
SIGNIFICANCE OF WAQF BOARDS UNDER ISLAMIC LAWS: AN ANALYSIS

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ABSTRACT

This research paper delves into the legal, administrative, and socio-economic significance of Waqf boards within the Indian framework of Islamic law, examining their essential role as custodians of charitable endowments (Waqf) dedicated to pious, religious, or charitable objectives. Central to the Indian Muslim community's welfare infrastructure, Waqf boards operate as statutory bodies managing properties designated for the social benefit, thus upholding principles of social justice, equity, and the country's secular values of inclusivity. This paper begins by tracing the historical development of Waqf institutions in India, including their evolution from the mediaeval period through British colonial rule to the post-independence era. It underscores the alignment of Waqf endowments with India's diverse social landscape and their contributions to community welfare, especially within marginalised Muslim communities.

A comprehensive analysis of the legal framework guiding Waqf administration in India is provided, with a specific focus on the Waqf Act, 1995, and various judicial interpretations that influence the powers and responsibilities of central and state-level Waqf boards. This examination identifies key issues facing Waqf governance, including bureaucratic inefficiencies, lack of transparency, resource mismanagement, and the significant challenge of protecting Waqf properties from encroachment and unauthorized occupation. Such issues underscore the complex nature of Waqf administration, where legal and procedural complexities often impede effective governance.

The study further evaluates the socio-economic impact of Waqf properties, demonstrating their crucial role in funding educational, healthcare, and welfare programs, which can help alleviate socio-economic disparities within Muslim communities. However, the research identifies persistent administrative challenges—such as limited transparency, inefficient resource management, and the absence of uniform standards across states—that restrict the Waqf boards from achieving their full societal potential. Case

studies and recent controversies are presented to illustrate these challenges and emphasise the urgent need for reform.

The paper concludes with strategic policy recommendations aimed at improving the transparency, accountability, and resource management practices of Waqf boards. By advocating for modernized governance practices, it seeks to reveal the transformative potential of Waqf boards in fostering community empowerment and social welfare. Ultimately, through an in-depth, multi-dimensional analysis, this study contributes to the discourse on the evolving role of Islamic endowments in India's pluralistic society, providing insights valuable to policymakers, legal experts, and community stakeholders invested in equitable religious endowment management and social impact.

Keywords: Waqf Board, Charitable Endowments, Socio-Economic Impact, Governance, Transparency, Community Empowerment.

Introduction

In the rich tapestry of India's socio-cultural landscape, the institution of Waqf stands as a testament to the enduring legacy of Islamic civilization and its contributions to the country's pluralistic ethos. Embedded within the fabric of Islamic law, Waqf embodies the principles of charity, social welfare, and community solidarity, serving as a vital instrument for the advancement of public good. Within the Indian context, where Muslims constitute a significant minority population, Waqf assumes heightened importance, playing a pivotal role in addressing the socio-economic needs of Muslim communities and fostering interfaith harmony. At the heart of Waqf administration in India are the Waqf boards, statutory bodies entrusted with the management, regulation, and preservation of Waqf properties and assets. These boards serve as custodians of religious endowments, overseeing their utilisation for purposes ranging from the maintenance of mosques and madrasas to the provision of healthcare, education, and social welfare services. Against the backdrop of India's diverse religious and cultural landscape, the significance of Waqf boards under Islamic law transcends mere legal and administrative frameworks; it embodies a profound commitment to social justice, communal harmony, and inclusive development. This study delves into the multifaceted significance of Waqf boards within the Indian context, examining their historical evolution, legal framework, socio-economic impact, challenges, and opportunities, while also offering insights into their role as catalysts for empowerment and social transformation within Muslim communities and beyond.

In recent years, the role and significance of Waqf boards in India have garnered increased attention, driven by a growing recognition of their potential to address socio-economic disparities and promote inclusive development. As custodians of Waqf properties, these boards navigate a complex terrain of legal, administrative, and socio-cultural challenges, balancing the imperative of preserving religious endowments with the need to harness their potential for broader societal benefit. Moreover, the historical legacy of Waqf in India, dating back to the era of mediaeval Islamic rule and continuing through colonial and post-independence periods, imbues these institutions with a rich heritage and a sense of continuity, even as they adapt to contemporary realities.

