیے
مکمل طور پر استعمال کیا جا رہا
ہے یا نہیں۔

وقف جائیداد سے مناسب آمدنی
حاصل ہو رہی ہے۔

حسابات کو باریک بینی سے
رکھا جا رہا ہے؟

کیا کوئی ناجائز قبضہ ہے؟

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آیا کسی مقدمے بازی
کا سامنا ہے؟

وقف جائیداد کے مفاد میں
مقدمے کو مناسب طریقے سے
عدالت میں پیش کیا جا رہا ہے؟

کرایہ موجودہ مارکیٹ ریٹ کے
مطابق وصول کیا جا رہا ہے؟

پرنٹ نکالیں۔ ایک فائل کھولیں اور
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پرنٹس کو اس میں محفوظ کریں۔

اتنا کریں گے تو آگے
اللہ تعالیٰ
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گائڈ کریں گے

**Let us not confine
our participation to
momentarily clicking
& sending email.**

**Each one of us is
obliged to individually
work at the ground level.**

**Identify the Waqf
properties in your
locality.**

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**Go to the website of Central Waqf
Council:**

www.wamsi.nic.in

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**and look for the details of waqf
properties in your area.**

Take printouts.

Open a file and keep printouts.

Personally visit each Waqf property, talk to the persons on site, obtain information, take photos.

Who is the Mutawalli ?

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Obtain original Waqf Deed and take its photo.

Make sure that Mutawalli is the rightful person.

**Make an assessment whether
the Waqf property is being
fully utilized for the purposes
that have been mentioned in
the Waqf Deed.**

**Whether there is proper income
being received from the property.**

Is there any encroachment.

**Whether accounts are being
meticulously maintained. Whether
any court cases are going on.**

Whether in the interest of the Waqf property the case is being properly represented in the court.

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Whether the rents are being received at current fair market rates.

etc.

وقف بل 2024

عملی بے ضابطگیوں کا شکار ہے اور
آئینی خلاف ورزیوں، پسماندہ اقدامات،
غیر منطقی باتوں، غیر جوازوں اور
پیشگی تصورات سے بھرا ہوا ہے۔

वक्रफ़ बिल 2024

प्रक्रियागत अनियमितताओं से पीड़ित है
और यह संविधानिक उल्लंघनों,
प्रतिगामी कदमों, तर्कहीनताओं,
अनुचितताओं और पूर्वाग्रहों
से भरा हुआ है।

Waqf Bill 2024 suffers from
Procedural Irregularities
Constitutional Violations,
Retrograde Steps,
Irrationalities,
Non-justifications and
Preconceived Notions.

**The whole Bill must be
returned to the Ministry
with the directions that
this Bill should not to be
presented to the
Parliament.**

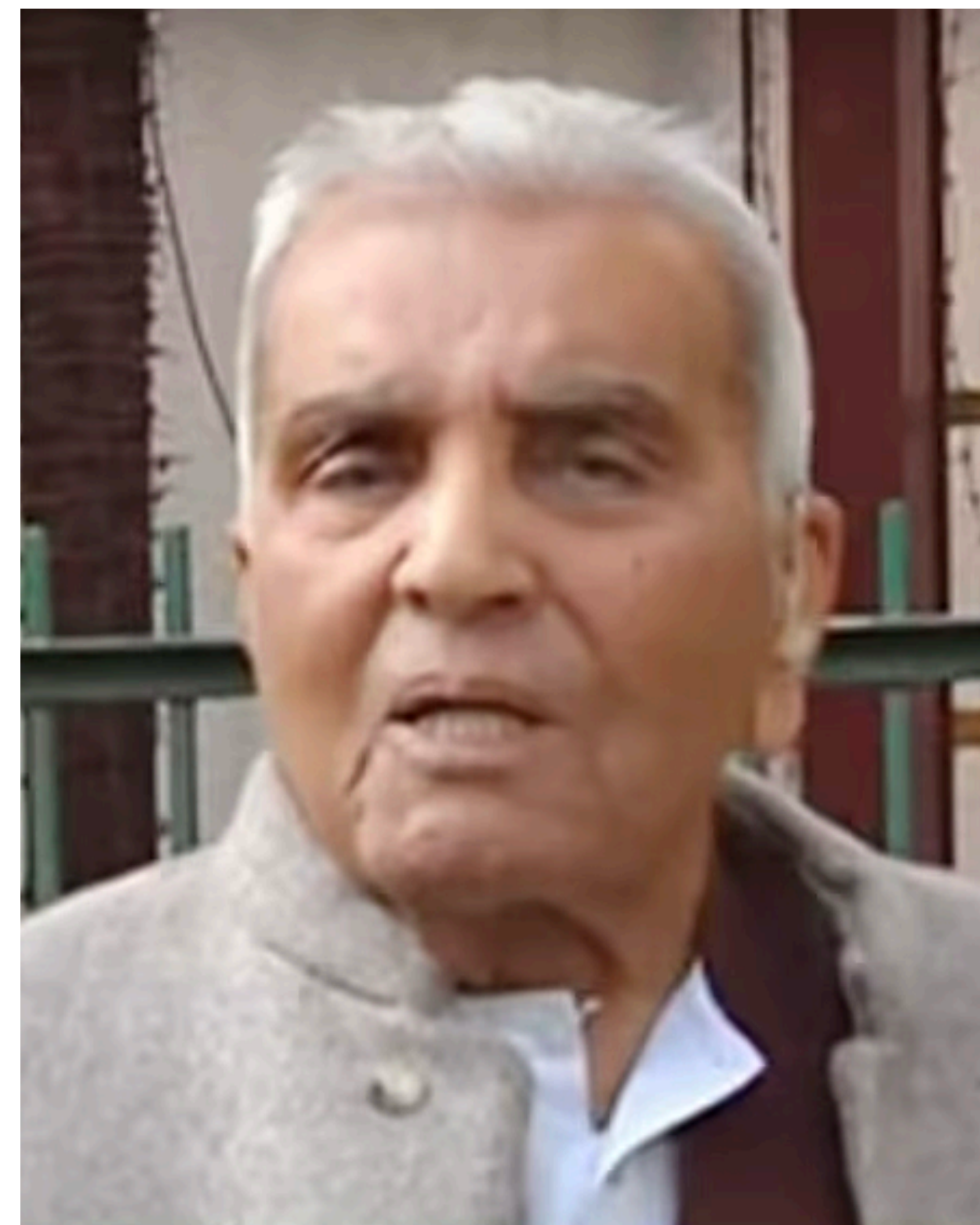
پورا بل وزارت کو واپس کر
دیا جانا چاہیے،
اس تاکید کے ساتھ کہ اس بل
کو پارلیمنٹ میں پیش کرنے
کی کوئی ضرورت نہیں ہے۔

पूरा बिल मंत्रालय को वापस भेजा
जाना चाहिए और यह निर्देश दिया
जाना चाहिए कि इस बिल को
संसद में प्रस्तुत नहीं किया जाए ।

کچھ حقائق

کُछ तथ्य

प्रधान मंत्री की उच्च स्तरीय जस्टिस
राजेंद्र सच्चर समिति ने देश की विभिन्न
भाषाओं में विज्ञापन दे कर जनता की राय
माँगी जिस के जवाब में भारी संख्या में
जनता ने वक्रफ़ प्रणाली पर विस्तृत
representations भेजे।



JPC Waqf 1996-2006 और प्रधान मंत्री की उच्च स्तरीय समिति (अध्यक्ष जस्टिस राजिंदर सच्चर) ने 15-20 प्रांतों के दौरे किए थे। वहाँ उन्होंने वक्फ बोर्डों के लोगों, मुतवल्लियों तथा अवाम के विभिन्न शेड्स ऑफ opinion व सरकारी अफसरों, मंत्रियों व मुख्य मंत्रियों से तफसीली मुलाक़ातें कर के जानकारी ली।

इन जानकारीयों का संकलन करने के लिए
प्रधान मंत्री की उच्च स्तरीय समिति ने कंसल्टेंट
अपाइंट किए और दिल्ली में राष्ट्रीय स्तर पर
गोष्ठियाँ कीं।

इस पूरी कारवाई का कुल लेखा जोखा बाइंड कर के मंत्रालय में दाखिल कर दिया गया था तथा इस की एक प्रति बाइंड कर के नेहरू मेमोरियल म्यूज़ियम में दाखिल कर दी गई थी।

इसी प्रकार JPC Waqf
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1996-2006 ने भी प्रांतों के दौरे
किए और विभिन्न प्रकार से
आवश्यक जानकारीयाँ लीं।

JPC Waqf 1996-2006 की रिपोर्ट
तथा प्रधान मंत्री की उच्च स्तरीय
समिति की 2006 की रिपोर्ट
संसद के पटल पर रख दी गई थीं।

फिर कमिटी ऑफ सेक्रेट्रीज
की रिपोर्ट पेश हुई!।

उन सब की रोशनी में वक्रफ़
एक्ट 1995 में 2013 में भारी
अमेंडमेंट हुए थे।

કુછ સવાલ

यह जानना ज़रूरी है कि 2013 के वक्फ़
अमेडमेंट ऐक्ट की रौशनी में
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व्यापक वक्फ़ रूल्स कब अमेंड किए गए
और इन अमेंडेड रूल्स को **संसद के पटल**
पर कब रखा गया ?

