

# Explained: All you need to know about changes proposed to Waqf Bill by JPC, now cleared by Cabinet

The Bill was introduced in August last year to amend the Waqf Act of 1995 which governs the management of waqf properties in India. It proposed sweeping changes which give the government a foot in the door in regulating waqf properties, and settling disputes regarding such properties.

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A protest against the Waqf (Amendment) Bill in Kolkata last year. (Express Photo/Partha Paul)

The Union Cabinet on Thursday cleared all 14 amendments to the Waqf (Amendment) Bill, 2024 proposed by the Joint Parliamentary Committee (JPC) last month. It is likely to be tabled in the Parliament in the second half of the Budget session, which starts on March 10.

The Bill was introduced in August last year to amend the Waqf Act of 1995 which governs the management of waqf properties in India. It proposed sweeping changes which give the government a foot in the door in regulating waqf properties, and settling disputes regarding such properties.

Amidst criticism from the Opposition, the Bill had been referred to a JPC. On January 27, the Committee headed by BJP MP Jagadambika Pal cleared 14 amendments proposed by the BJP and its allies, while rejecting 44 amendments proposed by the Opposition. The amendments cleared by the JPC, and now the Union Cabinet, address some of the more contentious parts of the Bill.

### Extended time-frame

The 2024 Bill required every waqf and the property dedicated to the waqf to be registered on a central portal and database, within six months of the law's commencement. Any "government

property” in this database would be flagged to the District Collector who would then “make such inquiry as he deems fit” and submit a report to the state government.

The JPC accepted an amendment proposed by JD(U) MP Dileshwar Kamait, relaxing the timeline for registering a waqf property, in certain cases, provided the mutawalli provides “sufficient cause for not filing the details of the waqf on the portal”.

The amended Bill thus gives the Waqf Tribunal the power to extend the timeline in select cases. However, given that the circumstances which can be considered “sufficient”, and the period of extension are not specified, the Tribunal will have to exercise its discretion.

The JPC also accepted another consequent amendment by BJP MP Dr Radha Mohan Das Agarwal. The 2024 Bill stated that six months after the proposed law’s commencement, no suit, appeals or legal proceedings can be filed by waqfs if they are not registered under the central portal.

This essentially means, not registering on the portal would result in forfeiting the right to move a court in case of an encroachment or any other dispute involving the waqf land. The amendment proposed by Agarwal extends this timeline too, adding that courts can allow filing of suits, subject to the waqf submitting an affidavit on why it did not register on the portal within six months.

### **Role of District Collector**

The 2024 Bill gave the District Collector the powers that were previously with the Waqf Tribunal.

The Bill stated that “any government property identified or declared as waqf property, before or after the commencement of the Act, shall not be deemed to be a waqf property.” This determination, however, was to be made by the collector, not the Waqf Tribunal.

The Bill also added that until the government makes a decision, the disputed property will be treated as a Government property and not waqf property.

From the state government taking over the functioning of a Waqf Tribunal and judging its own case against a waqf, to a prima facie presumption in favour of government on ownership of property — several concerns were raised about this provision.

The JPC accepted four amendments proposed by Telugu Desam MP Lavu Sri Krishna Devarayalu to replace the district collector in the dispute resolution process with a more senior officer of the

state government.

The so-called “designated officer” will be responsible for making necessary changes to the revenue records, if a property is deemed to be a government property and not a Waqf property.

## Representation on Waqf Boards

The 2024 Bill proposed allowing a non-Muslim Chief Executive Officer, and at least two non-Muslim members to be appointed by the state government to the waqf boards at the state level.

The JPC accepted BJP MP Abhijit Gangopadhyay’s amendment to this provision, which states that the state government official who is part of the Waqf Board shall be a Joint Secretary-level officer “dealing with Waqf matters”.

Another amendment accepted by the JPC was by BJP [Rajya Sabha](#) MP Gulam Ali who proposed making it mandatory to have a member in the Waqf tribunal with knowledge of Muslim law and jurisprudence. The previous version of the Waqf Bill proposed that the tribunal have a sitting or retired district judge (as chairperson), and a Joint Secretary-level officer of the state government (as a member).



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