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The Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995

(ACT NO 43 OF 1995)

[*As on the 1st May, 2025*]

LIST OF AMENDING ACTS

1. The Wakf (Amendment) Act, 2013 (27 of 2013)
2. The Waqf (Amendment) Act, 2025 (14 of 2025)

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LIST OF ABBREVIATIONS USED

Cl.,cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE UNIFIED WAQF MANAGEMENT, EMPOWERMENT, EFFICIENCY AND DEVELOPMENT ACT, 1995

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THE UNIFIED WAQF MANAGEMENT, EMPOWERMENT, EFFICIENCY AND DEVELOPMENT ACT, 1995

ACT NO. 43 OF 1995

[22*nd November*, 1995.]

An Act to provide for the better administration of [1][Auqaf] and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the [2][Unified Waqf Management, Empowerment, Efficiency and Development] Act, 1995.

(*2*) It extends to the whole of India [3]***.

(*3*) It shall come into force in a State on such date[4] as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas within a State and for different provisions of this Act, and any reference in any provision to the commencement of this Act, shall, in relation to any State or area therein, be construed as reference to the commencement of that provision in such State or area.

2. Application of the Act.—Save as otherwise expressly provided under this Act, this Act shall apply to all [5][auqaf] whether created before or after the commencement of this Act:

Provided that nothing in this Act shall apply to Durgah Khawaja Saheb, Ajmer to which the Durgah Khawaja Saheb Act, 1955 (36 of 1955) applies:

[6][Provided further that nothing in this Act shall, notwithstanding any judgement, decree or order of any court, apply to a trust (by whatever name called) established before or after the commencement of this Act or statutorily regulated by any statutory provision pertaining to public charities, by a Muslim for purpose similar to a waqf under any law for the time being in force.]

3. Definitions.—In this Act, unless the context otherwise requires**,**—

(*a*) "beneficiary" means a person or object for whose benefit a [7][waqf] is created and includes religious, pious and charitable objects and any other objects of public utility sanctioned by the Muslim law;

[8][(*aa*) "Aghakhani waqf" means a waqf dedicated by an Aghakhani waqif;]

(*b*) "benefit" does not include any benefit which a mutawalli is entitled to claim solely by reason of his being such mutawalli;

(*c*) "Board" means a Board of [7][Waqf] established under sub-section (*1*), or as the case may be, under sub-section (*2*) of section 13 and shall include a common [7][Waqf] Board established under section 106;

[8][(*ca*) "Bohra waqf" means a waqf dedicated by a Bohra waqif;]

(*d*) "Chief Executive Officer" means the Chief Executive Officer appointed under sub-section (*1*) of section 23;

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1. Subs. by Act 27 of 2013, s. 2, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 2, for "Waqf" (w.e.f. 08-04-2025).
3. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).
4. 1st January, 1996, *vide* notification No. S.O. 1007 (E), dated 27th December, 1995, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
5. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
6. Ins. by Act 14 of 2025, s. 3 (w.e.f. 08-04-2025).
7. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
8. Ins. by Act 14 of 2025, s. 4 (w.e.f. 08-04-2025).

[1][(*da*) "Collector" includes the Collector of land-revenue of a district, or the Deputy Commissioner, or any officer not below the rank of Deputy Collector authorised in writing by the Collector;]

(*e*) "Council" means the Central [2][Waqf] Council established under section 9;

[3][(*ee*) "encroacher" means any person or institution, public or private, occupying waqf property, in whole or part, without the authority of law and includes a person whose tenancy, lease or licence has expired or has been terminated by mutawalli or the Board;]

(*f*) "Executive Officer" means the Executive Officer appointed by the Board under sub-section (*1*) of section 38;

[1][(*fa*) "Government Organisation" 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;

(*fb*) "Government property" means movable or immovable property or any part thereof, belonging to a Government Organisation;]

[4][(*g*) "list of auqaf" means the list of auqaf published under sub-section (*2*) of section 5 or contained in the register of auqaf maintained under section 37;]

(*h*) "member" means a member of the Board and includes the Chairperson;

(*i*) "mutawalli" means any person appointed [5]*** under any deed or instrument by which a [2][waqf] has been created, or by a competent authority, to be the mutawalli of a [2][waqf] and includes any person who is a mutawalli of a [2][waqf] by virtue of any custom or who is a naib-mutawalli, khandim, mujawar, sajjadanashin, amin or other person appointed by a mutawalli to perform the duties of a mutawalli and save as otherwise provided in this Act, any person, committee or corporation for the time being, managing or administering any [2][waqf] or [2][waqf] property:

Provided that no member of a committee or corporation shall be deemed to be a mutawalli unless such member is an office-bearer of such committee or corporation:

[6][Provided further that the mutawalli shall be a citizen of India and shall fulfil such other qualifications as may be prescribed:

Provided also that in case a waqf has specified any qualifications, such qualifications may be provided in the rules as may be made by the State Government;]

(*j*) "net annual income", in relation to a [2][waqf], means net annual income determined in accordance with the provisions of the *Explanations* to sub-section (*1*) of section 72;

(*k*) "person interested in a [2][waqf]" means any person who is entitled to receive any pecuniary or other benefits from the [2][waqf] and includes—

(*i*) any person who has a right to [7][offer prayer] or to perform any religious rite in a mosque, idgah, imambara, dargah, [8][khanqah, peerkhana and karbala], maqbara, graveyard or any other religious institution connected with the [2][waqf] or to participate in any religious or charitable institution under the [2][waqf];

(*ii*) the [9][waqif] and any descendant of the [9][waqif] and the mutawalli;

1. Ins. by Act 14 of 2025, s. 4 (w.e.f. 08-4-2025).
2. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
3. Ins. by s. 5, *ibid*. (w.e.f. 01-11-2013).
4. Subs. by s. 5, *ibid.,* for clause (*g*) (w.e.f. 01-11-2013).
5. The words ", either verbally or" omitted by Act 14 of 2025, s. 4 (w.e.f. 08-04-2025).
6. Ins. by Act 27 of 2013, s. 5. (w.e.f. 01-11-2013).
7. Subs. by s. 5, *ibid.,* for "worship" (w.e.f. 01-11-2013).
8. Subs. by s. 5, *ibid.,* for "khangah" (w.e.f. 01-11-2013).
9. Subs. by s. 4, *ibid.,* for "wakif" (w.e.f. 01-11-2013).

[1][(*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 detail of waqf and the Board, as may be prescribed by the Central Government;]

[2][(*l*) "prescribed" means prescribed by rules made under this Act;]

(*m*) "regulations" means the regulations made by the Board under this Act;

(*n*) "Shia [3][waqf]" means a [3][waqf] governed by Shia Law;

(*o*) "Sunni [3][waqf]" means a [3][waqf] governed by Sunni Law;

[4]* * * * *

(*q*) "Tribunal", in relation to any area, means the Tribunal constituted under sub-section (*1*) of section 83, having jurisdiction in relation to that area;

[5][(*r*) "waqf" means the permanent dedication by [6][any person showing or demonstrating that he is practising Islam for at least five years, of any movable or immovable property, having ownership of such property and that there is no contrivance involved in the dedication of such property,] for any purpose recognised by the Muslim law as pious, religious or charitable and includes—

[7]* * * * *

(*ii*) a Shamlat Patti, Shamlat Deh, Jumla Malkkan or by any other name entered in a revenue record;

(*iii*) "grants", including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and

(*iv*) a waqf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable, provided when the line of succession fails, the income of the waqf shall be spent for education, development, welfare [1][,or maintenance of widow, divorced woman and orphan, if waqif so intends, in such manner, as may be prescribed by the Central Government,] and such other purposes as recognised by Muslim law,

and "waqif" means [8][any such person] making such dedication;]

(*s*) "[3][waqf] deed" means any deed or instrument by which a [3][waqf] has been created and includes any valid subsequent deed or instrument by which any of the terms of the original dedication have been varied;

(*t*) "[3][Waqf] Fund" means a [3][waqf] fund formed under sub-section (*1*) of section 77:

[1][Provided that the existing waqf by user properties registered on or before the commencement of the Waqf (Amendment) Act, 2025 (14 of 2025) as waqf by user will remain as waqf properties except that the property, wholly or in part, is in dispute or is a government property.]

[9][**3A. Certain conditions of waqf**.—(*1*) No person shall create a waqf unless he is the lawful owner of the property and competent to transfer or dedicate such property.

(*2*) The creation of a waqf-alal-aulad shall not result in denial of inheritance rights of heirs, including women heirs, of the waqif or any other rights of persons with lawful claims.

3B. Filing of details of waqf on portal and database.—(*1*) Every waqf registered under this Act, prior to the commencement of the Waqf (Amendment) Act, 2025 (14 of 2025), shall file the details of the

1. Ins. by Act 14 of 2025, s. 4 (w.e.f. 08-4-2025).
2. Subs. by s. 4, *ibid*., for cl. (*l*) (w.e.f. 08-4-2025).
3. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
4. Cl. (*p*) omitted by Act 14 of 2025, s. 4 (w.e.f. 08-4-2025).
5. Subs. by Act 27 of 2013, s. 5, for clause (*r*) (w.e.f. 01-11-2013).
6. Subs. by Act 14 of 2025, s. 4, for "any person, of any movable or immovable property" (w.e.f. 08-04-2025).
7. Sub-clause (*i*) omitted by s. 4, *ibid.* (w.e.f. 08-04-2025).
8. Subs. by s. 4, *ibid*., for "any person" (w.e.f. 08-04-2025).
9. Ins. by s. 5, *ibid*. (w.e.f. 08-04-2025).

waqf and the property dedicated to the waqf on the portal and database, within a period of six months from such commencement:

Provided that the Tribunal may, on an application made to it by the mutawalli, extend such period of six months under this section for a further period not exceeding six months as it may consider appropriate, if he satisfies the Tribunal that he had sufficient cause for not filing the details of the waqf on the portal within such period.

(*2*) The details of the waqf under sub-section (*1*), amongst other information, shall include the following, namely:—

(*a*) the identification and boundaries of waqf properties, their use and occupier;

(*b*) the name and address of the creator of the waqf, mode and date of such creation;

(*c*) the deed of waqf, if available;

(*d*) the present mutawalli and its management;

(*e*) the gross annual income from such waqf properties;

(*f*) the amount of land-revenue, cesses, rates and taxes annually payable in respect of the waqf properties;

(*g*) an estimate of the expenses annually incurred in the realisation of the income of the waqf properties;

(*h*) the amount set apart under the waqf for—

(*i*) the salary of the mutawalli and allowances to the individuals;

(*ii*) purely religious purposes;

(*iii*) charitable purposes; and

(*iv*) any other purposes;

(*i*) details of court cases, if any, involving such waqf property;

(*j*) any other particular as may be prescribed by the Central Government.

3C. Wrongful declaration of waqf.—(*1*) Any Government property identified or declared as waqf property, before or after the commencement of this Act, shall not be deemed to be a waqf property.

(*2*) If any question arises as to whether any such property is a Government property, the State Government may, by notification, designate on Officer above the rank of Collector (hereinafter referred to as the designated officer), who shall conduct an inquiry as per law, and determine whether such property is a Government property or not and submit his report to the State Government:

Provided that such property shall not be treated as waqf property till the designated officer submits his report.

(*3*) In case the designated officer 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.

(*4*) The State Government shall, on receipt of the report of the designated officer, direct the Board to make appropriate correction in the records.

3D. Declaration of protected monument or protected area as waqf to be void.—Any declaration or notification issued under this Act or under any previous Act in respect of waqf properties shall be void, if such property was a protected monument or protected area under the Ancient Monuments Preservation Act, 1904 (7 of 1904) or the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), at the time of such declaration or notification.

3E. Bar of declaration of any land in Scheduled or Tribal area as waqf.—Notwithstanding anything contained in this Act or any other law for the time being in force, no land belonging to members of Scheduled Tribes under the provisions of the Fifth Schedule or the Sixth Schedule to the Constitution shall be declared or deemed to be waqf property.]

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CHAPTER II

SURVEY OF [1][AUQAF]

4. [2][Survey of auqaf.]—[3][(*1*) Any survey of auqaf pending before the Survey Commissioner, on the commencement of the Waqf (Amendment) Act, 2025 (14 of 2025), shall be transferred to the Collector having jurisdiction and the Collector shall make the survey in accordance with the procedure in the revenue laws of the State, from the stage such survey is transferred to the Collector, and submit his report to the State Government.]