अमेंडेड ऐक्ट और रूल्स का इंप्लेमेंटेशन किस
किस प्रांत में कब कब कितना कितना हुआ ?
इसमें कितनी सफलता हुई ? क्या इस का
statewide chart तैयार किया गया ? यह
चार्ट जेपीसी के मेंबरों को कृपया दिया जाए।

सब से पहली बार सरकार में इस प्रक्रिया
की कब शुरुआत हुई कि वक्फ़ ऐक्ट 1995
(जिस में 2013 में भारी अमेंडमेंट हो चुके थे)
उस में फिर भारी अमेंडमेंट होना चाहिए ?

इस प्रक्रिया के पीछे क्या मुद्दे थे ?
क्या मंत्रालय के पास देश भर से
representation आए ?

अगर हॉ तो किस किस प्रांत से कितने कितने
representation किस किस मुद्दे पर आए ?
उन representations का कोई चार्ट तैयार
किया गया ? कृपया उसकी प्रतिलिपि जेपीसी
के मेंबरों को प्रस्तुत की जाए।

क्या मंत्रालय ने सभी 29 प्रांतीय वक्फ़ बोर्डों से
लिख कर उन से राय माँगी ?
अगर हाँ तो कितने बोर्डों के जवाब आए ?
क्या मंत्रालय ने इन सब जवाबों का कोई चार्ट
तैयार किया है ? कृपया उसकी प्रतिलिपि
जेपीसी के मंत्रियों को प्रस्तुत करें।

क्या मंत्रालय ने सेंट्रल वक्रफ़ काउंसिल से लिख कर राय माँगी ?

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अगर हाँ, तो इस मुद्दे पर काउंसिल की कितनी मीटिंग्स किस किस तारीख को हुईं ? उन मीटिंग्स के मिनिट्स काउंसिल की वेबसाइट पर डाले जाएं। क्या मंत्रालय ने काउंसिल के जवाबों का कोई चार्ट तैयार किया है ? कृपया उसकी प्रतिलिपि जेपीसी के मेंबरों को प्रस्तुत करें।

क्या मंत्रालय ने मुतवल्लियों से लिख कर उन से राय माँगी ?

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अगर हाँ तो कितने मुतवल्लियों के जवाब आए ?
क्या मंत्रालय ने इन सब जवाबों का कोई चार्ट तैयार किया है ? कृपया उसकी प्रतिलिपि जेपीसी के मेंबरों को प्रस्तुत करें।

वक्फ़ मुसलमानों का मुद्दा है।

देश में मुसलमानों की बहुतेरी देशव्यापी
धार्मिक संस्थाएँ हैं।

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क्या मंत्रालय ने इन से लिख कर राय माँगी ?
क्या उन के जवाबों का कोई चार्ट तैयार किया
गया ? कृपया उसकी प्रतिलिपि जेपीसी के
मेंबरों को प्रस्तुत करें।

वक्रफ़ बिल 2024 में बहुत से proposal हैं जिन का वर्णन Statement of Reasons में नहीं है । सदन में बिल पेश करते समय मंत्री जी ने भी बिल के बहुत से proposals का कारण नहीं बताया। लेकिन मंत्रालय ने तो वक्रफ़ बिल 2024 के हर proposal के पीछे detailed reasons लिख कर तैयार किए होंगे। मंत्रालय के अधिकारियों के पास उस की कापी हो तो जेपीसी के मेंबरों को कृपया दे दी जाए ।

यह सभी दस्तावेज़ मंत्रालय की
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वेबसाइट पर अपलोड किये जाएं ।

Important

موجودہ قوانین کی کچھ مثالیں

**Instances of some
existing laws**

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Uttar Pradesh

<http://updharmarthkarya.in/booking/pdf/1983UP29.pdf>

No. 2899(2)/XVII-V-1—1(Ka)-8-1983

Dated Lucknow, October 13, 1983

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sri Kashi Vishwanath Mandir Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 29 of 1983) as passed by the Uttar Pradesh Legislature and assented to by the President on October 12, 1983.

THE UTTAR PRADESH SRI KASHI VISHWANATH TEMPLE ACT, 1983

[U. P. ACT NO. 29 OF 1983]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to provide for the proper and better administration of Sri Kashi Vishwanath Temple, Varanasi and its endowments and for matters connected therewith or incidental thereto

IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Sri Kashi Vishwanath Temple Act, 1983. Short title and commencement

(2) It shall be deemed to have come into force on January 28, 1983.

Uttar Pradesh

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उत्तर प्रदेश अधिसूचना गजट, 13 अक्टूबर, 1983

Overriding effect of the Act.

2. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force, or custom or usage, contract, deed or engagement, judgment, decree or order of any court or scheme of management settled by any court.

Functionaries under the Act to be Hindus.

3. No person shall, unless he is a Hindu by religion, be eligible for being or continuing as a member of the Board or Executive Committee or as Chief Executive Officer or as an employee of the Temple and every person shall cease to hold office or to exercise any power or discharge any function as such when he ceases to be a Hindu.

Definitions

4. In this Act, unless the context otherwise requires,—

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Sec 3: No person shall, unless he is a Hindu by religion, be eligible for being or continuing as a Member of the Board or Executive Committee or Chief Executive Officer or as an employee

Uttar Pradesh

CHAPTER II The Board of Trustees

**Vesting of the
Temple and its
endowments.**

**Constitution of
the Board of
Trustees.**

5. The ownership of the Temple and its endowments shall vest in the deity of Sri Kashi Vishwanath.

6. (1) With effect from the appointed date, the administration and governance of the *Temple* and its *endowments* shall vest in a Board to be called the Board of Trustees for Sri Kashi Vishwanath Temple ;

(2) The Board of Trustees shall consist of the following members, namely :—

(a) Dr. Vibhuti Narain Singh who shall also be the President of the Board ;

(b) Sri Jagadguru Sankaracharya of Sringeri ;

Uttar Pradesh

(c) Secretary to the Government of Uttar Pradesh in the Department of Cultural Affairs—*ex officio*;

(d) Secretary to the Government of Uttar Pradesh in the Department of Finance—*ex officio*;

(e) Secretary to the Government of Uttar Pradesh in the Department of Harijan and Social Welfare—*ex officio*;

(f) Secretary to the Government of Uttar Pradesh in the Judicial/Legislative Department by rotation in such manner as may be prescribed—*ex officio*;

(g) Director of Cultural Affairs, Uttar Pradesh—*ex officio*;

(h) Commissioner, Varanasi Division—*ex officio*;

(i) District Magistrate, Varanasi—*ex officio*;

(j) Vice-Chancellor, Sampurnanand Sanskrit Vishwavidyalaya Varanasi—*ex officio*;

(k) Two local eminent persons having good knowledge and experience in the management and administration of the affairs of the temple and any worship, service, ritual or religious observance made therein, to be nominated by the State Government;

(l) Three eminent Hindu scholars well-versed in Hindu theology, to be nominated by the State Government.

(3) Where a member of the Board cannot perform his duties as such by reason of the fact that he is not a Hindu, the person available next below him in this behalf shall be a member of the Board for the time being.