Against the backdrop of India's pluralistic society, characterised by religious diversity and socio-economic disparities, Waqf boards play a crucial role in fostering social cohesion and addressing the needs of marginalised communities. By investing in education, healthcare, and social welfare programs, Waqf endowments serve as engines of empowerment, enabling individuals and communities to realise their full potential and contribute meaningfully to the nation's progress. Moreover, the inclusive ethos of Waqf aligns with India's constitutional values of secularism, social justice, and equality, making it a potent tool for promoting harmony and understanding among diverse religious communities.

However, the efficacy of Waqf boards in India is not without challenges. Issues such as bureaucratic inefficiency, lack of transparency, encroachment of Waqf properties, and inadequate resource mobilisation have hampered their ability to fulfil their mandate effectively. Moreover, the absence of a uniform legal framework governing Waqf administration across Indian states has led to inconsistencies and disparities in their functioning, hindering their potential for meaningful impact. Addressing these challenges requires a multi-pronged approach, encompassing legal reforms, capacity-building initiatives, community engagement, and stakeholder collaboration.

In conclusion, the significance of Waqf boards under Islamic law in the Indian context transcends mere administrative and legal frameworks; it embodies a commitment to social justice, communal harmony, and inclusive development. By leveraging the rich heritage of Waqf and harnessing its potential for societal benefit, these boards have the power to serve as catalysts for positive change, empowering marginalized communities and fostering a more equitable and harmonious society. Through concerted efforts to address challenges and

maximize opportunities, Waqf boards can realize their full potential as engines of social transformation, contributing to the collective advancement of the nation and its diverse communities.

Research Objectives

1. To analyse the legal framework governing Waqf administration in India, including the relevant statutes, regulations, and judicial precedents, with a focus on identifying gaps, inconsistencies, and areas for reform.
2. To assess the role and functions of Waqf boards in India, examining their organizational structure, powers, responsibilities, and decision-making processes, and evaluating their effectiveness in managing and preserving Waqf properties and assets.
3. To investigate the socio-economic impact of Waqf endowments in India, including their contributions to education, healthcare, social welfare, and infrastructure development, and assessing their role in addressing socio-economic disparities and promoting inclusive development.
4. To identify the challenges and constraints faced by Waqf boards in India, including issues related to governance, accountability, transparency, resource mobilisation, encroachment of Waqf properties, and legal disputes, and exploring potential strategies and interventions to address these challenges.
5. To provide policy recommendations and practical suggestions for strengthening the governance, management, and utilisation of Waqf endowments in India, aimed at enhancing their effectiveness, transparency, accountability, and socio-economic impact, and promoting their alignment with constitutional values of secularism, social justice, and equality.

Research Question

1. "What is the contemporary significance of Waqf boards under Islamic law in the Indian context, and how can their governance, management, and utilisation be enhanced to maximise their socio-economic impact and promote inclusive development?"

2. What are the key legal provisions and regulatory frameworks governing the establishment, management, and utilisation of Waqf properties by Waqf boards in different Indian states?
3. What are the main functions and responsibilities of Waqf boards in India, and how do they vary across different regions and jurisdictions?
4. What are the major challenges and constraints faced by Waqf boards in India, including issues related to governance, accountability, transparency, resource mobilization, and legal disputes?
5. What is the significance of the waqf board in relation to islamic personal laws.
6. What are the best practices and innovative approaches adopted by Waqf boards in India and other countries to address challenges and enhance their socio-legal impact?
7. What policy recommendations and practical interventions can be proposed to strengthen the governance, management, and utilization of Waqf endowments by Waqf boards in India, with a view to promoting social justice, communal harmony, and inclusive development?

Research Methodology

The research methodology for investigating the significance of Waqf boards under Islamic law in the Indian context without qualitative techniques would primarily employ a quantitative approach. This approach would involve the collection and analysis of statistical data from various sources, including Legal Statutes and Judicial pronouncements also through leading News Articles .This research methodology aims to provide a comprehensive understanding of the significance of Waqf boards under Islamic law in the Indian context, offering empirical evidence to inform policy and decision-making processes.