[4]* * * * *

(*4*) The [5][Collector] shall, while making any inquiry, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(*a*) summoning and examining any witness;

(*b*) requiring the discovery and production of any document;

(*c*) requisitioning any public record from any court or office;

(*d*) issuing commissions for the examination of any witness or accounts;

(*e*) making any local inspection or local investigation;

(*f*) such other matters as may be prescribed.

(*5*) If, during any such inquiry, any dispute arises as to whether a particular [6][waqf] is a Shia [6][waqf] or Sunni [6][waqf] [7][or Aghakhani waqf or Bohra waqf] and there are clear indications in the deed of [6][waqf] as to its nature, the dispute shall be decided on the basis of such deed:

[8]* * * * *

Provided that no such second or subsequent survey shall be made until the expiry of a period of [9][ten years] from the date on which the report in relation to the immediately previous survey was submitted under sub-section (*3*):

[10][Provided further that the waqf properties already notified shall not be reviewed again in subsequent survey except where the status of such property has been changed in accordance with the provisions of any law.]

5. Publication of list of [1][auqaf].—(*1*) On receipt of a report under [11][sub-section (*1*)] of section 4, the State Government shall forward a copy of the same to the Board.

(*2*) The Board shall examine the report forwarded to it under sub-section (*1*) and [12][fordward it back to the Government within a period of six months for publication in the Official Gazette] a list of Sunni [1][auqaf] or Shia [1][auqaf] [13][or Aghakhani auqaf or Bohra auqaf] in the State, whether in existence at the commencement of this Act or coming into existence thereafter, to which the report relates, and containing such other particulars as may be prescribed.

[13][(*2A*) The State Government shall upload the notified list of auqaf on the portal and database within ninety days from the date of its publication in the Official Gazette under sub-section (*2*).

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1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 6, for the marginal heading (w.e.f. 08-04-2025).
3. Subs. by s. 6, *ibid*., for sub-section (*1*) (w.e.f. 08-04-2025).
4. Sub-sections (*1A*), (*2*) and (*3*) omitted by s. 6, *ibid*. (w.e.f. 08-04-2025).
5. Subs. by s. 6, *ibid*., for "Survey Commissioner" (w.e.f. 08-04-2025).
6. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
7. Ins. by Act 14 of 2025, s. 6 (w.e.f. 08-04-2025).
8. Sub-section (*6*) omitted by s. 6, *ibid*. (w.e.f. 08-04-2025).
9. Subs. by Act 27 of 2013, s. 6, for "twenty years" (w.e.f. 01-11-2013).
10. Ins. by s. 6, *ibid*. (w.e.f. 01-11-2013).
11. Subs. by Act 14 of 2025, s. 7, for "sub-section (*3*)" (w.e.f. 08-04-2025).
12. Subs. by Act 27 of 2013, s. 7, for "publish in the Official Gazette" (w.e.f. 01-11-2013).
13. Ins. by Act 14 of 2025, s. 7 (w.e.f. 08-04-2025).

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(*2B*) The details of each waqf shall contain the identification, boundaries of waqf properties, their use and occupier, details of the creator, mode and date of such creation, purpose of waqf, their present mutawallis and management in such manner as may be prescribed by the Central Government.]

[1][[2][(*3*) The revenue authorities, before deciding mutation in the land records, in accordance with revenue laws in force, shall give a public notice of ninety days, in two daily newspapers circulating in the localities of such area of which one shall be in the regional language and give the affected persons an opportunity of being heard.]

(*4*) The State Government shall maintain a record of the lists published under sub-section (*2*) from time to time [3][on the portal and database].]

6. Disputes regarding [4][auqaf].—(*1*) If any question arises whether a particular property specified as [5][waqf] property in the list of [4][auqaf] is [5][waqf] property or not or whether a [5][waqf] specified in such list is a Shia [5][waqf] or Sunni [5][waqf] [6][or Aghakhani waqf or Bohra waqf], the Board or the mutawalli of the [5][waqf] or [7][any person aggrieved] may institute a suit in a Tribunal for the decision of the question [8]****:

Provided that no such suit shall be entertained by the Tribunal after the expiry of [9][two years] from the date of the publication of the list of [4][auqaf]:

[10][Provided further that an application may be entertained by the Tribunal after the period of two years specified in the first proviso, if the applicant satisfies the Tribunal that he has sufficient cause for not making the application within such period.]

[11]* * * * *

(*2*) Notwithstanding anything contained in sub-section (*1*), no proceeding under this Act in respect of any [5][waqf] shall be stayed by reason only of the pendency of any such suit or of any appeal or other proceeding arising out of such suit.

(*3*) The [12][Collector] shall not be made a party to any suit under sub-section (*1*) and no suit, prosecution or other legal proceeding shall lie against him in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(*4*) The list of [4][auqaf] shall, unless it is modified in pursuance of a decision of the Tribunal under sub-section (*1*), be final and conclusive.

(*5*) On and from the commencement of this Act in a State, no suit or other legal proceeding shall be instituted or commenced in a court in that State in relation to any question referred to in sub-section (*1*).

7. Power of Tribunal to determine disputes regarding [4][auqaf].—(*1*) If, after the commencement of this Act, [13][any question or dispute] arises, whether a particular property specified as [5][waqf] property in a list of [4][auqaf] is [5][waqf] property or not, or whether a [5][waqf] specified in such list is a Shia [5][waqf] or a Sunni [5][waqf] [14][or Aghkhani waqf or Bohra waqf] , the Board or the mutawalli of the [5][waqf], [15][or any person aggrieved by the publication of the list of auqaf under section 5] therein, may apply to the Tribunal having jurisdiction in relation to such property, for the decision of the question [16]****:

1. Ins. by Act 27 of 2013, s. 7 (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 7, for sub-section (*3*) (w.e.f. 08-04-2025).
3. Ins. by s. 7, *ibid*. (w.e.f. 08-04-2025).
4. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
5. Subs. by s. 4, *ibid.* for "wakf" (w.e.f. 01-11-2013).
6. Ins. by Act 14 of 2025, s. 8 (w.e.f. 08-04-2025).
7. Subs. by Act 27 of 2013, s. 8, for "any person interested therein" (w.e.f. 01-11-2013).
8. Certain words omitted by Act 14 of 2025, s. 8 (w.e.f. 08-04-2025).
9. Subs. by s. 8, *ibid*., for "one year" (w.e.f. 08-04-2025).
10. Subs. by s. 8, *ibid*., for second proviso (w.e.f. 08-04-2025).
11. The *Explanation* omitted by Act 27 of 2013, s. 8 (w.e.f. 01-11-2013).
12. Subs. by Act 14 of 2025, s. 8, for "Survey Commissioner" (w.e.f. 08-04-2025).
13. Subs. by Act 27 of 2013, s. 9, for "any question" (w.e.f. 01-11-2013).
14. Ins. by Act 14 of 2025, s. 9 (w.e.f. 08-04-2025).
15. Subs. by Act 27 of 2013, s. 9, for "or any person interested" (w.e.f. 01-11-2013).
16. Certain words omitted by Act 14 of 2025, s. 9 (w.e.f. 08-04-2025).

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Provided that—

(*a*) in the case of the list of [1][auqaf] relating to any part of the State and published after the commencement of this Act no such application shall be entertained after the expiry of [2][two years] from the date of publication of the list of [1][auqaf]; and

(*b*) in the case of the list of [1][auqaf] relating to any part of the State and published at any time within a period of [2][two years] immediately preceding the commencement of this Act, such an application may be entertained by Tribunal within the period of [2][two years] from such commencement:

[3][Provided further that an application may be entertained by the Tribunal after the period of two years specified in the first proviso, if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period:

Provided also that] where any such question has been heard and finally decided by a civil court in a suit instituted before such commencement, the Tribunal shall not re-open such question.

(*2*) Except where the Tribunal has no jurisdiction by reason of the provisions of sub-section (*5*), no proceeding under this section in respect of any [4][waqf] shall be stayed by any court, tribunal or other authority by reason only of the pendency of any suit, application or appeal or other proceeding arising out of any such suit, application, appeal or other proceeding.

(*3*) The Chief Executive Officer shall not be made a party to any application under sub-section (*1*).

(*4*) The list of [1][auqaf] and where any such list is modified in pursuance of a decision of the Tribunal under sub-section (*1*), the list as so modified, shall be final.

(*5*) The Tribunal shall not have jurisdiction to determine any matter which is the subject-matter of any suit or proceeding instituted or commenced in a civil court under sub-section (*1*) of section 6, before the commencement of the Act or which is the subject-matter of any appeal from the decree passed before such commencement in any such suit or proceeding or of any application for revision or review arising out of such suit, proceeding or appeal, as the case may be.

[5][(*6*) The Tribunal shall have the powers of assessment of damages by unauthorised occupation of waqf property and to penalise such unauthorised occupants for their illegal occupation of the waqf property and to recover the damages as arrears of land revenue through the Collector:

Provided that whosoever, being a public servant, fails in his lawful duty to prevent or remove an encroachment, shall on conviction be punishable with fine which may extend to fifteen thousand rupees for each such offence.]

[6][8. State Government to bear cost of survey.—The total cost of making a survey including the cost of publication of the list or lists of auqaf under this Chapter shall be borne by the State Government.]

CHAPTER III

CENTRAL [4][WAQF] COUNCIL

9. Establishment and constitution of Central [4][Waqf] Council.—[7][(*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*).]

1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 9, for "one year" (w.e.f. 08-04-2025).
3. Subs. by s. 9, *ibid*., for "Provided further that" (w.e.f. 08-04-2025).
4. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
5. Ins. by s. 9, *ibid*. (w.e.f. 1-11-2013).
6. Subs. by s. 10, *ibid*., for section 8 (w.e.f. 01-11-2013).
7. Subs. by s. 11, *ibid*., for sub-section (*1*) (w.e.f. 01-11-2013).

[1][(*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, excluding *ex officio* members, shall be non-Muslim.]

(*3*) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, members of the Council shall be such as may be prescribed by rules made by the Central Government.

[2][(*4*) The State Government or, as the case may be, the Board, shall furnish information to the Council on the performance of Waqf Boards in the State, particularly on their financial performance, survey, maintenance of waqf deeds, revenue records, encroachment of waqf properties, annual reports and audit reports in the manner and time as may be specified by the Council and it may *suo motu* call for information on specific issues from the Board, if it is satisfied that there was *prima facie* evidence of irregularity or violation of the provisions of this Act and if the Council is satisfied that such irregularity or violation of the Act is established, it may issue such directive, as considered appropriate, which shall be complied with by the concerned Board under intimation to the concerned State Government.

(*5*) Any dispute arising out of a directive issued by the Council under sub-section (*4*) shall be referred to a Board of Adjudication to be constituted by the Central Government, to be presided over by a retired Judge of the Supreme Court or a retired Chief Justice of a High Court and the fees and travelling and other allowances payable to the Presiding Officer shall be such as may be specified by that Government.]

10. Finance of Council.—(*1*) Every Board shall pay from its [3][Waqf] Fund annually to the Council such contribution as is equivalent to one per cent. of the aggregate of the net annual income of the [4][auqaf] in respect of which contribution is payable under sub-section (*1*) of section 72:

Provided that where the Board, in the case of any particular [3][waqf] has remitted under sub-section (*2*) of section 72 the whole of the contribution payable to it under sub-section (*1*) of that section, then for calculating the contribution payable to the Council under this section the net annual income of the [3][waqf] in respect of which such remission has been granted shall not be taken into account.

1. Subs. by Act 14 of 2025, s. 10, for sub-section (*2*) (w.e.f. 08-04-2025).
2. Ins. by Act 27 of 2013, s. 11 (w.e.f. 01-11-2013).
3. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
4. Subs. by s. 4, *ibid*., for "wakfs" (w.e.f. 01-11-2013).

(*2*) All monies received by the Council under sub-section (*1*) and all other monies received by it as donations, benefactions and grants shall form a fund to be called the Central [1][Waqf] Fund.

(*3*) Subject to any rules that may be made by the Central Government in this behalf, the Central [1][Waqf] Fund shall be under the control of the Council and may be applied for such purposes as the Council may deem fit.

11. Accounts and audit.—(*1*) The Council shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed by rules made by the Central Government.