(4) The Board shall be a body corporate having perpetual succession and may sue or be sued by the name aforesaid.

Sec 6(3):

Where a member of the Board cannot perform his duties as such by reason of the fact that he is not a Hindu, the person available next below him in this behalf shall be a member of the Board.

(i)

**THE TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
ACT, 1959
(Tamil Nadu Act 22 to 1959)**

Arrangement of sections

SECTION

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CHAPTER – I
PRELIMINARY

1. Short title, extent, application and commencement
2. Power to extend Act to Jain Religious Institutions and Endowments.
3. Power to extend Act to Charitable Endowments
4. Exemptions
5. Certain Acts not to apply to Hindu Religious Institutions and Endowments
6. Definitions
7. Constitution of Advisory Committee
- 7-A. Constitution of District Committee

(b) appointment to the post of Deputy Commissioner shall be—

(i) by transfer from among the members of the ²[Tamil Nadu] State Judicial Service or of any other service ; or

(ii) by promotion from Assistant Commissioners ; or

(iii) by direct recruitment ; or

(iv) by agreement or contract.

(c) ³[* * *]

10. Commissioner, etc., to be Hindus.—The Commissioner, ⁴[the Additional Commissioner], ⁵[every Joint, Deputy or Assistant Commissioner] and every other officer or servant appointed to carry out the purpose of this Act, by whomsoever appointed, shall be a person professing the Hindu Religion and shall cease to hold office as such when he ceases to profess that religion.

⁶[11. Commissioner to be corporate sole. —The Commissioner shall be a corporate sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name].

12. Commissioner, etc., to be servants of Government.—(1) The Commissioner, ¹[Additional Commissioner], ²[Joint Commissioners], Deputy Commissioners, Assistant Commissioners and other officers and servants including executive officers of religious institutions employed for the purposes of this Act shall be servants of the Government and their salaries, allowances, pensions and other remuneration shall be paid in the first instance out of the Consolidated Fund of the State. The ³[* * *] cost of auditing the accounts of religious institutions shall also be paid in the first instance out of the Consolidated Fund of the State.

Tamilnadu

Commissioner, the Additional Commissioner, every Joint, Deputy or Assistant Commissioner and every other officer or servant appointed to carry out the purpose of this Act, by whomsoever appointed, shall be a person professing the Hindu Religion and shall cease to hold office as such when he ceases to profess that religion.

Andhra Pradesh

ANDHRA PRADESH CHARITABLE AND HINDU RELIGIOUS INSTITUTIONS AND ENDOWMENTS ACT, 1987

ACT No.30 OF 1987

ARRANGEMENTS OF SECTIONS

SECTIONS

CHAPTER -I PRELIMINARY

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1. Short title extent, applications and commencement
2. Definitions

CHAPTER-II

COMMISSIONER, ADDITIONAL COMMISSIONER, REGIONAL JOINT
COMMISSIONER ETC., AND THEIR POWERS AND FUNCTIONS

Andhra Pradesh

CHAPTER-II

COMMISSIONER, ADDITIONAL COMMISSIONER, REGIONAL JOINT COMMISSIONER ETC., AND THEIR POWERS AND FUNCTIONS

3. Appointments etc., of Commissioner, Additional Commissioner, Regional Joint Commissioner, Deputy Commissioner and Assistant Commissioner - (1) Subject to the provisions of section 4, the Government shall appoint a Commissioner, Additional Commissioner and such number of Regional Joint Commissioners, Deputy Commissioners and Assistant Commissioners as they think fit for the purpose of exercising the powers and performing the functions conferred on or entrusted to them by or under this Act.

(2) The Commissioner, the Additional Commissioner and every Regional Joint Commissioner, Deputy Commissioner or Assistant Commissioner appointed under sub-section (1) exercising the powers and performing the functions as aforesaid in respect of religious institutions or endowments, shall be a person professing Hindu religion and shall cease to exercise those powers and perform those functions when he ceases to profess that religion.

(3) The conditions of service of the officers appointed under sub-section (1), shall be such as may be determined by the Government.

(4) The officers appointed under sub-section (1) shall be the employees of the Government and their salaries, allowances, pensions and other remuneration shall be paid in the first instance out of the Consolidated Fund of the State and subsequently reimbursed from the Endowments Administration Fund.

Sec 3(2): The Commissioner, the Additional Commissioner and every Regional Joint Commissioner, Deputy Commissioner or Assistant Commissioner appointed under sub-section (1) exercising the powers and performing the functions as aforesaid in respect of religious institutions or endowments, shall be a person professing Hindu religion and shall cease to exercise those powers and perform those functions when he ceases to profess that religion.

Karnataka

[https://www.indiacode.nic.in/bitstream/123456789/7825/1/33_of_2001_\(e\).pdf](https://www.indiacode.nic.in/bitstream/123456789/7825/1/33_of_2001_(e).pdf)

THE HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS ACT, 1997

Arrangement of Sections

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Sections :

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CHAPTER - I

PRELIMINARY

1. [Short title extent commencement and application](#)
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Karnataka

[https://www.indiacode.nic.in/bitstream/123456789/7825/1/33_of_2001_\(e\).pdf](https://www.indiacode.nic.in/bitstream/123456789/7825/1/33_of_2001_(e).pdf)

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6. Commissioner and other officers to be Government servants.-

The Commissioner, the Deputy Commissioner, Assistant Commissioners, Tahsildars, Inspectors and other officers and subordinate staff appointed under this Act shall be Government servants and they shall draw their pay and allowances from the consolidated fund of the State.

7. Commissioner, etc. to be Hindu.- The Commissioner and every Deputy Commissioner or Assistant Commissioner and every other Officer or servant, appointed to carry out the purposes of this Act by whomsoever appointed, shall be a person professing Hindu Religion, and shall cease to hold office as such when he ceases to profess that religion.

8. Delegation of powers.- (1) The State Government may, by notification delegate any of its powers or functions under this Act or the rules other than the power conferred under section 76 or 77, to be exercised by the Commissioner or any other officer subject to such conditions as may be specified in the notification.

Sec 7: The Commissioner and every Deputy Commissioner or Assistant Commissioner and every other Officer or servant, appointed to carry out the purposes of this Act by whomsoever appointed, shall be a person professing Hindu Religion, and shall cease to hold office as such when he ceases to profess that religion.

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THE ORISSA HINDU RELIGIOUS ENDOWMENTS ACT, 1951

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State
Government
to appoint
them

5. The State Government may, by notification, appoint a person, who professes the Hindu religion and who is a member of either judicial or administrative service or a retired member thereof, to be the Commissioner of endowments and they may further appoint such number of Deputy Commissioners and Assistant Commissioners as they think fit.

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The State Government may, by notification, appoint a person, who professes the Hindu religion and who is a member of either judicial or administrative service or a retired member thereof, to be the Commissioner of endowments and they may further appoint such number of Deputy Commissioners and Assistant Commissioners as they think fit.

Commis-
sioner, etc.,
to be
Hindus.

6. The Commissioner, every Deputy Commis-
sioner, or Assistant Commissioner, and every other
officer or servant, appointed to carry out the purposes
of this Act by whomsoever appointed, shall be a
person professing the Hindu religion and shall cease
to hold office as such when he ceases to profess that
religion.

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The Commissioner, every Deputy Commissioner, or Assistant
Commissioner, and every other officer or servant, appointed to carry
out the purposes of this Act by whomsoever appointed, **shall be**
a person professing the Hindu religion and shall
cease to hold office as such when he ceases to profess that religion.