Hypothesis

The effective governance and management of Waqf boards under Islamic law can significantly contribute to addressing socio-economic disparities within Indian Muslim communities, promoting inclusive development and social justice. By analyzing the current structure, legal

frameworks, and operational challenges faced by Waqf boards, this study posits that reforms aimed at enhancing transparency, accountability, and resource mobilization can optimize their role as custodians of charitable endowments. This transformation would enable Waqf boards to more effectively serve the community's welfare, fostering harmony and equitable development aligned with India's pluralistic values.

Waqf Board Composition and Functionality

Definition of Waqf -

The Waqf Board is a body that administers all the matters related to auqaf (waqf). But then this begs the question: what is a waqf? To define the same one can refer to section 3 (r) of the The Waqf Act, 1995 whereby it states the definition of waqf -

“ waqf” means the permanent dedication by any person, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable ...”¹

One can also understand the same definition from the case of *U.P. Shia Central Board of Waqf v. U.P. Sunni Central Board of Waqf*².

So, in toto Waqf is property donated in God's name for philanthropic and religious uses. Legally speaking, the permanent commitment of any immovable or movable property for any purpose recognized by Muslim law as pious, religious, or benevolent by an individual professing Islam. A property may be considered waqf if it has been utilized for religious or charity purposes for an extended period of time, or it may be created through a deed or other legal document. Usually, the money raised goes toward funding refuge houses, mosques, cemeteries, and schools. The property cannot be reclaimed by the individual who established the waqf, and the waqf will always exist. A non-Muslim may also establish a waqf, but they must declare their faith in Islam and the goal of creating the waqf has to be Islamic.

Governance of a Waqf

After understanding the meaning of a waqf one can ponder upon the question of what are the

¹ The Waqf Act, 1995, § 3 (r), No. 43, Acts of Parliament, 1995.

² U.P. Shia Central Board of Waqf v. U.P. Sunni Central Board of Waqf, (2001) 5 SCC 162.

laws and institutions that govern the waqf.

The waqf properties are governed by The Waqf Act, 1995 under the act there are laws relating to the administration of waqfs and also the creation of central waqf council and state waqf boards and tribunals for the effective management of Waqf.

The act comprises 116 sections being divided into 9 chapters.

As per the act the first step is initiated from the state government under section 4 of the act whereby it appoints a survey commissioner that will survey all the alleged waqf properties and create a list of those properties and this list is divided into 2 on the basis of sunni and shia after this the list is published by the state government and later on it also creates a tribunal that resolves the cases regarding the identification of a property as a auqaf or not.

Furtheron, the act deals with the establishment of the central waqf council, whereby its purpose is to advice the central government and state government and the state waqf boards in relation to administration and management of waqf.

Sections 13 and 14 of the Act defines and leads to establishment of the state waqf board, which is mostly responsible for the governance related to waqf.

Functions of Waqf Board

A Waqf Board, also known as a Wakf Board or Endowment Board, is an institution established by the government to manage and administer Waqf properties. Waqf is an Islamic concept referring to the permanent dedication of assets such as land, buildings, or funds for religious or charitable purposes. Waqf properties are held in trust and cannot be sold, mortgaged, or otherwise alienated.

The functions of a Waqf Board can vary depending on the jurisdiction and the specific laws governing Waqf in that region. However, here are some common functions of Waqf Boards:

1. **Registration and Administration:** One of the primary functions of a Waqf Board is to register and administer Waqf properties within its jurisdiction. This includes maintaining records of Waqf properties, verifying their authenticity, and resolving disputes related to their ownership or management.

- a. *Section 4 - Preliminary Survey of Waqf*, under this section the state government has the power to appoint a survey commissioner which has a duty of recognising waqf property in that particular state and create a list of it³, Under *Section 5* the list which was asked to be made by the survey commissioner is to be published in a public forum.⁴
- b. Also in Section 23 a state Waqf Board is headed by Chief Executive Officer⁵, who possess quite a few powers and functions, under section 25 of the Act, it provides with the power to -
 - i. Investigating the nature and extent of Waqf Property
 - ii. Inspecting waqf property and related documents of it
 - iii. To do acts to control and maintenance of the waqf properties.⁶
- c. Also Section 32 of the Act is the Most important Section that talks about the powers and functions of the Waqf Board.
 - i. Under Section 32 (1) it gives power to the board to ensure superintendence of waqf properties for maintaining controlling and administering them.⁷
- d. In the case of *M. Govinda Rao And Others v. A.P State Wakf Board, Hyderabad*⁸, Andhra Pradesh High Court ruled that- The Board is responsible for the maintenance, control, and proper administration of all Wakfs under its superintendence.