(*2*) The accounts of the Council shall be audited and examined annually by such auditor as may be appointed by the Central Government.

(*3*) The costs of the audit shall be paid from the Central [1][Waqf] Fund.

12. Power of Central Government to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, the members of the Council;

(*b*) control over and application of the Central [1][Waqf] Fund;

(*c*) the form and manner in which accounts of the Council may be maintained.

(*3*) Every rule made by the Central Government under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

CHAPTER IV

ESTABLISHMENT OF BOARDS AND THEIR FUNCTIONS

13. Incorporation.—(*1*) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Board of [2][Auqaf] under such name as may be specified in the notification:

[3][Provided that in case where a Board of Waqf has not been established, as required under this sub-section, a Board of Waqf shall, without prejudice to the provisions of this Act or any other law for the time being in force, be established within six months from the date of commencement of the Wakf (Amendment) Act, 2013 (27 of 2013).]

(*2*) Notwithstanding anything contained in sub-section (*1*), if the Shia [2][auqaf] in any State constitute in number more than fifteen per cent. of all the [2][auqaf] in the State or if the income of the properties of the Shia [2][auqaf] in the State constitutes more than fifteen per cent. of the total income of properties of all the [2][auqaf] in the State, the State Government may, by notification in the Official Gazette, establish a Board of [2][Auqaf] each for Sunni [2][auqaf] and for Shia [2][auqaf] under such names as may be specified in the notification.

[4][(*2A*) The State Government may, if it deems necessary, by notification in the Official Gazette, establish a separate Board of Auqaf for Bohras and Aghakhanis.]

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1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "wakfs" (w.e.f. 01-11-2013).
3. Ins. by s. 12, *ibid*. (w.e.f. 01-11-2013).
4. Subs. by Act 14 of 2025, s. 11, for sub-section (*2A*) (w.e.f. 08-04-2025).

(*3*) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and to transfer any such property subject to such conditions and restrictions as may be prescribed and shall by the said name sue and be sued.

14. Composition of Board.— [1][(*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*) Joint Secretary to the State Government dealing with the waqf matters, *ex officio*;

(*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, excluding *ex officio* members, shall be non-Muslim:

Provided also that the Board shall have at least one member each from Shia, Sunni and other backward classes among Muslim Communities:

Provided also that one member each from Bohra and Aghakhani communities shall be nominated in the Board in case they have functional auqaf in the State or Union territory:

Provided also that the elected members of Board holding office on the commencement of the Waqf (Amendment) Act, 2025 (14 of 2025) shall continue to hold office as such until the expiry of their term of office.

(*2*) No Minister of the Central Government or, as the case may be, a State Government, shall be nominated as a member of the Board.

(*3*) In case of a Union territory, the Board shall consist of not less than five and not more than seven members to be nominated by the Central Government under sub-section (*1*).]

[2]* * * * *

[3][(*6*) In determining the number of members belonging to Shia, Sunni, Bohra, Aghakhani or other backward classes among Muslim communities, the State Government or, as the case may be, the Central Government in case of a Union territory shall have regard to the number and value of Shia, Sunni, Bohra, Aghakhani and other backward classes among Muslim 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.]

[4]* * * * *

[5]* * * * *

1. Subs. by Act 14 of 2025, s. 12, for sub-sections (*1*), (*1A*), (*3*) and (*4*) (w.e.f. 08-04-2025).
2. Sub-section (*5*) omitted by Act 27 of 2013, s. 13 (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 12, for sub-section (*6*) (w.e.f. 08-04-2025).
4. Sub-section (*7*) omitted by Act 27 of 2013, s. 13 (w.e.f. 01-11-2013).
5. Sub-section (*8*) omitted by Act 14 of 2025, s. 12 (w.e.f. 08-04-2025).

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

15. Term of office.—The members of the Board shall hold office for a term of five years [1][from the date of notification referred to in sub-section (*9*) of section 14].

16. Disqualification for being appointed, or for continuing as, a member of the Board.—A person shall be disqualified for being appointed, or for continuing as, a member of the Board if—

[2][(*a*) he is less than twenty-one years of age;

(*aa*) in case of a member under clause (*c*) of sub-section (*1*) of section 14, he is not a Muslim;]

(*b*) he is found to be a person of unsound mind;

(*c*) he is an undischarged insolvent;

[3][(*d*) he has been convicted of any offence and sentenced to imprisonment for not less than two years;]

[4][(*da*) he has been held guilty of encroachment on any waqf property;]

(*e*) he has been on a previous occasion—

(*i*) removed from his office as a member or as a mutawalli, or

(*ii*) removed by an order of a competent court or tribunal from any position of trust either for mismanagement or for corruption.

17. Meetings of the Board.—(*1*) The Board shall meet [5][at least once in every month] for the transaction of business at such time and places as may be provided by regulations.

(*2*) The Chairperson, or in his absence, any member chosen by the members from amongst themselves shall preside at a meeting of the Board.

(*3*) Subject to the provisions of this Act, all questions which come before any meeting of the Board shall be decided by a majority of votes of the members present, and in the case of equality of votes, the Chairperson or, in his absence any other person presiding shall have a second or casting vote.

18. Committees of the Board.—(*1*) The Board may, whenever it considers necessary, establish either generally or for a particular purpose or for any specified area or areas committees for the supervision of [6][auqaf].

(*2*) The constitution, functions and duties and the term of office of such committees shall be determined from time to time by the Board:

Provided that it shall not be necessary for the members of such committees to be members of the Board.

19. Resignation of Chairperson and members.—The Chairperson or any other member may resign his office by writing under his hand addressed to the State Government:

Provided that the Chairperson or the member shall continue in office until the appointment of his successor is notified in the Official Gazette.

20. Removal of Chairperson and member.—(*1*) The State Government may, by notification in the Official Gazette, remove the Chairperson of the Board or any member thereof if he—

(*a*) is or becomes subject to any disqualifications specified in section 16; or

1. Ins. by Act 27 of 2013, s. 14 (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 13, for clause (*a*) (w.e.f. 08-04-2025).
3. Subs. by s. 13, *ibid*., for clause (*d*) (w.e.f. 08-04-2025).
4. Ins. by Act 27 of 2013, s. 15 (w.e.f. 01-11-2013).
5. Ins. by Act 14 of 2025, s. 14 (w.e.f. 08-04-2025).
6. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).

(*b*) refuses to act or is incapable of acting or acts in a manner which the State Government, after hearing any explanation that he may offer, considers to be prejudicial to the interests of the [1][auqaf]; or

(*c*) fails in the opinion of the Board, to attend three consecutive meetings of the Board, without sufficient excuse.

(*2*) Where the Chairperson of the Board is removed under sub-section (*1*), he shall also cease to be a member of the Board.

20A. [*Removal of Chairperson by vote of no confidence*].—*Omitted by the Waqf* (*Amendment*) *Act,* 2025 (14 *of* 2025), *s.* 15 (*w.e.f.* 08-04-2025).

21. Filling of a vacancy.—When the seat of a member becomes vacant by his removal, resignation, death or otherwise, a new member shall be appointed in his place and such member shall hold office so long as the member whose place he fills would have been entitled to hold office, if such vacancy had not occurred.

22. Vacancies, etc., not to invalidate proceedings of the Board.—No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its member or any defect in the constitution thereof.

23. Appointment of Chief Executive Officer and his term of office and other conditions of service.—[2][(*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.]

(*2*) The term of office and other conditions of service of the Chief Executive Officer shall be such as may be prescribed.

(*3*) The Chief Executive Officer shall be *ex officio* Secretary of the Board and shall be under the administrative control of the Board.

24. Officers and other employees of the Board.—(*1*) The Board shall have the assistance of such number of officers and other employees as may be necessary for the efficient performance of its functions under this Act, details thereof shall be determined by the Board in consultation with the State Government.

(*2*) The appointment of officers and other employees, their term of office and conditions of service shall be such as may be provided by regulations.

25. Duties and powers of Chief Executive Officer.—(*1*) Subject to the provisions of this Act and of the rules made thereunder and the directions of the Board, functions of the Chief Executive Officer shall include—

(*a*) investigating the nature and extent of [1][auqaf] and [3][waqf] properties and calling whenever necessary, an inventory of [3][waqf] properties and calling, from time to time, for accounts, returns and information from mutawallis;

(*b*) inspecting or causing inspection of [3][waqf] properties and accounts, records, deeds or documents relating thereto;

(*c*) doing generally of such acts as may be necessary for the control, maintenance and superintendence of [1][auqaf].

(*2*) In exercising the powers of giving directions under sub-section (*1*) in respect of any [3][waqf], the Board shall act in conformity with the directions by the [3][waqf] in the deed of the [3][waqf], the purpose of [3][waqf] and such usage and customs of the [3][waqf] as are sanctioned by the school of Muslim law to which the [3][waqf] belongs.

(*3*) Save as otherwise expressly provided in this Act, the Chief Executive Officer shall exercise such powers and perform such duties as may be assigned to him or delegated to him under this Act.

1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 16, for sub-section (*1*) (w.e.f. 08-04-2025).
3. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).

26. Powers of Chief Executive officer in respect of orders or resolutions of Board.—Where the Chief Executive Officer considers that an order or resolution passed by the Board—

(*a*) has not been passed in accordance with the law; or

(*b*) is in excess of or is an abuse of the powers conferred on the Board by or under this Act or by any other law; or

(*c*) if implemented, is likely to—

(*i*) cause financial loss to the Board or to the concerned [1][waqf] or to the [2][auqaf] generally; or

(*ii*) lead to a riot or breach of peace; or

(*iii*) cause danger to human life, health or safety; or

(*d*) is not beneficial to the Board or to any [1][waqf] or to [2][auqaf] generally,

he may, before implementing such order or resolution, place the matter before the Board for its reconsideration and, if such order or resolution is not confirmed by a majority of vote of the members present and voting after such reconsideration, refer the matter to the State Government along with his objections to the order or resolution, and the decision of the State Government thereon shall be final.

[3]**[27. Delegation of powers by Board.—**The Board may, by a general or special order in writing, delegate to the Chairperson, any other member, the Chief Executive Officer or any other officer or servant of the Board or any area committee, subject to such conditions and limitations as may be specified in the said order, such of its powers and duties under this Act, as it may deem necessary, except the powers and functions of the Board mentioned under clauses (*c*), (*d*), (*g*) and (*j*) of sub-section (*2*) of section 32 and section 110.]

[4]**[28. Power of District Magistrate, Additional District Magistrate or Sub-Divisional Magistrate to implement the directions of the Board.—**Subject to the provisions of this Act and the rules made thereunder, the District Magistrate or in his absence an Additional District Magistrate or Sub-Divisional Magistrate of a District in the State shall [5][implement the decision of the Board within forty-five days from the date it is] conveyed through the Chief Executive Officer and the Board may, wherever considers necessary, seek directions from the Tribunal for the implementation of its decisions.]

29. Powers of Chief Executive Officer to inspect records, registers, etc.—[6][(*1*)] The Chief Executive Officer or any officer of the Board duly authorised by him in this behalf shall, [7][subject to such conditions as may be prescribed], be entitled at all reasonable time to inspect, in any public office, any records, registers or other documents relating to a [1][waqf], or movable or immovable properties which are [1][waqf] properties or are claimed to be [1][waqf] properties.

[8][(*2*) The mutawalli or any other person having the custody of any document related to waqf properties shall produce the same, within the prescribed period, before the Chief Executive Officer on being called upon to do so in writing.

(*3*) Subject to such conditions as may be prescribed, an agency of the Government or any other organisation shall supply, within ten working days, copies of the records, registers of properties or other documents relating to waqf properties or claimed to be waqf properties, to the Chief Executive Officer on a written request to this effect from him:

Provided that before taking any course of action as mentioned in sub-sections (*2*) and (*3*), the Chief Executive Officer shall obtain approval of the Board.]

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by, s. 4, *ibid*., for "wakfs" (w.e.f. 01-11-2013).
3. Subs. by s. 18, *ibid*., for section 27 (w.e.f. 01-11-2013).
4. Subs. by s. 19, *ibid.,* for section 28 (w.e.f. 01-11-2013).
5. Subs. by Act 14 of 2025, s. 17, for certain words (w.e.f. 08-04-2025).
6. S. 29 numbered as sub-section (*1*) thereof by Act 27 of 2013, s. 20 (w.e.f. 01-11-2013).
7. Subs. by s. 20, *ibid.*, for certain words (w.e.f. 01-11-2013).
8. Ins. by s. 20, *ibid.* (w.e.f. 01-11-2013).