THE RELIGIOUS ENDOWMENTS ACT, 1863

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APPOINTMENT OF COMMITTEES

THE STATE GOVERNMENT SHALL APPOINT A COMMITTEE IN EVERY DIVISION OR DISTRICT TO EXERCISE THE POWERS **FROM AMONG PERSON PROFESSING THE RELIGION** FOR THE PURPOSES OF WHICH THE MOSQUE, TEMPLE OR OTHER RELIGIOUS ESTABLISHMENT WAS FOUNDED OR IS NOW MAINTAINED

Article 26

**Freedom to manage
religious affairs**

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26. Freedom to manage religious affairs

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Every religious denomination or any section thereof shall have the right—

- (a) to establish and maintain institutions for religious and charitable purposes;**
- (b) to manage its own affairs in matters of religion;**
- (c) to own and acquire movable and immovable property; and**
- (d) to administer such property in accordance with law.**

26. धार्मिक मामलों के प्रबंधन की स्वतंत्रता

प्रत्येक धार्मिक संप्रदाय या उसके किसी भी हिस्से को निम्नलिखित अधिकार होंगे—

(क) धार्मिक और परोपकारी उद्देश्यों के लिए संस्थानों की स्थापना और रखरखाव करना;

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(ख) धर्म के मामलों में अपने स्वयं के कार्यों का प्रबंधन करना;

(ग) चल और अचल संपत्ति का स्वामित्व और अधिग्रहण करना;
और

(घ) ऐसी संपत्ति का प्रबंधन कानून के अनुसार करना।

آرٹیکل 26 مذہبی امور کے انتظام کی آزادی

ہر مذہبی فرقہ یا اس کا کوئی حصہ درج ذیل حقوق رکھتا ہوگا:

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(ا) مذہبی اور صدقہ جاتی مقاصد کے لیے ادارے قائم کرنا اور ان کی نگہداشت کرنا؛

(ب) مذہب کے معاملات میں اپنے امور کا انتظام کرنا؛

(ج) منقولہ اور غیر منقولہ جائیداد کا مالک ہونا اور اسے حاصل کرنا؛ اور

(د) ایسی جائیداد کا قانون کے مطابق انتظام کرنا۔

مسلمانوں کے ساتھ
مختلف سلوک کیوں؟

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**Why different
treatment
to Muslims ?**

Waqf Act 1995

CHAPTER III CENTRAL ¹[WAQF] COUNCIL

9. Establishment and constitution of Central ¹[Waqf] Council.—²[(1) The Central Government may, by notification in the Official Gazette, establish a Council to be called the Central Waqf Council, for the purpose of advising the Central Government, the State Governments and the Boards on matters concerning the working of Boards and the due administration of auqaf.

(1A) The Council referred to in sub-section (1) shall issue directives to the Boards, on such issues and in such manner, as provided under sub-sections (4) and (5).]

(2) The Council shall consist of—

(a) the Union Minister in-charge of ¹[waqf]—*ex officio* Chairperson;

(b) the following members to be appointed by the Central Government from amongst Muslims, namely:—

(i) three persons to represent Muslim organisations having all India character and national importance;

³[(ii) four persons of national eminence, one each from the fields of administration or management, financial management, engineering or architecture and medicine;]

(iii) three Members of Parliament of whom two shall be from the House of the People and one from the Council of States;

(iv) Chairpersons of three Boards by rotation;

(v) two persons who have been Judges of the Supreme Court or a High Court;

(vi) one Advocate of national eminence;

(vii) one person to represent the mutawallis of the ¹[waqf] having a gross annual income of rupees five lakhs and above;

(viii) three persons who are eminent scholars in Muslim Law:

⁴[Provided that at least two of the members appointed under sub-clauses (i) to (viii) shall be women.]

**Why the Govt.
wants to remove
the following from
existing Act ?**

**2(b) The following
members to be
appointed by the
Central Govt from
amongst
Muslims**

Waqf Bill 2024

9. In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Council shall consist of—

(a) the Union Minister in charge of waqf—Chairperson, *ex officio*;

(b) three Members of Parliament of whom two shall be from the House of the people and one from the Council of States;

(c) the following members to be appointed by the Central Government from amongst Muslims, namely:—

(i) three persons to represent Muslim organisations having all India character and national importance;

(ii) Chairpersons of three Boards by rotation;

(iii) one person to represent the mutawallis of the waqf having a gross annual income of five lakh rupees and above;

(iv) three persons who are eminent scholars in Muslim law;

(d) two persons who have been Judges of the Supreme Court or a High Court;

(e) one Advocate of national eminence;

(f) four persons of national eminence, one each from the fields of administration or management, financial management, engineering or architecture and medicine;

(g) Additional Secretary or Joint Secretary to the Government of India dealing with waqf matters in the Union Ministry or department—member, *ex officio*;

Provided that two of the members appointed under clause (c) shall be women:

Provided further that two members appointed under this sub-section shall be non-Muslim.”

Why does the Govt. want that Muslim Waqfs should be governed by non-Muslims ?

This is discrimination against Muslims.

It violates Art 15, 25, 26, 29 of Constitution.

“Provided further that at least two members appointed under this sub-section shall be non-Muslim.”

Waqf Act 1995

14. Composition of Board.—(1) The Board for a State and ³[the National Capital Territory of Delhi] shall consist of—

(a) a Chairperson;

(b) one and not more than two members, as the State Government may think fit, to be elected from each of the electoral colleges consisting of—

(i) Muslim Members of Parliament from the State or, as the case may be, ³[the National Capital Territory of Delhi];

(ii) Muslim Members of the State Legislature;

⁴[(iii) Muslim members of the Bar Council of the concerned State or Union territory:

Provided that in case there is no Muslim member of the Bar Council of a State or a Union territory, the State Government or the Union territory administration, as the case may be, may nominate any senior Muslim advocate from that State or the Union territory, and]

(iv) mutawallis of the ¹[auqaf] having an annual income of rupees one lakh and above.

⁵[*Explanation I.*—For the removal of doubts, it is hereby declared that the members from categories mentioned in sub-clauses (i) to (iv), shall be elected from the electoral college constituted for each category.

Explanation II.—For the removal of doubts it is hereby declared that in case a Muslim member ceases to be a Member of Parliament from the State or National Capital Territory of Delhi as referred to in sub-clause (i) of clause (b) or ceases to be a Member of the State Legislative Assembly as required under sub-clause (ii) of clause (b), such member shall be deemed to have vacated the office of the member of the Board for the State or National Capital Territory of Delhi, as the case may be, from the date from which such member ceased to be a Member of Parliament from the State National Capital Territory of Delhi, or a Member of the State Legislative Assembly, as the case may be;]

⁶[(c) one person from amongst Muslims, who has professional experience in town planning or business management, social work, finance or revenue, agriculture and development activities, to be nominated by the State Government;

(d) one person each from amongst Muslims, to be nominated by the State Government from recognised scholars in Shia and Sunni Islamic Theology;

(e) one person from amongst Muslims, to be nominated by the State Government from amongst the officers of the State Government not below the rank of Joint Secretary to the State Government;]

All Members
of State
Waqf
Boards have
to be
Muslim.

Waqf Act 1995

¹[(1A) No Minister of the Central Government or, as the case may be, a State Government, shall be elected or nominated as a member of the Board:

Provided that in case of a Union territory, the Board shall consist of not less than five and not more than seven members to be appointed by the Central Government from categories specified under sub-clauses (i) to (iv) of clause (b) or clauses (c) to (e) in sub-section (1):

Provided further that at least two Members appointed on the Board shall be women:

Provided also that in every case where the system of mutawalli exists, there shall be one mutawalli as the member of the Board.]

(2) Election of the members specified in clause (b) of sub-section (1) shall be held in accordance with the system of proportional representation by means of a single transferable vote, in such manner as may be prescribed:

Provided that where the number of Muslim Members of Parliament, the State Legislature or the State Bar Council, as the case may be, is only one, such Muslim Member shall be declared to have been elected on the Board:

Provided further that where there are no Muslim Members in any of the categories mentioned in sub-clauses (i) to (iii) of clause (b) of sub-section (1) the ex-Muslim Members of Parliament, the State Legislature or ex-member of the State Bar Council, as the case may be, shall constitute the electoral college.

(3) Notwithstanding anything contained in this section, where the State Government is satisfied, for reasons to be recorded in writing, that it is not reasonably practicable to constitute an electoral college for any of the categories mentioned in sub-clauses (i) to (iii) of clause (b) of sub-section (1), the State Government may nominate such persons as the members of the Board as it deems fit.

(4) The number of elected members of the Board shall, at all times, be more than the nominated members of the Board except as provided under sub-section (3).

²* * * *

(6) In determining the number of Shia members or Sunni members of the Board, the State Government shall have regard to the number and value of Shia ³[auqaf] and Sunni ³[auqaf] to be administered by the Board and appointment of the members shall be made, so far as may be, in accordance with such determination.