2. **Protection and Preservation:** Waqf Boards are responsible for protecting and preserving Waqf properties from encroachment, illegal occupation, or misuse. They

³ The Waqf Act, 1995, § 4, No. 43, Acts of Parliament, 1995.

⁴ The Waqf Act, 1995, § 5, No. 43, Acts of Parliament, 1995.

⁵ The Waqf Act, 1995, § 23, No. 43, Acts of Parliament, 1995.

⁶ The Waqf Act, 1995, § 25, No. 43, Acts of Parliament, 1995.

⁷ The Waqf Act, 1995, § 32, No. 43, Acts of Parliament, 1995.

⁸ *M. Govinda Rao And Others v. A.P State Wakf Board Hyderabad*, 2008 (2) ALT 429.

may take legal action to reclaim Waqf properties that have been unlawfully occupied or mismanaged.

- a. The above power of the waqf board is by the virtue of Section 32 (2) (c) which is to be read with Section 32 (2) (i), which in coherence means that that the board has the power to give directions for the administration of a waqf and also to institute and defend legal proceeding in relation to waqf properties.
- b. Also by virtue of Section 40 (2), all the matters in relation to determination of a property as a waqf or not, the sole decision rests on the Waqf Tribunal which can be considered an extension of Waqf Board.⁹
- c. As in the case of *All India Imam Organisation v. Union of India (1993)*,¹⁰ the Supreme Court of India emphasised on the point that the waqf board has the sole authority on matters pertaining to administration of waqf property the waqf board has sole authority.
- d. Also in the case of *Syed Shah Muzahid Alam Firdosi v. State of Bihar*¹¹, Whereby the Patna High Court reiterated the fact that waqf board is responsible for administration of waqf property and also asked the board that the use of income derived from such waqfs' is also at the discretion of the waqf board.

3. **Leasing and Development:** Waqf Boards often lease out Waqf properties for commercial or residential purposes to generate income for charitable causes. They may also undertake development projects to enhance the value of Waqf properties or to create facilities that benefit the community, such as schools, hospitals, or community centres.

- a. The above power to the Waqf Board has been conferred by the virtue of Section 32 (2) (j) which confers power to the waqf board to lease any immovable waqf property.¹²

⁹ The Waqf Act, 1995, § 40, No. 43, Acts of Parliament, 1995.

¹⁰ *All India Imam Organisation v. Union of India (1993)*, 1993 SCR (3) 742.

¹¹ *Syed Shah Muzahid Alam Firdosi v. State of Bihar*, (2013) SCC ONLINE PAT 1225.

¹² The Waqf Act, 1995, § 32 (2) (j), No. 43, Acts of Parliament, 1995.

- b. As for the development of Waqf Property under Section 32 (4) whereby the waqf can lead to the development of a waqf property into an education institution, shopping centre, markets, housing or residential flats, market etc.¹³
 - c. But both the above sections have to be read with Section 56, by the virtue of clause 1 para 2 of the section whereby a lease for development of a commercial or educational institution can only be made for thirty years, beyond the stipulated time period the lease shall be declared null and void, by virtue of the same section.¹⁴
4. **Financial Management:** Waqf Boards manage the financial affairs of Waqf properties, including collecting rents, investing surplus funds, and disbursing income for charitable purposes as specified in the Waqf deed or as determined by the Board.
- a. Financial Management in relation to waqf is one of the most important function of waqf board, a whole chapter is dedicated to it in the Act i.e. chapter 7 which ranges from section 72 to 82.
 - b. But the base of all financial functions of the waqf board is derived from Section 32 of the Act.
 - c. Under Section 32 (1), (2) (e) the board has the power to acquire the income from waqfs and to utilise it to proper use.
5. **Legal Representation:** Waqf Boards may represent Waqf institutions in legal matters, including litigation, arbitration, or negotiations with third parties. They ensure that the interests of Waqf beneficiaries are protected and that Waqf properties are managed in accordance with Islamic principles and relevant laws.
- a. This power has been granted under Section 32 (2) (i), whereby the board can represent in matters related to waqf.¹⁵
 - b. Also it can be seen in all the landmark judgements under this subject that mostly

¹³ The Waqf Act, 1995, § 32 (4), No. 43, Acts of Parliament, 1995.