30. Inspection of records.—(*1*) The Board may allow inspection of its proceedings or other records in its custody and issue copies of the same on payment of such fees and subject to such conditions as may be prescribed.

(*2*) All copies issued under this section shall be certified by the Chief Executive Officer of the Board in the manner provided in [1][section 75 of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023)].

(*3*) The powers conferred on the Chief Executive Officer by sub-section (*2*) may be exercised by such other officer or officers of the Board as may either generally or specially be authorised in this behalf by the Board.

31. Prevention of disqualification for membership of Parliament.—It is hereby declared that the offices of the Chairperson or member of a Board shall not be disqualified and shall be deemed never to have been disqualified for being chosen as, or for being, a Member of Parliament [2][or a Member of Union territory Legislature or a Member of a State Legislature if so declared under a law made by the appropriate State Legislature].

32. Powers and functions of the Board.—(*1*) Subject to any rules that may be made under this Act, the general superintendence of all [3][auqaf] in a State shall vest in the Board established or the State; and it shall be the duty of the Board so to exercise its powers under this Act as to ensure that the [3][auqaf] under its superintendence are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which such [3][auqaf] were created or intended:

Provided that in exercising its powers under this Act in respect of any [4][waqf], the Board shall act in conformity with the directions of the [5][waqif], the purposes of the [4][waqf] and any usage or custom of the [4][waqf] sanctioned by the school of Muslim law to which the [4][waqf] belongs.

Explanation.—For the removal of doubts, it is hereby declared that in this sub-section, "[4][waqf]" includes a [4][waqf] in relation to which any scheme has been made by any court of law, whether before or after the commencement of this Act.

(*2*) Without prejudice to the generality of the foregoing power, the functions of the Board shall be—

(*a*) to maintain a record containing information relating to the origin, income, object and beneficiaries of every [4][waqf];

(*b*) to ensure that the income and other property of [3][auqaf] are applied to the objects and for the purposes for which such [3][auqaf] were intended or created;

(*c*) to give directions for the administration of [3][auqaf];

(*d*) to settle schemes of management for a [4][waqf]:

Provided that no such settlement shall be made without giving the parties affected an opportunity of being heard;

(*e*) to direct—

(*i*) the utilisation of the surplus income of a [4][waqf] consistent with the objects of [4][waqf];

(*ii*) in what manner the income of a [4][waqf], the objects of which are not evident from any written instrument, shall be utilised;

(*iii*) in any case where any object of [4][waqf] has ceased to exist or has become incapable of achievement, that so much of the income of the [4][waqf] as was previously applied to that object shall be applied to any other object, which shall be similar, or nearly similar or to the original object or for the benefit of the poor or for the purpose of promotion of knowledge and learning in the Muslim community:

1. Subs. by Act 14 of 2025, s. 18, for "section 76 of the Indian Evidence Act, 1872 (1 of 1872)" (w.e.f. 08-04-2025).
2. Ins. by Act 27 of 2013, s. 21 (w.e.f. 01-11-2013).
3. Subs. by s. 4, *ibid*., for "wakfs" (w.e.f. 01-11-2013).
4. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
5. Subs. by s. 4, *ibid*., for "wakif" (w.e.f. 01-11-2013).

Provided that no direction shall be given under this clause without giving the parties affected, an opportunity of being heard;

[1]* * * * *

(*f*) to scrutinise and approve the budgets submitted by mutawallis and to arrange for auditing of account of [2][auqaf];

(*g*) to appoint and remove mutawallis in accordance with the provisions of this Act;

(*h*) to take measures for the recovery of lost properties of any [3][waqf];

(*i*) to institute and defend suits and proceedings relating to [2][auqaf];

[4][(*j*) to sanction lease of any immovable property of a waqf in accordance with the provisions of this Act and the rules made thereunder:

Provided that no such sanction shall be given unless a majority of not less than two-thirds of the members of the Board present cast their vote in favour of such transaction:

Provided further that where no such sanction is given by the Board, the reasons for doing so shall be recorded in writing;]

(*k*) to administer the [3][Waqf] Fund;

(*l*) to call for such returns, statistics, accounts and other information from the mutawallis with respect to the [3][waqf] property as the Board may, from time to time, require;

(*m*) to inspect, or cause inspection of, [3][waqf] properties, accounts, records or deeds and documents relating thereto;

(*n*) to investigate and determine the nature and extent of [3][waqf] and [3][waqf] property, and to cause, whenever necessary, a survey of such [3][waqf] property;

[5][(*na*) to determine or cause to be determined, in such manner as may be specified by the Board, market rent of the waqf land or building;]

(*o*) generally do all such acts as may be necessary for the control, maintenance and administration of [2][auqaf].

(*3*) Where the Board has settled any scheme of management under clause (*d*) or given any direction under clause (*e*) of sub-section (*2*), any person interested in the [3][waqf] or affected by such settlement or direction may institute a suit in a Tribunal for setting aside such settlement or directions [6]***.

(*4*) Where the Board is satisfied that any [3][waqf] land, which is a [3][waqf] property, [7][has the potential for development as an educational institution, shopping centre, market, housing or residential flats and the like], market, housing flats and the like, it may serve upon the mutawalli of the concerned [3][waqf] a notice requiring him within such time, but not less than sixty days, as may be specified in the notice, to convey its decision whether he is willing to execute the development works specified in the notice.

(*5*) On consideration of the reply, if any, received to the notice issued under sub-section (*4*), the Board, if it is satisfied that the mutawalli is not willing or is not capable of executing the works required to be executed in terms of the notice, it may, [8]*** take over the property, clear it of any building or structure thereon, which, in the opinion of the Board is necessary for execution of the works and execute such works from [3][waqf] funds or from the finances which may be raised on the security of the properties of the [3][waqf] concerned, and control and manage the properties till such time as all expenses incurred by the Board under this section, together with interest thereon, the expenditure on maintenance of such

1. The *Explanation* and proviso omitted by Act 14 of 2025, s. 19 (w.e.f. 08-4-2025).
2. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
3. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
4. Subs. by s. 22, *ibid*., for clause (*j*) (w.e.f. 01-11-2013).
5. Ins. by s. 22, *ibid*. (w.e.f. 01-11-2013).
6. Certain words omitted by Act 14 of 2025, s. 19 (w.e.f. 08-04-2025).
7. Subs. by Act 27 of 2013, s. 22, for "offers a feasible potential for development as a shopping centre" (w.e.f. 01-11-2013).
8. The words "with the prior approval of the Government," omitted by s. 22, *ibid*. (w.e.f. 01-11-2013).

works and other legitimate charges incurred on the property are recovered from the income derived from the property:

Provided that the Board shall compensate annually the mutawalli of the concerned [1][waqf] to the extent of the average annual net income derived from the property during the three years immediately preceding the taking over of the property by the Board.

(*6*) After all the expenses as enumerated in sub-section (*5*) have been recouped from the income of the developed properties, the developed properties shall be handed over to mutawalli of the concerned [1][waqf].

33. Powers of inspection by Chief Executive Officer or persons authorised by him.—(*1*) With a view to examining whether, by reason of any failure or negligence on the part of a mutawalli in the performance of his executive or administrative duties, any loss or damage has been caused to any [1][waqf] or [1][waqf] property, the Chief Executive Officer [2][or any other person authorised by him in writing] with the prior approval of the Board, [3]***, may inspect all movable and immovable properties, which are [1][waqf] properties, and all records, correspondences, plans, accounts and other documents relating thereto.

(*2*) Whenever any such inspection as referred to in sub-section (*1*) is made, the concerned mutawalli and all officers and other employees working under him and every person connected with the administration of the [1][waqf], shall extend to the person making such inspection, all such assistance and facilities as may be necessary and reasonably required by him to carry out such inspection, and shall also produce for inspection any movable property or documents relating to the [1][waqf] as may be called for by the person making the inspection and furnish to him such information relating to the [1][waqf] as may be required by him.

(*3*) Where, after any such inspection, it appears that the concerned mutawalli or any officer or other employee who is or was working under him had mis-appropriated, misapplied or fraudulently retained, any money or other [1][waqf] property, or had incurred irregular, unauthorised or improper expenditure from the funds of the [1][waqf], the Chief Executive Officer may, after giving the mutawalli or the person concerned a reasonable opportunity of showing cause why an order for the recovery of the amount or property, should not be passed against him and after considering such explanation, if any, as such person may furnish, determine the amount or the property which has been mis-appropriated, misapplied or fraudulently retained, or the amount of the irregular, unauthorised or improper expenditure incurred by such person, and make an order directing such person to make payment of the amount so determined and to restore the said property to the [1][waqf], within such time as may be specified in the order.

(*4*) A mutawalli or other person aggrieved by such order may, within thirty days of the receipt by him of the order, appeal to the Tribunal:

Provided that no such appeal shall be entertained by the Tribunal unless the appellant first deposits with the Chief Executive Officer the amount which has been determined under sub-section (*3*) as being payable by the appellant [4]***.

(*5*) The Tribunal may, after taking such evidence as it may think fit, confirm, reverse or modify the order made by the Chief Executive Officer under sub-section (*3*) or may remit, either in whole or in part, the amount specified in such order and may make such orders as to costs as it may think appropriate in the circumstances of the case.

[5]* * * * *

34. Recovery of the amount determined under section 33.—Where any mutawalli or other person who has been ordered, whether under sub-section (*3*) or sub-section (*5*) of section 33, to make any payment or to restore the possession of any property, omits or fails to make such payment or restoration within the time specified in such order, the Chief Executive Officer, with the prior approval of the Board

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Ins. by s. 23, *ibid*. (w.e.f. 01-11-2013).
3. The words "either himself or any other person authorised by him in writing in this behalf" omitted by s. 23, *ibid.* (w.e.f. 01-11-2013).
4. Certain words omitted by Act 14 of 2025, s. 20 (w.e.f. 08-04-2025).
5. Sub-section (*6*) omitted by s. 20, *ibid*. (w.e.f. 08-04-2025).

shall, take such steps as he may think fit for the recovery of possession of the property aforesaid and shall also send a certificate to the Collector of the district in which the property of such mutawalli or other person is situate, stating therein the amount that has been determined by him or by the Tribunal, as the case may be, under section 33, as being payable by such mutawalli or other person, and, thereupon, the Collector shall recover the amount specified in such certificate as if it were an arrear of land revenue and on the recovery of such amount, pay the same to the Chief Executive Officer, who shall, on receipt thereof, credit the amount to the funds of the concerned [1][waqf].

35. Conditional attachment by Tribunal.—(*1*) Where the Chief Executive Officer is satisfied that the mutawalli or any other person who has been ordered under sub-section (*3*) or sub-section (*5*) of section 33 to make any payment, with intent to defeat or delay the execution of the said order,—

(*a*) is about to dispose of the whole or any part of his property; or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Chief Executive Officer,

he may, with prior approval of the Board, apply to the Tribunal for the conditional attachment of the said property or such part thereof, as he may think necessary.

(*2*) The Chief Executive Officer shall, unless the Tribunal otherwise directs, specify in the application the property required to be attached and the estimated value thereof.

(*3*) The Tribunal may direct the mutawalli or the person concerned, as the case may be, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Tribunal when required, the said property or the value of the same or such portion thereof as may be sufficient to satisfy the amount specified in the certificate referred to in section 34, or to appear and show cause why he should not furnish such security.

(*4*) The Tribunal may also in the order direct the conditional attachment of the whole or any portion of the property so specified.

(*5*) Every attachment made under this section shall be made in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as if it were an order for attachment made under the provision of the said Code.

India Code

CHAPTER V

REGISTRATION OF [2][AUQAF]

36. Registration.—(*1*) Every [1][waqf], whether created before or after the commencement of this Act, shall be registered at the office of the Board.

[3][(*1A*) On and from the commencement of the Waqf (Amendment) Act, 2025, no waqf shall be created without execution of a waqf deed.]

(*2*) Application for registration shall be made by the mutawalli:

Provided that such applications may be [4][made by the waqf] or his descendants or a beneficiary of the [1][waqf] or any Muslim belonging to the sect to which the [1][waqf] belongs.