²* * * *

(8) Whenever the Board is constituted or reconstituted, the members of the Board present at a meeting convened for the purpose shall elect one from amongst themselves as the Chairperson of the Board.

(9) The members of the Board shall be appointed by the State Government by notification in the Official Gazette.

“Where there are no Muslim Members of Parliament, State Legislature or Bar Council, then ex-Muslim Members of Parliament, the State Legislature or ex-member of the State Bar Council shall constitute the electoral college”.

Why does the Govt want to take away this constitutional privilege from Muslims ?

Waqf Bill 2024

Provided further that two members appointed under this sub-section shall be non-Muslim.”.

10. In section 13 of the principal Act, for sub-section (2A), the following sub-section shall be substituted, namely:—

“(2A) The State Government may, if it deems necessary, by notification in the Official Gazette, establish a separate Board of Auqaf for Bohras and Aghakhani.”.

11. In section 14 of the principal Act,—

(a) for sub-sections (1), (1A), (2), (3) and (4), the following sub-sections shall be substituted, namely:—

“(1) The Board for a State and the National Capital Territory of Delhi shall consist of, not more than eleven members, to be nominated by the State Government,—

(a) a Chairperson;

(b) (i) one Member of Parliament from the State or, as the case may be, the National Capital Territory of Delhi;

(ii) one Member of the State Legislature;

(c) the following members belonging to Muslim community, namely:—

(i) one mutawalli of the waqf having an annual income of one lakh rupees and above;

(ii) one eminent scholar of Islamic theology;

(iii) two or more elected members from the Municipalities or Panchayats:

Provided that in case there is no Muslim member available from any of the categories in sub-clauses (i) to (iii), additional members from category in sub-clause (iii) may be nominated;

(d) two persons who have professional experience in business management, social work, finance or revenue, agriculture and development activities;

(e) one officer of the State Government, not below the rank of Joint Secretary to that State Government;

(f) one Member of the Bar Council of the concerned State or Union territory:

Provided that two members of the Board appointed under clause (c) shall be women:

Provided further that two of total members of the Board appointed under this sub-section shall be non-Muslim:

Why does the Govt want to limit the legal requirement of being Muslim to only four members of the Board (as compared to the existing requirement that all members will be Muslim) ?

Waqf Act 1995

23. Appointment of Chief Executive Officer and his term of office and other conditions of service.—¹[(1)There shall be a full-time Chief Executive Officer of the Board who shall be a Muslim and shall be appointed by the State Government, by notification in the Official Gazette, from a panel of two names suggested by the Board and who shall not be below the rank of Deputy Secretary to the State Government, and in case of non-availability of a Muslim officer of that rank, a Muslim officer of equivalent rank may be appointed on deputation.]

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Sec 23(1) There shall be a full-time Chief Executive Officer of the Board who shall be a Muslim and shall be appointed by the State Government, by notification in the Official Gazette, from a panel of two names suggested by the Board and who shall not be below the rank of Deputy Secretary to the State

Waqf Bill 2024

In section 23 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) There shall be a full-time Chief Executive Officer of the Board to be appointed by the State Government and who shall be not below the rank of Joint Secretary to the State Government."

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Why does the Govt want to deprive the Muslim community of its fundamental right that the CEO of the State Waqf Board should be Muslim ?

حکومت کیوں مسلم کمیونٹی کو
اس کے بنیادی حق سے محروم
کرنا چاہتی ہے کہ
ریاست وقف بورڈ کا سی ای او
مسلمان ہونا چاہیے؟

Also, why the Govt wishes to finish the democratic process and the constitutional right where two names are suggested by the Board and the Govt appoints one of them ?

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اس کے علاوہ، حکومت جمہوری عمل اور آئینی حق کو ختم کیوں کرنا چاہتی ہے جہاں بورڈ کی جانب سے دو نام تجویز کیے جاتے ہیں اور حکومت ان میں سے ایک کا تقرر کرتی ہے؟

اس طرح، مرکزی وقف کونسل، ریاستی وقف بورڈز، اور سی ای او کی تقرری میں حکومت نے مسلمانوں کے آئینی حق کو واپس لینے کی تجویز دی ہے کہ وہ خود اپنے اوقاف کے معاملات کا انتظام کریں، جو ان کے عقیدے اور ثقافت کا حصہ ہے۔ یہ مجوزہ ترامیم غیر آئینی ہیں اور ناقابل قبول ہیں

Thus, in the Central Waqf Council, the State Waqf Boards and in the appointment of CEO the Govt has proposed to withdraw the constitutional right of the Muslims that they should themselves manage the affairs of the Waqfs which is a part of their faith as well as their culture.

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These proposed amendments are unconstitutional and are not acceptable.

Sec 1

Replace the word 'Waqf' by

**Unified Waqf Management, Empowerment,
Efficiency and Development Act**

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متحدہ وقف انتظام، اختیار، کارکردگی اور ترقی ایکٹ

**Dilutes the significance of Waqf.
Proposal should be dropped.**

وقف بل 2024 کے ذریعہ موجودہ ایکٹ کے سیکشن 3 میں
سرکاری تنظیم (Government Organization)
نام کی ایک نئی اصطلاح متعارف کرانے کے لئے تجویز دی
گئی ہے جس کی تعریف یہ ہے:

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مرکزی حکومت، ریاستی حکومتیں، بلدیات، پنچایتیں،
ان سے منسلک اور ان کے ماتحت دفاتر، اور مرکزی
حکومت یا ریاستی حکومت کے خود مختار ادارے یا
کوئی بھی تنظیم یا ادارہ جو مرکزی حکومت یا ریاستی
حکومت کی ملکیت اور کنٹرول میں ہو۔

Sec 3

Insert new clause (fa)

Government Organisation

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includes the Central Government, State Governments, Municipalities, Panchayats, attached and subordinate offices and autonomous bodies of the Central Government or State Government, or any organisation or Institution owned and controlled by the Central Government or State Government.

**Dilutes the significance of Waqf.
Proposal should be dropped.**

اس کے ساتھ ہی

سرکاری جائداد

(Government Property)

نام کی مزید ایک اصطلاح متعارف کرائی گئی
ہے جس کی تعریف ہے:

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حرکت پذیر یا بے حرکت جائیداد یا اس کا کوئی
حصہ جو کسی سرکاری تنظیم کی ملکیت ہو۔

Sec 3

Insert new clause (fb)

Government Property

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**means movable or immovable property
or any part thereof, belonging to a
Government Organisation;**

ایک نئے سکشن 3C کے ذریعہ
ضلع کلکٹر کو اختیار دیئے جانے کی تجویز ہے

کہ وہ کسی بھی وقف جائداد کی نوعیت بدل کے آرڈر
جاری کر سکتا ہے کہ یہ سرکاری جائداد ہے اور اس کے
مطابق ریوینیو رکارڈ میں تبدیلی کر سکتا ہے جس کے
بعد صوبائی حکومت وقف بورڈ کو حکم دے گی کہ اس

جائداد کا اندراج اوقاف کے رجسٹر میں سے خارج کر دیا جائے۔

یہ تینوں تجاویز وقف جائدادوں کی چھینا جھپٹی کو
باقاعدہ سرکاری حجاب پہنانے کے مترادف ہیں۔

**There are a large number of Waqf properties
which are occupied by Government.**

Details are give in Justice Sachar Committee Report.

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**This bill proposes to authorize the district
collector and state government to unilaterally
declare such waqf properties as 'Govt
Property. The proposal should be dropped.**

سکشن 3 میں ہی ایک اور نئے اصطلاح
"پورٹل اور ڈیٹا بیس"

(Portal & Database)

متعارف کرانے کی تجویز کی گئی ہے

جس سے مراد ہے کہ وقف اثاثہ جات کا رکارڈ
جو مرکزی حکومت کے ذریعہ اوقاف کے
اندراج، حسابات، آڈٹ اور دیگر تفصیلات کے
لئے قائم کیا جائے گا، جسے مرکزی حکومت
کے ذریعہ مامور کیا جائے گا۔

یہاں یہ امر قابل غور ہے کہ
وقف کی جائیدادیں مسلم جائیدادیں ہیں۔
ان پر مسلمانوں کا ہی کنٹرول ہونا چاہیے۔

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لہذا وقف اثاثہ جات کا نظام حکومت کے بجائے
مسلمانوں کے کنٹرول میں رہنا چاہیے۔ اس لئے
ان تینوں تجاویز کو سرے سے رد و خارج کر
دیا جانا چاہیے۔

Sec 3

After clause (k), insert (ka)

(ka) “portal and database” means the waqf asset management system or any other system set up by the Central Government for the registration, accounts, audit and any other details of waqf and the Board, as may be prescribed by the Central Government.