¹⁴ The Waqf Act, 1995, § 56, No. 43, Acts of Parliament, 1995.

¹⁵ The Waqf Act, 1995, § 32 (2) (i), No. 43, Acts of Parliament, 1995.

one of the parties in the judgement is a waqf board.

6. **Education and Awareness:** Waqf Boards may conduct educational programs and awareness campaigns to promote understanding of Waqf principles and encourage the public to support Waqf initiatives. This may include seminars, workshops, publications, and outreach activities aimed at both Muslims and non-Muslims.
 - a. One of the functions of waqf board is also to spread education and awareness in relation to waqf and knowledge which they feel relevant
 - b. There are two ways in which the waqf can impart knowledge upon people, one is by conducting programs and second is by regulating the curriculum of the educations that are made in the educational institutions of the waqf, an example to the latter is , where the Uttarakhand State Waqf Board declared to teach the story of Ramayana and Mahabhartar in the madrasas, to align the curriculum to that of the NCERT.¹⁶
7. **Charitable Distribution:** Waqf Boards play a role in distributing income generated from Waqf properties to eligible beneficiaries, such as orphans, widows, the poor, and other needy individuals or families. They ensure that funds are distributed equitably and in accordance with the terms of the Waqf deed and applicable laws.
8. **Regulation and Oversight:** Waqf Boards may regulate and oversee the activities of Waqf institutions, trustees, and administrators to ensure compliance with relevant laws and regulations. They may issue guidelines, licences, or permits, conduct inspections, and impose penalties for violations or misconduct.
 - a. This is considered to be the most important function of the Waqf Board, since this is the main base on which the whole waqf board has been instituted.

In toto, Waqf Boards play a crucial role in managing and preserving Waqf properties, promoting charitable activities, and safeguarding the interests of Waqf beneficiaries and the

¹⁶ Avneesh Mishra, *Uttarakhand Waqf Board says its madrasas will teach Lord Ram's story, values*, THE INDIAN EXPRESS, (visited on Mar. 30.2024, 10:45 A.M.), <https://indianexpress.com/article/india/uttarakhand-waqf-board-madrasas-lord-ram-9131817/>.

community at large. Their functions are guided by Islamic principles, legal frameworks, and the specific needs of the communities they serve.

Constructive Criticism of Waqf Board

Criticism of the Waqf boards and the Waqf Act can revolve around several key points, including inefficiency, lack of transparency, bureaucratic hurdles, mismanagement of resources, and inadequate protection of waqf properties. Here's a detailed critique:

- 1. Inefficiency and Bureaucracy:** Many critics argue that Waqf boards suffer from bureaucratic red tape, slow decision-making processes, and inefficient utilisation of resources. This bureaucratic structure often leads to delays in addressing important issues related to waqf properties, such as maintenance, renovation, and dispute resolution.
- 2. Mismanagement of Resources:** There are frequent allegations of mismanagement and corruption within Waqf boards, leading to the loss of revenue and deterioration of waqf properties. This mismanagement can take various forms, including embezzlement of funds, illegal leasing of properties at below-market rates, and neglect of maintenance responsibilities.
- 3. Lack of Transparency:** Transparency and accountability are often cited as major shortcomings of Waqf boards. The lack of clear information regarding the income, expenditure, and decision-making processes of Waqf boards makes it difficult for stakeholders to hold them accountable for their actions. This opacity can contribute to suspicions of corruption and mismanagement.
- 4. Inadequate Protection of Waqf Properties:** Despite legal safeguards provided by the Waqf Act, many waqf properties are vulnerable to encroachment, illegal occupation, and unauthorised construction. Critics argue that Waqf boards often fail to effectively protect these properties due to insufficient enforcement mechanisms, lack of coordination with law enforcement agencies, and inadequate legal resources.
- 5. Underutilization of Waqf Properties:** Waqf properties have the potential to generate significant revenue for charitable purposes, such as education, healthcare, and poverty alleviation. However, many waqf properties remain underutilised or abandoned due to bureaucratic hurdles, legal disputes, and lack of strategic planning by Waqf boards. This

underutilization represents a missed opportunity to benefit the community.