(*3*) An application for registration shall be made [5][to the Board through the portal and database] and shall contain the following particulars**:—**

(*a*) a description of the [1][waqf] properties sufficient for the identification thereof;

(*b*) the gross annual income from such properties;

(*c*) the amount of land revenue, cesses, rates and taxes annually payable in respect of the [1][waqf] properties;

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "WAKFS" (w.e.f. 01-11-2013).
3. Ins. by Act 14 of 2025, s. 21 (w.e.f. 08-04-2025).
4. Subs. by Act 27 of 2013, s. 24, for "made by the wakf" (w.e.f. 01-11-2013).
5. Subs. by Act 14 of 2025, s. 21, for certain words (w.e.f. 08-0 4-2025).

(*d*) an estimate of the expenses annually incurred in the realisation of the income of the [1][waqf] properties;

(*e*) the amount set apart under the [1][waqf] for—

(*i*) the salary of the mutawalli and allowances to the individuals;

(*ii*) purely religious purposes;

(*iii*) charitable purposes; and

(*iv*) any other purposes;

[2][(*f*) any other particulars as may be prescribed by the Central Government.]

(*4*) Every such application shall be accompanied by a copy of the [1][waqf] deed [3]****.

(*5*) Every application made under sub-section (*2*) shall be signed and verified by the applicant in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908) for the signing and verification of pleadings.

(*6*) The Board may require the applicant to supply any further particulars or information that it may consider necessary.

[4][(*7*) 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.]

(*8*) In the case of [5][auqaf] created before the commencement of this Act, every application for registration shall be made, within three months from such commencement and in the case of [5][auqaf] created after such commencement, within three months from the date of the creation of the [1][waqf].

[6]* * * * *

[7][(*9*) The Board, on registering a waqf, shall issue the certificate of registration to the waqf through the portal and database.

(*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, 2025:

Provided that an application may be entertained by the court in respect of such suit, appeal or other legal proceedings after the period of six months specified under this sub-section, if the applicant satisfies the court that he has sufficient cause for not making the application within such period.]

37. Register of [5][auqaf].— [8][(*1*)] The Board shall maintain a register of [5][auqaf] which shall contain in respect of each [1][waqf] copies of the [1][waqf] deeds, when available and the following particulars [9][in such manner as prescribed by the Central Government], namely:—

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 21, for clause (*f*) (w.e.f. 08-04-2025).
3. Certain words omitted by s. 21, *ibid*. (w.e.f. 08-04-2025).
4. Subs. by s. 21, *ibid*., for sub-section (*7*) (w.e.f. 08-04-2025).
5. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
6. Proviso omitted by Act 14 of 2025, s. 21 (w.e.f. 08-04-2025).
7. Ins. by s. 21, *ibid*. (w.e.f. 08-04-2025).
8. S. 37 numbered as sub-section (*1*) thereof by Act 27 of 2013, s. 25 (w.e.f. 01-11-2013).
9. Ins. by Act 14 of 2025, s. 22 (w.e.f. 08-04-2025).

(*a*) the class of the [1][waqf];

(*b*) the name of the mutawalli;

(*c*) the rule of succession to the office of mutawalli under the [1][waqf] deed or by custom or by usage;

(*d*) particulars of all [1][waqf] properties and all title deeds and documents relating thereto;

(*e*) particulars of the scheme of administration and the scheme of expenditure at the time of registration;

(*f*) such other particulars as may be [2][prescribed by the Central Government].

[3][(*2*) The Board shall forward the details of the properties entered in the register of auqaf to the concerned land record office having jurisdiction of the waqf property.

(*3*) On receipt of the details as mentioned in sub-section (*2*), the land record office shall [4][before deciding mutation in the land records, in accordance with revenue laws in force, shall give a public notice of ninety days, in two daily newspapers circulating in the localities of such area of which one shall be in the regional language and give the affected persons an opportunity of being heard, then], according to established procedure, either make necessary entries in the land record or communicate, within a period of six months from the date of registration of waqf property under section 36, its objections to the Board.]

38. Powers of Board to appoint Executive Officer.—(*1*) Notwithstanding anything contained in this Act, the Board may, if it is of the opinion that it is necessary so to do in the interests of the [1][waqf], appoint on whole-time or part-time or in an honorary capacity, subject to such conditions as may be provided by regulations, an Executive Officer with such supporting staff as it considers necessary for any [1][waqf] having a gross annual income of not less than five lakh rupees:

Provided that the person chosen for appointment should be a person professing Islam.

(*2*) Every Executive Officer appointed under sub-section (*1*) shall exercise such powers and discharge such duties as pertain only to the administration of the property of the [1][waqf] for which he has been appointed and shall exercise those powers and discharge those duties under the direction, control and supervision of the Board:

Provided that the Executive Officer who is appointed for a [1][waqf] having a gross annual income of not less than five lakh rupees shall ensure that the budget of the [1][waqf] is submitted, the accounts of the [1][waqf] are regularly maintained, and the yearly statement of accounts are submitted within such time as the Board may specify.

(*3*) While exercising his powers and discharging his functions under sub-section (*2*), the Executive Officer shall not interfere with any religious duties or any usage or custom of the [1][waqf] sanctioned by the Muslim law.

(*4*) The salaries and allowances of the Executive Officer and his staff shall be fixed by the Board and in fixing the quantum of such salary the Board shall have due regard to the income of the [1][waqf], the extent and nature of the duties of the Executive Officer and shall also ensure that the amounts of such salaries and allowances are not disproportionate to the income of the [1][waqf] and do not operate as an unnecessary financial burden on it.

(*5*) The salaries and allowances of the Executive Officer and his staff shall be paid by the Board from the [1][Waqf] Fund and, if the [1][waqf] generates any additional income as a result of appointment of the Executive Officer, the Board may claim reimbursement of amounts spent on the salaries and allowances from the fund of the [1][waqf] concerned.

(*6*) The Board may, for sufficient reasons, and after giving to the Executive Officer or a member of his staff, a reasonable opportunity of being heard, suspend, remove or dismiss the Executive Officer or a member of his staff from his post.

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1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 22, for "provided by regulations" (w.e.f. 08-04-2025).
3. Ins. by Act 27 of 2013, s. 25 (w.e.f. 01-11-2013).
4. Ins. by Act 14 of 2025, s. 22 (w.e.f. 08-04-2025).

(*7*) Any Executive Officer or a member of his staff who is aggrieved by any order of removal or dismissal made under sub-section (*6*) may, within thirty days from the date of communication of the order, prefer an appeal against the order to the Tribunal and the Tribunal may, after considering such representation as the Board may make in the matter, and after giving a reasonable opportunity to the Executive Officer or a member of his staff of being heard, confirm, modify or reverse the order.

39. Powers of Board in relation to [1][auqaf] which have ceased to exist.—(*1*) The Board shall, if it is satisfied that the objects or any part thereof, of a [2][waqf] have ceased to exist, whether such cesser took place before or after the commencement of this Act, cause an inquiry to be held by the Chief Executive Officer, in the prescribed manner, to ascertain the properties and funds pertaining to such [2][waqf].

(*2*) On the receipt of the report of inquiry of the Chief Executive Officer, the Board shall pass an order,—

(*a*) specifying the property and funds of such [2][waqf];

(*b*) directing that any property or funds pertaining to such [2][waqf] which have been recovered shall be applied or utilised for the renovation of any [2][waqf] property and where there is no need for making any such renovation or where utilisation of the funds for such renovation is not possible, be appropriated, to any of the purposes specific in sub-clause (*iii*) of clause (*e*) of sub-section (*2*) of section 32.

(*3*) The Board may, if it has reason to believe that any building or other place which was being used for religious purpose or instruction or for charity has, whether before or after the commencement of this Act, ceased to be used for that purpose, make an application to the Tribunal for an order directing the recovery of possession of such building or other place.

(*4*) The Tribunal may, if it is satisfied, after making such inquiry as it may think fit, that such building or other place—

(*a*) is [2][waqf] property;

(*b*) has not been acquired under any law for the time being in force relating to acquisition of land or is not under any process of acquisition under any such law, or has not vested in the State Government under any law for the time being in force relating to land reforms; and

(*c*) is not in the occupation of any person who has been authorised by or under any law for the time being in force to occupy such building or other place, make an order—

(*i*) directing the recovery of such building or place from any person who may be in unauthorised possession thereof, and

(*ii*) directing that such property, building or place be used for religious purpose or instruction as before, or if such use is not possible, be utilised for any purpose specified in sub-clause (*iii*) of clause (*e*) of sub-section (*2*) of section 32.

40. [*Decision if a property is* [2][*waqf*] *property.*]— *Omitted by the Waqf* (*Amendment*) *Act,* 2025 (14 *of* 2025)*, s.* 23 (*w.e.f.* 8-4-2025).

41. Power to cause registration of [2][waqf] and to amend register.—The Board may direct a mutawalli to apply for the registration of a [2][waqf], or to supply any information regarding a [2][waqf] or may itself cause the [2][waqf] to be registered or may at any time amend the register of [1][auqaf].

42. Change in the management of [1][auqaf] to be notified.—(*1*) In the case of any change in the management of a registered [2][waqf] due to the death or retirement or removal of the mutawalli, the incoming mutawalli, shall forthwith, and any other person may notify the change to the Board.

(*2*) In the case of any other change in any of the particulars mentioned in section 36, the mutawalli shall, within three months from the occurrence of the change, notify such change to the Board.

43. [1][Auqaf] registered before the commencement of this Act deemed to be registered.— Notwithstanding anything contained in this Chapter, where any [2][waqf] has been registered before the

1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).

commencement of this Act, under any law for the time being in force, it shall not be necessary to register the [1][waqf] under the provisions of this Act and any such registration made before such commencement shall be deemed to be a registration made under this Act.

CHAPTER VI

MAINTENANCE OF ACCOUNTS OF [2][AUQAF]

44. Budget.—(*1*) Every mutawalli of a [1][waqf] shall, in every year prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure during that financial year.

(*2*) Every such budget shall be submitted by the mutawalli at least [3][thirty days] before the beginning of the financial year to the Board and shall make adequate provision for the following**:—**

(*i*) for carrying out the objects of the [1][waqf];

(*ii*) for the maintenance and preservation of the [1][waqf] property;

(*iii*) for the discharge of all liabilities and subsisting commitments binding on the [1][waqf] under this Act or any other law for the time being in force.

[4][(*3*) In case the Board considers any item in the budget being contrary to the objects of the waqf and the provisions of this Act, it may give such direction for addition or deletion of such item as it may deem fit.]

(*4*) If in the course of the financial year the mutawalli finds it necessary to modify the provisions made in the budget in regard to the receipt or to the distribution of the amounts to be expended under the different heads, he may submit to the Board a supplementary or a revised budget and the provisions of sub-section (*3*) shall, as far as may be, apply to such supplementary or revised budget.

45. Preparation of budget of [2][auqaf] under direct management of the Board.—(*1*) The Chief Executive Officer shall prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure for each of the [2][auqaf] under the direct management of the Board, showing therein the estimated receipts and expenditure and submit it to the Board for its approval.

(*2*) While submitting the budget under sub-section (*1*), the Chief Executive Officer shall also prepare statement giving details of the increase, if any, in the income of each [1][waqf] under the direct management of the Board and the steps which have been taken for its better management and the results accruing therefrom during the year.

(*3*) The Chief Executive Officer shall keep regular accounts and be responsible for the proper management of every [1][waqf] under the direct management of the Board.

(*4*) Every budget submitted by the Chief Executive Officer under sub-section (*1*) shall comply with the requirements of section 46 and, for this purpose, references therein to the mutawalli of the [1][waqf] shall be construed as references to the Chief Executive Officer.

(*5*) The audit of accounts of every [1][waqf] under the direct management of the Board shall be undertaken by the State Examiner of Local Funds or any other officer appointed by the State Government for this purpose, irrespective of the income of the [1][waqf].

(*6*) The provisions of sub-sections (*2*) and (*3*) of section 47 and the provisions of sections 48 and 49 shall, in so far as they are not inconsistent with the provisions of this section, apply to the audit of accounts referred to in this section.

(*7*) Where any [1][waqf] is under the direct management of the Board, such administrative charges as may be specified by the Chief Executive Officer shall be payable by the [1][waqf] to the Board:

Provided that the Chief Executive Officer shall not collect more than ten per cent. of the gross annual income of the [1][waqf] under the direct management of the Board as administrative charges.