Waqf properties are Muslim properties. They should have control. Hence the waqf asset management system should be controlled by Muslims, not by Government.

موجودہ ایکٹ کے سکشن 3(r) میں وقف کی
بہت جامع تعریف دی ہوئی ہے

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یعنی کسی شخص کی جانب سے کسی بھی جائیداد کو
مستقل نظر کر دینا،

کسی ایسے مقصد کے لیے جو مسلم قانون کے تحت
متقی ، دینی یا صدقہ جاتی تسلیم کیا گیا ہو۔

اب 2024 کے ترمیمی بل کے ذریعہ لفظ
'کسی شخص' کو ہٹا کے اس کی جگہ لانے کی تجویز ہے

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کوئی بھی شخص جو کم از کم پانچ برس سے مذہب
اسلام پر عمل کر رہا ہو ۔

یہ تجویز بنیادی اخلاقیات اور شائستگی کے خلاف ہے
اور دستور ہند کی روح پر ضرب کرتی ہے۔

اس تجویز کو صرف رد ہی نہیں کیا جانا چاہیے بلکہ
اس کے مسودہ کو جن افراد نے صحیح مان کے آگے
بڑھایا ہو ان پر دستور ہند کی دفعہ 51A(e) کی خلاف
ورزی کے الزام میں مقدمہ بھی دائر کیا جانا چاہئے
جس کی رو سے ملک کے ہر شہری کی بنیادی ڈیوٹی
ہے کہ ہندوستان کے تمام لوگوں کے درمیان مذہبی و
فرقہ وارانہ تنوع سے بالاتر ہو کر ہم آہنگی اور
مشترکہ بھائی چارے کے جذبے کو فروغ دے۔

Sec 3

In clause (r) in the opening portion, for the words “any person, of any movable or immovable property”,

The words “syedzafarmahmood.in any person practising Islam for at least five years, of any movable or immovable property, having ownership of such property,” shall be substituted;

“Practicing Islam for at least five years” is an affront to the Muslim community. In no other statute such provision is there for any other community. Also, if a non-Muslim wishes to contribute to the charitable cause like Waqf, s/he should not be debarred. Hence this proposal should be dropped.

ایک نئے سکشن 3C کے ذریعہ
ضلع کلکٹر کو اختیار دیئے جانے کی تجویز ہے
کہ وہ کسی بھی وقف جائداد کی نوعیت بدل کے
آرڈر جاری کر سکتا ہے کہ یہ سرکاری جائداد
ہے اور اس کے مطابق ریونیو رکارڈ میں تبدیلی
کر سکتا ہے جس کے بعد صوبائی حکومت وقف
بورڈ کو حکم دے گی کہ اس جائداد کا اندراج
اوقاف کے رجسٹر میں سے خارج کر دیا جائے۔

After Sec 3 insert 3C

3C(3). In case the Collector determines the property to be a Government property, he shall make necessary corrections in revenue records and submit a report in this regard to the State Government.

The Collector is under both the Central* as well as the State Governments. Hence vesting in him authority over waqf properties & waqf administrative machinery violates article 25, 26 and 29 of the Constitution. The proposal needs to be dropped.

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[*The Collector is a member of IAS which is an all-India service controlled by the Central Government even though these officers are allocated various state/UT cadres.]

3C(4) The State Government shall, on receipt of the report of the Collector, direct the Board to make appropriate correction in the records.

Government interference in religious matters is violation of articles 25, 26 and 29 of the Constitution. The proposal needs to be dropped.

موجودہ ایکٹ میں درج ہے کہ ہر ریاستی حکومت ریاست کے تمام اوقاف کی فہرست تیار کر کے برقرار رکھے گی۔

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اس کام کے لئے ہر ریاست
ایک سروے کمشنر برائے اوقاف
اور جتنے اضافی یا اسسٹنٹ سروے کمشنر
برائے اوقاف کی ضرورت ہو،
ان کی تقرری کر سکتی ہے تاکہ ریاست میں اوقاف کا
سروے کیا جاسکے۔

اب وقف بل 2024 کے ذریعہ یہ تجویز پیش کی گئی
ہے کہ وقف سروے کمشنر، ایڈیشنل اور اسسٹنٹ
سروے کمشنروں کے عہدے ختم کر کے

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فی الوقت جن بھی اوقاف کا سروے زیر غور ہے، اس
پر اب دائرہ اختیار **ضلع کلکٹر** کو منتقل کر دیا جائے

Sec 4

Survey Commissioner's powers transferred to Collector

Collector is already over worked. That's why separate survey commissioner was provided for. Also, the Collector is under both the Central* as well as the State Governments. Hence vesting in him authority over waqf properties & waqf administrative machinery violates article 25, 26 and 29 of the Constitution. The proposal needs to be dropped.

[*The Collector is a member of IAS which is an all-India service controlled by the Central Government even though these officers are allocated various state/UT cadres.]

Sec 6(1)

**Finality of Tribunal's
order revoked.**

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**This is a retrograde step and
waters down the significance of
Waqf properties. The proposal
needs to be dropped.**

This is a retrograde step and waters down the significance of Waqf properties. The proposal needs to be dropped.

Sec 20A

**Removal of Chairperson
by vote of no confidence.**

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Proposed to be Omitted

**Democratic values must be retained.
This proposal needs to be dropped.**

موجودہ ایکٹ کے سکشن (1) 32 کے تحت ہر ریاستی
وقف بورڈ کی ڈیوٹی ہے کہ وہ کسی بھی وقف کے
حوالے سے اپنے اختیارات کا استعمال کرتے ہوئے،

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واقف (وقف کرنے والا) کی ہدایات، وقف کے مقاصد اور
وقف کے کسی بھی رسم و رواج کے مطابق عمل کرے
جو اس مسلم قانون کے مکتبہ فکر کے ذریعہ منظور
شدہ ہو جس سے متعلقہ وقف تعلق رکھتا ہے۔

لیکن وقف بل 2024 میں تجویز دی گئی ہے کہ سکشن
(1)32 کو حذف (Omit) کر دیا جائے۔

گویا حکومت چاہتی ہے کہ واقف کی ہدایات اور اس مسلم
قانون کے مکتبہ فکر کے منظور شدہ وقف کے رسم و
رواج کو مکمل طور پر نظر انداز کر دیا جائے جس سے اس
وقف کا تعلق ہے۔

یہ تجویز وقف کے بنیادی تصور کی نفی کرتی ہے۔ اس
تجویز کو رد کر دیا جانا چاہیے۔

Sec 32(1)

Provided that in exercising its powers under this Act in respect of any '[waqf]', the Board shall act in conformity with the directions of the [waqif], the purposes of the '[waqf]' and any usage or custom of the [waqf] sanctioned by the school of Muslim law to which the '[waqf]' belongs.

Proposed to be Omitted

Sec 32(1)

The Waqf Bill 2024 proposes to completely ignore the directions of the Waqif (the person who created the Waqf), the purposes of the Waqf and any usage and custom of the Waqf sanctioned by the school of Muslim law to which the Waqf belongs. This negates the basic concept of Waqf. The proposal needs to be dropped.

Sec 32(1)

Explanation -

For the removal of doubts, it is hereby declared that in this sub-section, "waqf" includes a '[waqf] in relation to which any scheme has been made by any court of law, whether before or after the commencement of this Act.

Proposed to be Omitted

Sec 32(1)

This is not only disservice to the cause of Waqf but also tantamounts to contempt of the court. The proposal needs to be dropped.