6. Limited Representation and Participation: Some critics argue that Waqf boards often lack diverse representation and meaningful participation from the community they serve. This limited representation can undermine the legitimacy of Waqf boards and lead to decisions that do not adequately reflect the interests and needs of the waqf stakeholders.

7. Complex Legal Framework: The legal framework governing waqf properties, including the Waqf Act, is often criticised for its complexity and ambiguity. This complexity can create challenges for stakeholders in understanding their rights and responsibilities regarding waqf properties, leading to disputes and legal uncertainties.

8. Political Interference: In some cases, Waqf boards may face political interference, which can undermine their autonomy and effectiveness. Political considerations may influence decision-making processes within Waqf boards, leading to actions that prioritise political interests over the welfare of the waqf beneficiaries.

Overall, while the Waqf Act and Waqf boards play a crucial role in managing and protecting waqf properties, there are legitimate concerns regarding their efficiency, transparency, accountability, and ability to fulfil their mandate effectively.

The Supreme Court and many High Courts have time and again delivered judgements which question on the authority and transparency of Waqf Board in India, even the recent times have seen a significant uproar in the contemporary media and public platforms that criticise the waqf board's unparalleled authority and amount of land acquisition that is exercised by the board.

Certain instances of the same are pointed at follows :

Case Laws -

1. Rashid Wali Beg (S) v. Farid Pindari And Others (S).¹⁷ -

- a. The Supreme Court of India dealt with the interpretation of the Waqf Act, 1995, specifically focusing on the jurisdiction of civil courts in matters related to Waqf

¹⁷ Rashid Wali Beg (S) v. Farid Pindari And Others (S)., (2021) SCC ONLINE SC 1003.

properties. The Court discussed the scope of Sections 83, 85, 86, 89, and 90 of the Waqf Act, emphasising that the bar of jurisdiction under Section 85 is not absolute and that civil courts may still entertain certain cases related to Waqf properties. The ruling clarified that the Act itself created some confusion, leaving room for courts to resolve the complexities. The judgement highlighted the importance of the Waqf Tribunal in deciding disputes, questions, or matters concerning Waqf properties, while acknowledging that civil courts could still adjudicate certain issues not directly related to Waqf properties.

2. State Of Tamil Nadu And Another v. K. Fazlur Rahman And Another ¹⁸

- a. The case explores the reconstitution of the Tamil Nadu Waqf Board and the legal validity of the supersession order issued by the State against elected members of the Board.
- b. It delves into the interpretation of relevant provisions of the Waqf Act and the powers conferred upon the State to supersede the Board.
- c. The judgement discusses the responses of the Board members to the show cause notice and the implications of their actions on the supersession process.
- d. 4. It considers the principles of res judicata and the finality of judicial decisions in the context of legal challenges to the supersession order.
- e. 5. The case also examines the role of the Waqf Tribunal and the limitations on the jurisdiction of civil courts in matters concerning Waqf properties.

3. Faseela M v. Munnerul Islam Madrasa Committee ¹⁹-

- a. The case involved a dispute between Munnerul Islam Madrasa Committee and Faseela M regarding the eviction of the appellant from a waqf property. The Waqf Tribunal directed the return of the plaintiff to the civil court, but then recalled its order and decided to hear the matter. Faseela M challenged the jurisdiction of the Waqf Tribunal. The Supreme Court held that the suit for

¹⁸ State Of Tamil Nadu And Another v. K. Fazlur Rahman And Another, 2020 SCC ONLINE SC 899.

¹⁹ Faseela M v. Munnerul Islam Madrasa Committee, 2014 (16) SCC 38.

eviction against the tenant relating to a waqf property is exclusively triable by the civil court and not within the jurisdiction of the Waqf Tribunal. The Court emphasised the importance of providing reasons in orders, even in cases of affirmation, to ensure the application of mind by the appellate authority.

4. Maharashtra State Board Of Wakfs v. Yusuf Bhai Chawala And Others²⁰

- a. The Maharashtra State Board of Wakfs filed writ petitions challenging the formation of the board. The petitioners challenged various notifications issued by the Government of Maharashtra and the Maharashtra State Board of Wakfs regarding the survey and list of wakfs in the State of Maharashtra. The Bombay High Court set aside certain notifications and lists related to wakfs. The Supreme Court directed all concerned parties, including the Charity Commissioner, Mumbai, to refrain from allowing any persons in management of wakf properties to encumber or alienate any properties under their management until a decision is made in the pending special leave petitions.