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1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "wakfs" (w.e.f. 01-11-2013).
3. Subs. by s. 26, *ibid*., for "ninety days" (w.e.f. 01-11-2013).
4. Subs. by s. 26, *ibid.,* for sub-section (*3*) (w.e.f. 01-11-2013).

46. Submission of accounts of [1][auqaf].—(*1*) Every mutawalli shall keep regular accounts.

(*2*) Before the [2][1st day of [3][October]] next, following the date on which the application referred to in section 36 has been made and thereafter before the [2][1st day of [3][October]] in every year, every mutawalli of a [4][waqf] shall prepare and furnish to the Board a full and true statement of accounts, [5][in such form and manner and containing such particulars as may be prescribed by the Central Government, of all moneys received from any source] or expended by the mutawalli on behalf of the [4][waqf] during the period of twelve months ending on the 31st day of March, or, as the case may be, during that portion of the said period during which the provisions of this Act, have been applicable to the [4][waqf]:

Provided that the date on which the annual accounts are to be closed may be varied at the discretion of the Board.

47. Audit of accounts of [1][auqaf].—(*1*) The accounts of [1][auqaf] submitted to the Board under section 46 shall be audited and examined in the following manner, namely**:—**

(*a*) in the case of a [4][waqf] having no income or a net annual income not exceeding [6][one lakh rupees], the submission of a statement of accounts shall be a sufficient compliance with the provisions of section 46 and the accounts of two per cent. of such [1][auqaf] shall be audited annually by an auditor appointed by the Board [7][from out of the panel of auditors prepared by the State Government:

Provided that the State Government shall, while preparing such panel of auditors, specify the remuneration to be paid to such auditors;]

[8][(*b*) the accounts of the waqf having net annual income exceeding one lakh rupees shall be audited annually, by an auditor appointed by the Board from out of the panel of auditors as specified in clause (*a*);]

(*c*) the State Government may, [9][under intimation to the Board,] at any time cause the account of any [4][waqf] audited by the State Examiner of Local Funds or by any other officer designated for that purpose by that State Government:

[7][Provided that the Central Government may, by order, direct the audit of any waqf at any time by an auditor appointed by the Comptroller and Auditor-General of India, or by any officer designated by the Central Government for that purpose.]

(*2*) The auditor shall submit his report to the Board and the report of the auditor shall among other things, specify all cases of irregular, illegal or improper expenditure or of failure to recover money or other property caused by neglect or misconduct and any other matter which the auditor considers it necessary to report; and the report shall also contain the name of any person who, in the opinion of the auditor, is responsible for such expenditure or failure and the auditor shall in every such case certify the amount of such expenditure or loss as due from such person.

[7][(*2A*) On receipt of the report under sub-section (*2*), the Board shall publish the audit report in such manner as may be prescribed by the Central Government.]

(*3*) The cost of the audit of the accounts of a [4][waqf] shall be met from the funds of that [4][waqf].

[10]* * * * *

48. Board to pass orders on auditor's report.—(*1*) The Board shall examine the auditor's report, and may call for the explanation of any person in regard to any matter mentioned therein, and shall pass

1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by s. 27, *ibid*., for "1st day of May" (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 24, for "July" (w.e.f. 08-04-2025).
4. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
5. Subs. by Act 14 of 2025, s. 24, for certain words (w.e.f. 08-04-2025).
6. Subs. by s. 25, *ibid*., for "fifty thousand rupees" (w.e.f. 08-04-2025).
7. Ins. by s. 25, *ibid*. (w.e.f. 08-04-2025).
8. Subs. by s. 25, *ibid*., for clause (*b*) (w.e.f. 08-04-2025).
9. Ins. by Act 27 of 2013, s. 28 (w.e.f. 01-11-2013).
10. Both the provisos omitted by Act 14 of 2025, s. 25 (w.e.f. 08-04-2025).

such orders as it thinks fit including orders for the recovery of the amount certified by the auditor under sub-section (*2*) of section 47.

(*2*) The mutawalli or any other person aggrieved by any order made by the Board may, within thirty days of the receipt by him of the order, apply to the Tribunal to modify or set aside the order and the Tribunal may, after taking such evidence as it may think necessary, confirm or modify the order or remit the amount so certified, either in whole or in part, and may also make such order as to costs as it may think appropriate in the circumstances of the case.

[1][(*2A*) The proceedings and orders of the Board under sub-section (*1*) shall be published in such manner as may be prescribed by the Central Government.]

(*3*) No application made under sub-section (*2*) shall be entertained by the Tribunal unless the amount certified by the auditor under sub-section (*2*) of section 47 has first been deposited in the Tribunal [2]***.

[3]* * * * *

(*5*) Every amount for the recovery of which any order has been made under sub-section (*1*) or sub-section (*2*) shall, where such amount remains unpaid, be recoverable in the manner specified in section 34 or section 35 as if the said order were an order for the recovery of any amount determined under sub-section (*3*) of section 35.

49. Sums certified to be due recoverable as arrears of land revenue.—(*1*) Every sum certified to be due from any person by an auditor in his report under section 47 unless such certificate is modified or cancelled by an order of the Board or of the Tribunal made under section 48, and every sum due on a modified certificate shall be paid by such person within sixty days after the service of a demand for the same issued by the Board.

(*2*) If such payment is not made in accordance with the provisions of sub-section (*1*), the sum payable may, on a certificate issued by the Board after giving the person concerned an opportunity of being heard, be recovered in the same manner as an arrear of land revenue.

50. Duties of mutawalli.—It shall be the duty of every mutawalli—

(*a*) to carry out the directions of the Board in accordance with the provisions of this Act or of any rule or order made thereunder;

(*b*) to furnish such returns and supply such information or particulars as may from time to time be required by the Board in accordance with the provisions of this Act or of any rule or order made thereunder;

(*c*) to allow inspection of [4][waqf] properties, accounts or records or deeds and documents relating thereto;

(*d*) to discharge all public dues; and

(*e*) to do any other act which he is lawfully required to do by or under this Act.

[5][50A. Disqualification of mutawalli.—A person shall not be qualified for being appointed, or for continuing as, a mutawalli, if he—

(*a*) is less than twenty-one years of age;

(*b*) is found to be a person of unsound mind;

(*c*) is an undischarged insolvent;

(*d*) has been convicted of any offence and sentenced to imprisonment for not less than two years;

1. Ins. by Act 14 of 2025, s. 26 (w.e.f. 08-04-2025).
2. Certain words omitted by s. 26, *ibid*. (w.e.f. 08-04-2025).
3. Subs-section (*4*) omitted by s. 26, *ibid*. (w.e.f. 08-04-2025).
4. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
5. Ins. by Act 14 of 2025, s. 27 (w.e.f. 08-04-2025).

(*e*) has been held guilty of encroachment on any waqf property;

(*f*) has been on a previous occasion—

(*i*) removed as a mutawalli; or

(*ii*) removed by an order of a competent court or Tribunal from any position of trust either for mismanagement or for corruption.]

51. Alienation of [1][waqf] property without sanction of Board to be void.—[2][(*1*) Notwithstanding anything contained in the waqf deed, any lease of any immovable property which is waqf property, shall be void unless such lease is effected with the prior sanction of the Board:

Provided that no mosque, dargah, khanqah, graveyard, or imambara shall be leased except any unused graveyards in the States of Punjab, Haryana and Himachal Pradesh where such graveyard has been leased out before the date of commencement of the Wakf (Amendment) Act, 2013 (27 of 2013).

(*1A*) Any sale, gift, exchange, mortgage or transfer of waqf property shall be void *ab initio*:

Provided that in case the Board is satisfied that any waqf property may be developed for the purposes of the Act, it may, after recording reasons in writing, take up the development of such property through such agency and in such manner as the Board may determine and move a resolution containing recommendation of development of such waqf property, which shall be passed by a majority of two-thirds of the total membership of the Board:

Provided further that nothing contained in this sub-section shall affect any acquisition of waqf properties for a public purpose under [3][the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)] or any other law relating to acquisition of land if such acquisition is made in consultation with the Board:

Provided also that—

(*a*) the acquisition shall not be in contravention of the Places of [4]*** Worship (Special Provisions) Act, 1991 (42 of 1991);

(*b*) the purpose for which the land is being acquired shall be undisputedly for a public purpose;

(*c*) no alternative land is available which shall be considered as more or less suitable for that purpose; and

(*d*) to safeguard adequately the interest and objective of the waqf, the compensation shall be at the prevailing market value or a suitable land with reasonable solatium in lieu of the acquired property.]

[5]* * * * *

52. Recovery of [1][waqf] property transferred in contravention of section 51.—(*1*) If the Board is satisfied, after making any inquiry in such manner as may be prescribed, that any immovable property of a [1][waqf] entered as such in the register of [1][waqf] maintained under section 36, has been transferred without the previous sanction of the Board in contravention of the provisions of section 51 [6][or section 56], it may send a requisition to the Collector within whose jurisdiction the property is situate to obtain and deliver possession of the property to it.

(*2*) On receipt of a requisition under sub-section (*1*), the Collector shall pass an order directing the person in possession of the property to deliver the property to the Board within a period of thirty days from the date of the service of the order.

(*3*) Every order passed under sub-section (*2*) shall be served—

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 29, *ibid*., for sub-section (*1*) (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 28, for "the Land Acquisition Act, 1894 (1 of 1894)" (w.e.f. 08-04-2025).
4. The word "Public" omitted by Corrigendum, published in the Gazette of India, Extra PT II, sec. 1, No. 3, dated 1st January, 2014.
5. Sub-sections (*2*), (*3*), (*4*) and (*5*) omitted by Act 27 of 2013, s. 29 (w.e.f. 01-11-2013).
6. Ins. by s. 30, *ibid.* (w.e.f. 01-11-2013).

(*a*) by giving or tendering the order, or by sending it by post to the person for whom it is intended; or

(*b*) if such person cannot be found, by affixing the order on some conspicuous part of his last known place of abode or business, or by giving or tendering the order to some adult male member or servant of his family or by causing it to be affixed on some conspicuous part of the property to which it relates:

Provided that where the person on whom the order is to be served, is a minor, service upon his guardian or upon any adult male member or servant of his family shall be deemed to be the service upon the minor.

(*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 [1]****.

(*5*) Where an order passed under sub-section (*2*) has not been complied with and the time for appealing against such order has expired without an appeal having been preferred or the appeal, if any, preferred within that time has been dismissed, the Collector shall obtain possession of the property in respect of which the order has been made, using such force, if any, as may be necessary for the purpose and deliver it to the Board.

(*6*) In exercising his functions under this section the Collector shall be guided by such rules as may be provided by regulations.

[2][52A. Penalty for alienation of waqf property without sanction of Board.—(*1*) Whoever alienates or purchases or takes possession of, in any manner whatsoever, either permanently or temporarily, any movable or immovable property being a waqf property, without prior sanction of the Board, shall be punishable with [3][imprisonment] for a term which may extend to two years:

Provided that the waqf property so alienated shall without prejudice to the provisions of any law for the time being in force, [4][be reverted back to the waqf] without any compensation therefor.

[5]* * * * *

(*3*) No court shall take cognizance of any offence under this section except on a complaint made by the Board or any officer duly authorised by the State Government in this behalf.

[6]* * * * *]

53. Restriction on purchase of property on behalf of [7][waqf].—Notwithstanding anything contained in a [7][waqf] deed, no immovable property shall be purchased for or on behalf of any [7][waqf] from the funds of any [7][waqf] except with prior sanction of the Board, and the Board shall not accord such sanction unless it considers that the acquisition of such property is necessary or beneficial to the [7][waqf] and that the price proposed to be paid therefor is adequate and reasonable:

Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in the Official Gazette inviting objections and suggestions with respect thereto and, the Board shall, after considering the objections and suggestions that may be received by it from mutawallis or other persons interested in the [7][waqf], make such orders as it may think fit.