36(4)

موجودہ ایکٹ کے سکشن 36 میں وقف بورڈ میں اوقاف کے رجسٹریشن کا طریقہ کار بیان کیا گیا ہے۔

سب سکشن 36(4) کے مطابق رجسٹریشن کے لئے ہر درخواست کے ساتھ وقف نامے کی نقل منسلک کی جائے گی،

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اور یہ بھی لکھا ہے کہ اگر ایسا کوئی وقف نامہ نہیں بنایا گیا یا اس کی نقل حاصل نہیں کی جا سکتی، تو درخواست گزار کو وقف کے آغاز، نوعیت اور مقاصد کی تمام تفصیلات فراہم کرنی ہوں گی، جتنی کہ اسے معلوم ہیں۔

36(4)

وقف بل 2024 کے ذریعہ سبسکشن 36(4) کو بھی حذف
(Omit) کرنے کی تجویز دی گئی ہے

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جبکہ سب لوگ خوب جانتے ہیں کہ بہت سے وقف بہت
پرانے ہیں، اکثر ایک صدی سے بھی زیادہ پرانے۔

36(4)

زیادہ تر اوقاف بہت پرانے ہیں
اکثر ایک صدی سے بھی زیادہ قدیم۔
وقف نامہ پیش کرنے کی غیر ضروری سختی پر اصرار
کرنا اور ماضی کی حقیقتوں کو نظر انداز کرنا ایک غیر
دانشمندانہ، غیر حقیقت پسندانہ اور وقف مخالف قدم ہے۔

لہذا، موجودہ ایکٹ میں اس دفعہ کو برقرار رکھا جانا چاہیے۔
2024 کے بل میں دی گئی تجویز کو رد کر دیا جانا چاہیے۔

Sec 36(4)

Every such application shall be accompanied by a copy of the waqf deed or if no such deed has been executed or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the applicant, of the origin, nature and objects of the '[waqf].

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“or if no such deed has been executed or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the applicant, of the origin, nature and objects of the '[waqf]” is proposed to be Omitted.

Sec 36(4)

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Many waqfs are very old, often older than a century. It is an unwise and anti-Waqf step to insist on an avoidable straight jacket of producing Waqf Deed and ignoring the realities of yesteryears. Hence this provision in 1995 Act needs to be retained. The proposal in 2024 Bill should be dropped.

Sec 36(7)

यहाँ राज्य वक्फ़ बोर्ड को अनिवार्य रूप से कलेक्टर के अधीन बनाने का प्रस्ताव है।

अन्यथा, इसके अधिकार कलेक्टर को स्थानांतरित करने का प्रस्ताव है।

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यह संविधान के आर्टिकल 25, 26, 29 का उल्लंघन है और इस प्रस्ताव को रद्द किया जाना चाहिए।

Sec 36(7)

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On receipt of an application for registration, the Board may, before the registration of the '[waqf] make such inquiries as it thinks fit in respect of the genuineness and validity of the application and correctness of any particulars therein and when the application is made by any person other than the person administering the '[waqf] property, the Board shall, before registering the '[waqf], give notice of the application to the person administering the '[waqf] property and shall hear him if he desires to be
In the case of "[auqaf] created before the commencement of this Act, every application for

Sec 36(7)

To be substituted by

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On receipt of an application for registration, the Board shall forward the application to the Collector having jurisdiction to inquire the genuineness and validity of the application and correctness of any particulars therein and submit a report to the Board:

Provided that if the application is made by any person other than the person administering the waqf, the Board shall, before registering the waqf, give notice of the application to the person administering the waqf and shall hear him if he desires to be heard.

(7A) Where the Collector in his report mentions that the property, wholly or in part, is in dispute or is a Government property, the waqf in relation to such part of property shall not be registered, unless the dispute is decided by a competent court.”;

Sec 36(7)

Here the State Waqf Board is proposed to be made compulsorily subservient to the Collector. And its powers are proposed to be transferred to the Collector. This violates articles 25, 26, 29 of the Constitution and the proposal needs to be dropped.

Sec 36 insert (10)

(10) इस बिल के अनुसार रेजिस्टर्ड नहीं किए गए
किसी भी वक्फ की ओर से
किसी अधिकार के लिए कोई मुकदमा,
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अपील या अन्य कानूनी कार्यवाही
किसी भी न्यायालय में
दाखिल या सुनी नहीं जाएगी।

Sec 36 insert (10)

(10) No suit, appeal or other legal proceeding 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 or commenced or heard, tried or decided by any court after expiry of a period of six months from the commencement of the Waqf (Amendment) Act, 2024.

Sec 36 insert (10)

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The Bill proposes to do away with entire factual position regarding the existence of the waqf. It insists that all waqfs must be registered at the new postal to be created and controlled by the central government. This is violation of articles 25, 26, 29 of the constitution. The proposal constricts and vitiates the interests of Waqf properties and needs to be dropped.

Sec 40

Proposed to be Omitted

یہ فیصلہ کہ کوئی جائیداد وقف کی جائیداد ہے۔

40. Decision if a property is waqf property.

—
(1)

The Board may itself collect information regarding any property which it has reason to believe to be waqf property and if any question arises whether a particular property is waqf property or not or whether a waqf is a Sunni waqf or a Shia waqf, it may, after making such inquiry as it may deem fit, decide the question.

(2)

The decision of the Board on a question under sub-section (1) shall, unless revoked or modified by the Tribunal, be final.

(3)

Where the Board has any reason to believe that any property of any trust or society registered in pursuance of the Indian Trusts Act, 1882 (2 of 1882) or under the Societies Registration Act, 1860 (21 of 1860) or under any other Act, is waqf property, the Board may notwithstanding anything contained in such Act, hold an inquiry in regard to such property and if after such inquiry the Board is satisfied that such property is waqf property, call upon the trust or society, as the case may be, either to register such property under this Act as waqf property or show cause why such property should not be so registered:

Provided that in all such cases, notice of the action proposed to be taken under this sub-section shall be given to the authority by whom the trust or society had been registered.

(4)

The Board shall, after duly considering such cause as may be shown in pursuance of notice issued under sub-section (3), pass such orders as it may think fit and the order so made by the Board, shall be final, unless it is revoked or modified by a Tribunal.

Sec 40

**वक्रफ़ पर 2007 की जेपीसी और
जस्टिस सच्चर कमेटी ने रिपोर्ट दी थी कि**

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**बड़ी संख्या में
वक्रफ़ की संपत्तियों पर
नाजाएज कब्ज़े हैं।**

Sec 40

लेकिन 2024 के बिल में यह प्रस्तावित है कि राज्य वक्फ़ बोर्ड को उस वक्फ़ संपत्ति की पहचान करने का अधिकार नहीं दिया जाए जो कब्ज़े में है, और न ही उसकी पुनः प्राप्ति के प्रयास करने का।

Sec 40

**वक्रफ़ बिल 2024 का यह प्रस्ताव
वक्रफ़ के लिए घातक है और
इसे रद्द किया जाना चाहिए।**

Sec 40

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JPC on Waqf 2007 and Justice Sachar Committee had reported that large number of Waqf properties are under encroachment. But, in the Bill of 2024 it is proposed to deny to the state waqf board the right to identify a waqf property which is under encroachment and to make efforts for its retrieval. The proposal is pernicious and needs to be dropped.

Sec 47(1)

सरकार द्वारा आदेशित किसी वक्फ़ के
ऑडिट की फ़ीस
उस वक्फ़ की नेट वार्षिक आय के
डेढ़ प्रतिशत से अधिक नहीं होगी
और उसका पेमेंट उस वक्फ़ की आमदनी
से किया जाएगा।

इस प्रावधान को हटाने का प्रस्ताव है।

Sec 47(1)

यह प्रस्ताव वक्फ़ के हितों के लिए
अनुचित और हानिकारक है और
इसे रद्द किया जाना चाहिए।

In Sec 47(1)

The cost of such audit shall not exceed one and a half per cent. of the net annual income of such '[waqf]' and such costs shall be met from the funds of the [auqaf] concerned

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Proposed to be Omitted

In Sec 47(1)

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**This proposal is quite
unreasonable and injurious to the
interests of the Waqfs and needs
to be dropped.**

Sec 52(4)

कलेक्टर की ड्यूटी है कि अवैध रूप से
स्थानांतरित वक्फ संपत्ति पर नियंत्रण वापस ले
कर वक्फ बोर्ड को वापस लौटाए।

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किसी व्यक्ति को कलेक्टर के ऐसे आदेश से अगर
शिकायत है, तो वह ट्रिब्यूनल में अपील कर सकता है और

इस अपील पर ट्रिब्यूनल का निर्णय अंतिम होगा।

Sec 52(4)

“ऐसी अपील पर ट्रिब्यूनल का
निर्णय अंतिम होगा”

वक्फ बिल 2024 में 🖐️ इसे
हटाने का प्रस्ताव है।

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वक्फ ट्रिब्यूनल की प्रभावशीलता
बनाए रखनी चाहिए।

इस प्रस्ताव को रद्द किया जाना चाहिए।

Sec 52(4)

Any person aggrieved by the order of the Collector under sub-section (2) may, within a period of thirty days from the date of the service of the order, prefer an appeal to the Tribunal within whose jurisdiction the property is situate and the decision of the Tribunal on such appeal shall be final.