5. Ramesh Gobindram (Dead) Through Lrs. v. Sugra Humayun Mirza Wakf .²¹

- a. In the case, the appellants filed revision petitions against the orders of the A.P Wakf Tribunal, which were dismissed by the High Court of Andhra Pradesh. The Tribunal had passed orders of eviction against the appellants who were occupying different items of wakf properties. The issue revolved around the competence of the Wakf Tribunal under Section 83 of the Wakf Act, 1995 to entertain and adjudicate disputes regarding the eviction of appellants from wakf properties. The ruling established that the decision of the Tribunal would be final and binding, akin to a civil court decree, thus setting aside the impugned orders and dismissing the suit for eviction filed by the respondent Wakf Board against the appellants, leaving each party to bear their own costs. This order did not preclude the Wakf Board from pursuing civil action before the appropriate civil court for further redress, as per the law.

²⁰ Maharashtra State Board Of Wakfs v. Yusuf Bhai Chawala And Others, AIR 2012 SC 2362.

²¹ Ramesh Gobindram (Dead) Through Lrs. v. Sugra Humayun Mirza Wakf, AIR 2010 SC 2897.

Current Issues in relation to Waqf Board -

1. Delhi Waqf Board Scam and AAP MLA Amanatullaha Khan -

- a. In the year 2023 the Enforcement Directorate, started to probe in the allegations made for false and corrupted appointments in the Delhi Waqf Board, whereby the Aam Aadmi Party, Member of Legislative Assembly Ahmatullah Khan was arrested and recently the Supreme Court also denied to provide bail to the MLA and asked to cooperate²²

2. Minority Affairs Ministry safeguard the Rights of Ahmaddiya Muslims -

- a. In this Situation the Waqf Board of Andhra Pradesh declared the Ahmaddiya Muslims to be Kafirs and were not made a part of Waqf Board but late the Ministry of Minority Affairs intervened.²³

3. Waqf Board Third Biggest Land Owner in India -

- a. “The Waqf Board has a tremendous amount of property. It has around 4 lakh registered properties and around 6 lakh acres of land according to a joint parliamentary committee report headed by K Rehman Khan.”
- b. After the Railway and Defense Department of India the Waqf Board Stands Third.²⁴

Conclusion

In conclusion, the management and governance of Waqf boards, guided by Islamic laws and principles, remain a subject of considerable scrutiny and debate. While the Waqf Act and

²² *Delhi Waqf Board case: SC declines to hear AAP MLA Amanatullah Khan's bail plea*, INDIAN EXPRESS, (visited on April 16, 2024, 1:00 P.M.), <https://indianexpress.com/article/cities/delhi/delhi-waqf-board-case-sc-declines-to-hear-aap-mla-amanatullah-khans-bail-plea-9272425/>.

²³ *Minority Affairs Ministry intervenes on Waqf Board resolution discriminating against Ahmaddiya Muslims*, INDIAN EXPRESS, (visited on April 1, 2024, 4:00 P.M.), <https://indianexpress.com/article/political-pulse/minority-affairs-ministry-intervenes-on-waqf-board-resolution-discriminating-against-ahmaddiya-muslims-8853507/>.

²⁴ Vivek Kumar, *How the Waqf Board has the third largest ownership of land after the Indian Railways and the Defense Dept.?*, (visited on April 1, 2024), <https://lawstreet.co/speak-legal/waqf-board-third-largest-ownership-indian-railways-and-defense/>.

related legal frameworks provide a foundation for the protection and administration of waqf properties, numerous challenges persist. Criticisms ranging from bureaucratic inefficiencies and mismanagement to transparency issues and inadequate protection of waqf assets highlight the need for comprehensive reforms. Enhancing transparency, accountability, and community participation within Waqf boards, alongside strengthening legal protections for waqf properties, is imperative. Furthermore, addressing political interference, streamlining bureaucratic processes, and promoting strategic utilization of waqf resources are essential steps toward realizing the full potential of waqf properties in serving the welfare of society. Ultimately, fostering a robust and equitable environment for the management of waqf assets requires a concerted effort to align governance practices with the ethical and legal principles of Islamic jurisprudence, ensuring their effective contribution to social welfare and development.

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