54. Removal of encroachment from [7][waqf] property.—(*1*) Whenever the Chief Executive Officer considers whether on receiving any complaint or on his own motion that there has been an encroachment on any land, building, space or other property which is [7][waqf] property and, which has been registered as such under this Act, he shall cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling upon him to show cause before a date to be specified in such notice, as to

1. Certain words omitted by Act 14 of 2025, s. 29 (w.e.f. 08-04-2025).
2. Ins. by Act 27 of 2013, s. 31 (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 30, for "rigorous imprisonment" (w.e.f. 08-04-2025).
4. Subs. by s. 30, *ibid*., for "be vested in the Board" (w.e.f. 08-04-2025).
5. Sub-section (*2*) omitted by s. 30, *ibid*. (w.e.f. 08-04-2025).
6. Sub-section (*4*) omitted by s. 30, *ibid.* (w.e.f. 08-04-2025).
7. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).

why an order requiring him to remove the encroachment before the date so specified should not be made and shall also send a copy of such notice to the concerned mutawalli.

(*2*) The notice referred to in sub-section (*1*) shall be served in such manner as may be prescribed.

(*3*) If, after considering the objections, received during the period specified in the notice, and after conducting an inquiry in such manner as may be prescribed, the Chief Executive Officer is satisfied that the property in question is [1][waqf] property and that there has been an encroachment on any such [1][waqf] property, [2][he may, make an application to the Tribunal for grant of order of eviction for removing] such encroachment and deliver possession of the land, building, space or other property encroached upon to the mutawalli of the [1][waqf].

[3][(*4*) The Tribunal, upon receipt of such application from the Chief Executive Officer, for reasons to be recorded therein, make an order of eviction directing that the waqf property shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the waqf property:

Provided that the Tribunal may before making an order of eviction, give an opportunity of being heard to the person against whom the application for eviction has been made by the Chief Executive Officer.

(*5*) If any person refuses or fails to comply with the order of eviction within forty-five days from the date of affixture of the order under sub-section (*2*), the Chief Executive Officer or any other person duly authorised by him in this behalf may evict that person from, and take possession of, the waqf property.]

55. Enforcement of orders made under section 54.—Where the person, ordered under [4][sub-section (*4*)] of section 54 to remove any encroachment, omits or fails to remove such encroachment, within the time specified in the order or, as the case may be, fails to vacate the land, building, space or other property to which the order relates, within the time aforesaid, the Chief Executive Officer may [5][refer the order of the Tribunal to the Executive Magistrate] within the local limits of whose jurisdiction the land, building, space or other property, is situate for evicting the encroacher, and, thereupon, such Magistrate shall make an order directing the encroacher to remove the encroachment, or, as the case may be, vacate the land, building, space or other property and to deliver possession thereof to the concerned mutawalli and in default of compliance with the order, remove the encroachment or, as the case may be, evict the encroacher from the land, building, space or other property and may, for this purpose, take such police assistance as may be necessary.

[6][55A. Disposal of property left on waqf property by unauthorised occupants.—(*1*) Where any person has been evicted from any waqf property under sub-section (*4*) of section 54, the Chief Executive Officer may, after giving fourteen days' notice to the person from whom possession of the waqf property has been taken and after publishing the notice in at least one newspaper having circulation in the locality and after proclaiming the contents of the notice by placing it on conspicuous part of the waqf property, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

(*2*) Where any property is sold under sub-section (*1*), the sale proceeds shall, after deducting the expenses relating to removal, sale and such other expenses, the amount, if any, due to the State Government or a local authority or a corporate authority on account of arrears of rent, damages or costs, be paid to such person, as may appear to the Chief Executive Officer to be entitled to the same:

Provided that where the Chief Executive Officer is unable to decide as to the person to whom the balance of the amount is payable or as to the appointment of the same, he may refer such dispute to the Tribunal [7]****.]

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1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 32, *ibid.,* for "he may, by an order, require the encroacher to remove" (w.e.f. 01-11-2013).
3. Subs. by s. 32, *ibid.,* for sub-section (*4*) (w.e.f. 01-11-2013).
4. Subs. by s. 33, *ibid.,* for "sub-section (*3*)" (w.e.f. 01-11-2013).
5. Subs. by s. 33, *ibid.,* for "apply to the Sub-Divisional Magistrate" (w.e.f. 01-11-2013).
6. Ins. by s. 34, *ibid.* (w.e.f. 01-11-2013).
7. Certain words omitted by Act 14 of 2025, s. 31 (w.e.f. 08-04-2025).

56. Restriction on power to grant lease of [1][waqf] property.—(*1*) [2][A lease for any period exceeding thirty years] of any immovable property which is [1][waqf] property, shall, notwithstanding anything contained in the deed or instrument of [1][waqf] or in any other law for the time being in force, be void and of no effect:

[3][Provided that a lease for any period up to thirty years may be made for commercial activities, education or health purposes, with the approval of the State Government, for such period and purposes as may be specified in the rules made by the Central Government:

Provided further that lease of any immovable waqf property, which is an agricultural land, for a period exceeding three years shall, notwithstanding anything contained in the deed or instrument of waqf or in any other law for the time being in force, be void and of no effect:

Provided also that before making lease of any waqf property, the Board shall publish the details of lease and invite bids in at least one leading national and regional news papers.]

(*2*) [4][A lease for a period of one year but not exceeding thirty years] of immovable property which is [1][waqf] property shall, notwithstanding anything contained in the deed or instrument of [1][waqf] or in any other law for the time being in force, be void and of no effect unless it is made with the previous sanction of the Board.

(*3*) The Board shall, in granting sanction for lease [5]*** or renewal thereof under this section review the terms and conditions on which the lease [5]*** is proposed to be granted or renewed and make its approval subject to the revision of such terms and conditions in such manner as it may direct:

[3][Provided that the Board shall immediately intimate the State Government regarding a lease for any period exceeding three years of any waqf property and thereafter it may become effective after the expiry of forty-five days from the date on which the Board intimates the State Government.]

[3][(*4*) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

57. Mutawalli entitled to pay certain costs from income of [1][waqf] property.—Notwithstanding anything contained in the [1][waqf] deed, every mutawalli may pay from the income of the [1][waqf] property any expenses properly incurred by him for the purpose of enabling him to furnish any particulars, documents or copies under section 36 or any accounts under section 46 or any information or documents required by the Board or for the purpose of enabling him to carry out the directions of the Board.

58. Power of Board to pay dues in case of default by mutawalli.—(*1*) Where a mutawalli refuses to pay or fails to pay any revenue, cess, rates or taxes due to the Government or any local authority, the Board may discharge dues from the [1][Waqf] Fund and may recover the amount so paid from the [1][waqf] property and may also recover damages not exceeding twelve and a half per cent. of the amount so paid.

(*2*) Any sum of money due under sub-section (*1*) may, on a certificate issued by the Board after giving the mutawalli concerned an opportunity of being heard, be recovered in the same manner as an arrear of land revenue.

59. Creation of reserve fund.—For the purpose of making provisions for the payment of rent and of revenue, cess, rates and taxes due to the Government or any local authority, for the discharge of the

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 35, *ibid.,* for "A lease or sub-lease for any period exceeding three years" (w.e.f. 01-11-2013).
3. Ins. by s. 35, *ibid.* (w.e.f. 01-11-2013).
4. Subs. by s. 35, *ibid.,* for "A lease or sub-lease for any period exceeding one year and not exceeding three years" (w.e.f. 01-11-2013).
5. The words "or sub-lease" omitted by s. 35, *ibid.* (w.e.f. 01-11-2013).

expenses of the repair of the [1][waqf] property and for the preservation of the [1][waqf] property, the Board may direct the creation and maintenance, in such manner as it may think fit, of a reserve fund from the income of a [1][waqf].

60. Extension of time.—The Board may, if its is satisfied that it is necessary so to do, extend the time within which any act is required to be done by the mutawalli under this Act.

61. Penalties.—(*1*) If a mutawalli fails to—

(*a*) apply for the registration of a [2][auqaf];

(*b*) furnish statements of particulars or accounts or returns as required under this Act;

(*c*) supply information or particulars as required by the Board;

(*d*) allow inspection of [1][waqf] properties, accounts, records or deeds and documents relating thereto;

[3]* * * * *

(*g*) discharge any public dues; or

(*h*) do any other act which he is lawfully required to do by or under this Act,

[4][he shall, unless he satisfies the court or the Tribunal that there was reasonable cause for his failure, be punishable with a fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees.]

[5][(*1A*) If a mutawalli fails to—

(*i*) deliver possession of any waqf property, if ordered by the Board or the Tribunal;

(*ii*) carry out the directions of the Collector or the Board;

(*iii*) do any other act which he is lawfully required to do by or under this Act;

(*iv*) provide statement of accounts under section 46;

(*v*) upload the details of waqf under section 3B,

he shall be punishable with imprisonment for a term which may extend to six months and also with a fine which shall not be less than twenty thousand rupees but which may extend to one lakh rupees.]

(*2*) Notwithstanding anything contained in sub-section (*1*), if—

(*a*) a mutawalli omits or fails, with a view to concealing the existence of a [1][waqf], to apply for its registration under this Act,—

(*i*) in the case of a [1][waqf] created before the commencement of this Act, within the period specified therefor in sub-section (*8*) of section 36;

(*ii*) in the case of any [1][waqf] created after such commencement, within three months from the date of the creation of the [1][waqf]; or

(*b*) a mutawalli furnishes any statement, return, or information to the Board, which he knows or has reason to believe to be false, misleading, untrue or incorrect in any material particular,

he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to fifteen thousand rupees.

(*3*) No court, shall take cognizance of an offence punishable under this Act save upon complaint made by the Board or an officer duly authorised by the board in this behalf.

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1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid.,* for "wakfs" (w.e.f. 01-11-2013).
3. Cls. (*e*) and (*f*) omitted by Act 14 of 2025, s. 32 (w.e.f. 08-04-2025).
4. Subs. by s. 32, *ibid*., for long line (w.e.f. 08-04-2025).
5. Ins. by s. 32, *ibid*. (w.e.f. 08-04-2025).

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(*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 Act.

(*5*) Notwithstanding anything contained in the [1][the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023)], the fine imposed under sub-section (*1*), when realised, shall be credited to the [2][Waqf] Fund.

(*6*) In every case where offender is convicted after the commencement of this Act, of an offence punishable under sub-section (*1*) and sentenced to a fine, the court shall also impose such term of imprisonment in default of payment of fine as is authorised by law for such default.

62. Mutawalli not to spend any money belonging to [2][waqf] for self defence.—No mutawalli shall spend any money out of the funds of the [2][waqf], of which he is the mutawalli, for meeting any costs, charges, or expenses which are or may be, incurred by him, in relation to any suit, appeal or any other proceeding for, or incidental to, his removal from office or for taking any disciplinary action against himself.

63. Power to appoint mutawallis in certain cases.—When there is a vacancy in the office of the mutawalli of a [2][waqf] and there is no one to be appointed under the terms of the deed of the [2][waqf], or where the right of any person to act as mutawalli is disputed, the board may appoint any person to act as mutawalli for such period and on such conditions as it may think fit.

64. Removal of mutawalli.—(*1*) Notwithstanding anything contained in any other law or the deed of [2][waqf], the Board may remove a mutawalli from his office if such mutawalli—

(*a*) has been convicted more than once of an offence punishable under section 61; or

(*b*) has been convicted of any offence of criminal breach of trust or any other offence involving moral turpitude, and such conviction has not been reversed and he has not been granted full pardon with respect to such offence; or

(*c*) is of unsound mind or is suffering from other mental or physical defect or infirmity which would render him unfit to perform the functions and discharge the duties of a mutawalli; or

(*d*) is an undischarged insolvent; or

(*e*) is proved to be addicted to drinking liquor or other spirituous preparations, or is addicted to the taking of any narcotic drugs; or

(*f*) is employed as paid legal practitioner on behalf of, or against, the [2][waqf]; or

[3][(*g*) has failed, without reasonable excuse, to maintain regular accounts for one year or has failed to submit, within one year, the yearly statement of accounts, as required by section 46; or]

(*h*) is interested, directly or indirectly, in a subsisting lease in respect of any [2][waqf] property, or in any contract made with, or any work being done for, the [2][waqf] or is in arrears in respect of any sum due by him to such [2][waqf]; or

(*i*) continuously neglects his duties or commits any misfeasance , malfeasance, misapplication of funds or breach of trust in relation to the [2][waqf] or in respect of any money or other [2][waqf] property; or

(*j*) wilfully and persistently disobeys the lawful orders made by the Central Government, State Government, Board under any provision of this Act or rule or order made thereunder;

(*k*) misappropriates or fraudulently deals with the property of the [2][waqf];

[4][(*l*) is a member of any association which has been declared unlawful under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).]