**The decision of the Tribunal on
such appeal shall be final:**

Proposed to be Omitted.

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**The effectiveness of the Waqf
Tribunal must be maintained. This
proposal needs to be dropped.**

Tribunals in India [\[edit \]](#)

Following are the tribunals in India.^[4]

SI No 	Tribunals 
1	Industrial Tribunal
2	Income Tax Appellate Tribunal (ITAT)
3	Customs, Excise and Service Tax Appellate Tribunal
4	Appellate Tribunal under Smugglers and Foreign Exchange Manipulators Act
5	Administrative Tribunal
6	Railway Claims Tribunal
7	Securities Appellate Tribunal
8	Debt Recovery Tribunal
9	The Telecom Disputes Settlement and Appellate Tribunal (TDSAT)
10	National Companies Law Appellate Tribunal (NCLAT)
11	National Company Law Tribunal
12	Appellate Tribunal for Electricity
13	Armed Forces Tribunal
14	National Green Tribunal

Sec 52A(2)

इस धारा के तहत दंडनीय कोई भी अपराध
Cognizable और Non-bailable होगा।

वक्फ़ बिल 2024 में  इसे हटाने
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का प्रस्ताव है।

यह वक्फ़ कानून की मजबूती को कमजोर करता है।
इस प्रस्ताव को रद्द किया जाना चाहिए।

Sec 52A(2)

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) any offence punishable under this section shall be cognizable and non-bailable.

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Proposed to be Omitted

This waters down the strength of the Waqf law. This proposal needs to be dropped.

Sec 52A(4)

इस धारा के तहत दंडनीय अपराध का परीक्षण किसी
ऐसे न्यायालय द्वारा नहीं किया जाएगा जो
मेट्रोपोलिटन मजिस्ट्रेट या जूडिशल मजिस्ट्रेट
फ़र्स्ट क्लास से कम हो।

वक्रफ़ बिल 2024 में 🙅 इसे हटाने
का प्रस्ताव है।

यह वक्रफ़ कानून की मजबूती को कमजोर करता है।
इस प्रस्ताव को रद्द किया जाना चाहिए।

Sec 52A(4)

No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Section.

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Proposed to be Omitted

This waters down the strength of the Waqf law. This proposal needs to be dropped.

Sec 61(1)(e)

किसी वक्फ संपत्ति का कब्जा बोर्ड या ट्रिब्यूनल के आदेश के बावजूद न सौंपने पर दंड।

वक्फ बिल 2024 में  इसे हटाने का प्रस्ताव है।

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यह वक्फ बोर्ड की नाफरमानी और उस के खिलाफ बगावत को जन्म देगा। इस प्रस्ताव को रद्द किया जाना चाहिए।

Sec 61(1)(e)

**Penalty for failure to deliver
possession of any '[waqf] property, if
ordered by the Board or Tribunal;**

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Proposed to be omitted

**Will lead to insubordination and mismanagement.
This proposal needs to be dropped.**

Sec 61(1)(f)

Penalty for Mutawalli's non-compliance with the directions of the Board

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Proposed to be omitted

**Will lead to insubordination and mismanagement.
This proposal needs to be dropped.**

Long line

नाजाएज़ कब्ज़ा करने के लिए
कारावास को बदलकर

50,000 रुपये तक के जुर्माने का प्रस्ताव किया गया है।

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यह नाजाएज़ कब्ज़े और कानून के उल्लंघन को
प्रोत्साहित करेगा। इस प्रस्ताव को रद्द किया
जाना चाहिए।

Long line

**Imprisonment is proposed to be replaced by
fine upto Rs 50,000.**

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**This will encourage encroachment and non-
compliance. This proposal needs to be dropped.**

Limitation Act के तहत प्रत्येक मामला जो निर्धारित अवधि के बाद दायर किया गया हो, जिसमें कोई अपील की गई हो, या जिसके संबंध में कोई आवेदन दिया गया हो, उसे खारिज कर दिया जाएगा।

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मौजूदा वक्फ़ क़ानून की धारा 107 के तहत वक्फ़ जायदाद को
Limitation Act से मुक्त रखा गया है।

Sec 107

अब वक्फ़ बिल 2024 में यह प्रस्ताव है कि मौजूदा वक्फ़ क़ानून की धारा 107 को हटा दिया जाए।

इसका परिणाम यह होगा कि दसियों हजार वक्फ़ संपत्तियों का वक्फ़ चरित्र समाप्त हो जाएगा।

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ऐसा करना भारतीय संविधान के कई प्रावधानों का स्पष्ट उल्लंघन है और इसलिए इस प्रस्ताव को अस्वीकार कर दिया जाना चाहिए।

ہارلیمنٹ کے ذریعہ پاس شدہ حدود ایکٹ (Limitation Act) کے تحت ہر مقدمہ جو مقررہ مدت کے بعد دائر کیا گیا ہو، جس میں کوئی اپیل کی گئی ہو، یا جس کے تعلق سے کوئی درخواست دی گئی ہو، اسے مسترد کر دیا جائے گا۔

موجودہ ایکٹ کے سیکشن 107 کے ذریعہ تمام اوقاف کو 1963 میں ہارلیمنٹ کے ذریعہ پاس شدہ حدود ایکٹ (Limitation Act) کے اطلاق سے مستثنیٰ کر دیا گیا ہے۔

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اب وقف بل 2024 میں تجویز ہے کہ موجودہ وقف ایکٹ کے سیکشن 107 کو حذف (Omit) کر دیا جائے۔ اس کا نتیجہ یہ ہو گا کہ دسیوں ہزار وقف املاک کا وقف کردار ختم ہو جائے گا۔ ایسا کرنا دستور ہند کے متعدد دفعات کی صریح خلاف ورزی ہے اور لہذا اس تجویز کو رد کر دیا جانا چاہیے۔

موجودہ ایکٹ کے سیکشن 108A کے تحت

(فی الوقت نافذ العمل کسی بھی دوسرے قانون یا
کسی معاہدے میں موجود تضاد کے باوجود)

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وقف قانون کے دفعات کو دیگر تمام قوانین پر
بالادستی حاصل ہے۔

اب وقف بل 2024 میں تجویز دی گئی ہے کہ
موجودہ ایکٹ کے سیکشن 108A کو حذف
(Omit) کر دیا جائے۔

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اس سے اوقاف کی صحت کو زبردست جھٹکا لگے
گا۔ لہذا اس تجویز کو مسترد کر دیا جانا چاہیے۔

Sec 108A

Overriding Effect

**This waters down the strength
of the Waqf law. This proposal
needs to be dropped.**

موجودہ ایکٹ کے سیکشن 108 کی رو سے پالیمنٹ کے ذریعہ 1950 میں پاس شدہ مہاجر جائیداد ایکٹ (Evacuee Property Act) کا خاطر خواہ استفادہ وقف املاک کو ملتا ہے۔ اب وقف بل 2024 میں تجویز دی گئی ہے کہ موجودہ ایکٹ کے سیکشن 108 کو حذف (Omit) کر دیا جائے۔ ایسا کرنے سے بڑی تعداد میں وقف املاک کا وجود خطرے میں آ سکتا ہے۔ لہذا اس تجویز کو مسترد کر دیا جانا چاہیے۔

Sec 108

Evacuee Property

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Proposed to be omitted

This waters down the strength of the Waqf law. This proposal needs to be dropped.

وَبِاللّٰهِ التَّوْفِيقِ وَالْهُدَايَةِ