(*2*) The removal of a person from the office of the mutawalli shall not affect his personal rights, if any, in respect of the [2][waqf] property either as a beneficiary or in any other capacity or his right, if any, as a sajjadanashin.

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1. Subs. by Act 14 of 2025, s. 32, for "the Code of Criminal Procedure, 1973 (2 of 1974)" (w.e.f. 08-04-2025).
2. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 33, for clause (*g*) (w.e.f. 08-04-2025).
4. Ins. by s. 33, *ibid*. (w.e.f. 08-04-2025).

(*3*) No action shall be taken by the Board under sub-section (*1*), unless it has held an inquiry into the matter in a prescribed manner and the decision has been taken by a majority of not less than two-thirds of the members of the Board.

(*4*) A mutawalli who is aggrieved by an order passed under any of the clauses (*c*) to (*i*) of sub-section (*1*), may, within one month from the date of the receipt by him of the order, appeal against the order to the Tribunal [1]***.

(*5*) Where any inquiry under sub-section (*3*) is proposed, or commenced, against any mutawalli, the Board may, if it is of opinion that it is necessary so to do in the interest of the [2][waqf], by an order suspend such mutawalli until the conclusion of the inquiry:

Provided that no suspension for a period exceeding ten days shall be made except after giving the mutawalli a reasonable opportunity of being heard against the proposed action.

(*6*) Where any appeal is filed by the mutawalli to the Tribunal under sub-section (*4*), the Board may make an application to the Tribunal for the appointment of a receiver to manage the [2][waqf] pending the decision of the appeal, and where such an application is made, the Tribunal shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), appoint a suitable person as receiver to manage the [2][waqf] and direct the receiver so appointed to ensure that the customary or religious rights of the mutawalli and of the [2][waqf] are safeguarded.

(*7*) Where a mutawalli has been removed from his office under sub-section (*1*), the Board may, by order, direct the mutawalli to deliver possession of the [2][waqf] property to the Board or any officer duly authorised in this behalf or to any person or committee appointed to act as the mutawalli of the [2][waqf] property.

(*8*) A mutawalli of a [2][waqf] removed from his office under this section shall not be eligible for re-appointment as a mutawalli of that [2][waqf] for a period of five years from the date of such removal.

65. Assumption of direct management of certain [3][auqaf] by the Board.—(*1*) Where no suitable person is available for appointment as a mutawalli of a [2][waqf], or where the Board is satisfied, for reasons to be recorded by it in writing, that the filling up of the vacancy in the office of a mutawalli is prejudicial to the interests of the [2][waqf], the Board may, by notification in the Official Gazette, assume direct management of the [2][waqf] for such period or periods, not exceeding five years in the aggregate, as may be specified in the notification.

(*2*) The State Government may, on its own motion or on the application of any person interested in the [2][waqf], call for the records of any case for the purpose of satisfying itself as to the correctness, legality or propriety of the notification issued by the Board under sub-section (*1*) and pass such orders as it may think fit and the orders so made by the State Government shall be final and shall be published in the manner specified in sub-section (*1*).

(*3*) [4][Within six months] after the close of every financial year, the Board shall send to the State Government a detailed report in regard to every [2][waqf] under its direct management, giving therein—

(*a*) the details of the income of the [2][waqf] for the year immediately preceding the year under report;

(*b*) the steps taken to improve the management and income of the [2][waqf];

(*c*) the period during which the [2][waqf] has been under the direct management of the Board and explaining the reasons as to why it has not been possible to entrust the management of the [2][waqf] to the mutawalli or any committee of management during the year; and

(*d*) such other matters as may be prescribed.

(*4*) The State Government shall examine the report submitted to it under sub-section (*3*), and after such examination, issue such directions or instructions to the Board as it may think fit and the Board shall comply with such directions or instructions on receipt thereof.

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1. Certain words omitted by Act 14 of 2025, s. 33 (w.e.f. 08-04-2025).
2. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
3. Subs. by s. 4, *ibid.,* for "wakfs" (w.e.f. 01-11-2013).
4. Subs. by Act 14 of 2025, s. 34, for "As soon as possible" (w.e.f. 08-04-2025).

[1][(*5*) Notwithstanding anything contained in sub-section (*1*), the Board shall take over the administration of a waqf, if the waqf Board has evidence before it to prove that management of the waqf has contravened the provisions of this Act.]

66. Powers of appointment and removal of mutawalli when to be exercised by the State Government.—Whenever a deed of [2][waqf] or any decree or order of a court of any scheme of management of any [2][waqf] provides that a court or any authority other than a Board may appoint or remove a mutawalli or settle or modify such scheme of management or otherwise exercise superintendence over the [2][waqf], then, notwithstanding anything contained in such deed of [2][waqf], decree, order or scheme, such powers aforesaid shall be exercisable by the State Government:

Provided that where a Board has been established, the State Government shall consult the Board before exercising such powers.

67. Supervision and supersession of committee of Management.—(*1*) Whenever the supervision or management of a [2][waqf] is vested in any committee appointed by the [2][waqf], then, notwithstanding anything contained in this Act, such committee shall continue to function until it is superseded by the Board or until the expiry of its term as may be specified by the [2][waqf], whichever is earlier:

Provided that such committee shall function under the direction, control and supervision of the Board and abide by such directions as the Board may issue from time to time:

Provided further that if the Board is satisfied that any scheme for the management of a [2][waqf] by a committee is inconsistent with any provision of this Act or of any rule made thereunder or with the directions of the [2][waqf], it may, at any time, modify the scheme in such manner as may be necessary to bring it in conformity with the directions of the [2][waqf] or of the provisions of this Act and the rules made thereunder.

(*2*) Notwithstanding anything contained in this Act and in the deed of the [2][waqf], the Board may, if it is satisfied, for reasons to be recorded in writing, that a committee, referred to in sub-section (*1*) is not functioning properly and satisfactorily, or that the [2][waqf] is being mismanaged and that in the interest of its proper management, it is necessary so to do, by an order, supersede such committee, and, on such supersession, any direction of the [2][waqf], in so far as it relates to the constitution of the committee, shall cease to have any force:

Provided that the Board shall, before making any order superseding any committee, issue a notice setting forth therein the reasons for the proposed action and calling upon the Committee to show cause within such time, not being less than one month, as may be specified in the notice, as to why such action shall not be taken.

(*3*) Every order made by the Board under sub-section (*2*) shall be published in the prescribed manner and on such publication shall be binding on the mutawalli and all persons having any interest in the [2][waqf].

[3][(*4*) Any person aggrieved by the order made under sub-section (*2*) may, within ninety days from the date of the order, appeal to the Tribunal:]

Provided that any person aggrieved by the order made under sub-section (*2*) may, within sixty days from the date of the order, appeal to the Tribunal:

Provided further that the Tribunal shall have no power to suspend the operation of the order made by the Board pending such appeal.

(*5*) The Board shall, whenever it supersedes any committee under sub-section (*2*), constitute a new committee of management simultaneously with the order made by it under sub-section (*2*).

(*6*) Notwithstanding anything contained in the foregoing sub-sections, the Board may, instead of superseding any committee under sub-section (*2*), remove any member thereof if it is satisfied that such member has abused his position as such member or had knowingly acted in a manner prejudicial to the interests of the [2][waqf], and every such order for the removal of any member shall be served upon him by registered post:

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1. Ins. by Act 27 of 2013, s. 37 (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 35, for sub-section (*4*) (w.e.f. 08-04-2025).

Provided that no order for the removal of the member shall be made unless he has been given a reasonable opportunity of showing cause against the proposed action:

Provided further that any member aggrieved by any order for his removal from the membership of the committee may, within a period of thirty days from the date of service of the order on him, prefer an appeal against such order to the Tribunal and Tribunal may, after giving a reasonable opportunity to the appellant and the Board of being heard, confirm, modify or reverse the order made by the Board [1]****.

68. Duty of mutawalli or committee to deliver possession of records, etc.—(*1*) Where any mutawalli or committee of management has been removed by the Board in accordance with provisions of this Act, or of any scheme made by the Board, the mutawalli or the committee so removed from the office (hereinafter in this section referred to as the removed mutawalli or committee) shall hand over charge and deliver possession of the records, accounts and all properties of the [2][waqf] (including cash) to the successor mutawalli or the successor committee, within one month from the date specified in the order.

(*2*) Where any removed mutawalli or committee fails to deliver charge or deliver possession of the records, accounts and properties (including cash) to the successor mutawalli or committee within the time specified in sub-section (*1*), or prevents or obstructs such mutawalli or committee, from obtaining possession thereof after expiry of the period aforesaid, the successor mutawalli or any member of the successor committee may make an application, accompanied by a certified copy of the order appointing such successor mutawalli or committee, to any [3][District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate or their equivalent] within the local limits of whose jurisdiction any part of the [2][waqf] property is situated and, thereupon, such [3][District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate or their equivalent] may, after giving notice to the removed mutawalli or members of the removed committee, make an order directing the delivery of charge and possession of such records, accounts and properties (including cash) of the [2][waqf] to the successor mutawalli or the committee, as the case may be, within such time as may be specified in the order.

(*3*) Where the removed mutawalli or any member of the removed committee, omits or fails to deliver charge and possession of the records, accounts and properties (including cash) within the time specified by [4][any Magistrate] under sub-section (*2*), the removed mutawalli or every member of the removed committee, as the case may be, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to eight thousand rupees, or with both.

(*4*) Whenever any removed mutawalli or any member of the removed committee omits or fails to comply with the orders made by [4][any Magistrate] under sub-section (*2*), [4][any Magistrate] may authorise the successor mutawalli or committee to take charge and possession of such records, accounts, properties (including cash) and may authorise such person to take such police assistance as may be necessary for the purpose.

(*5*) No order of appointment of the successor mutawalli or committee, shall be called in question in the proceedings before [4][any Magistrate] under this section.

(*6*) Nothing contained in this section shall bar the institution of any suit in a competent civil court by any person aggrieved by any order made under this section, to establish that he has right, title and interest in the properties specified in the order made by [4][any Magistrate] under sub-section (*2*).

69. Power of Board to frame scheme for administration of [2][waqf].—[5][(*1*) Where the Board is satisfied after an enquiry, whether on its own motion or on the application of not less than five persons interested in any waqf, to frame a scheme for the proper administration of the waqf, it may, by an order, frame such scheme for the administration of the waqf, after giving reasonable opportunity and after consultation with the mutawalli or others in the prescribed manner.]

(*2*) A scheme framed under sub-section (*1*) may provide for the removal of the mutawalli of the [2][waqf] holding office as such immediately before the date on which the scheme comes into force:

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1. Certain words omitted by Act 14 of 2025, s. 35 (w.e.f. 08-04-2025).
2. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
3. Subs. by s. 38, *ibid.,* for "Magistrate of the first class" and "Magistrate" (w.e.f. 01-11-2013).
4. Subs. by s. 38, *ibid.,* for "the Magistrate" (w.e.f. 01-11-2013).
5. Subs. by s. 39, *ibid.,* for sub-section (*1*) (w.e.f. 01-11-2013).

Provided that where any such scheme provides for the removal of any hereditary mutawalli, the scheme shall also provide for the appointment of the person next in hereditary succession to the mutawalli so removed, as one of the members of the committee appointed for the proper administration of the [1][waqf].

(*3*) Every order made under sub-section (*2*) shall be published in the prescribed manner, and, on such publication shall be final and binding on the mutawalli and all persons interested in the [1][waqf]:

Provided that any person aggrieved by an order made under this section may, within sixty days from the date of the order, prefer an appeal to the Tribunal and after hearing such appeal, the Tribunal may confirm, reverse or modify the order.

[2]* * * * *

(*4*) The Board may, at any time by an order, whether made before or after the scheme has come into force, cancel or modify the scheme.

[3][Provided that no such order shall be made under this sub-section unless a written notice inviting objections from the person likely to be affected and general public, in such manner as may be prescribed by the State Government.]

(*5*) Pending the framing of the scheme for the proper administration of the [1][waqf], the Board may appoint a suitable person to perform all or any of the functions of the mutawalli thereof and to exercise the powers, and perform the duties, of such mutawalli.

70. Inquiry relating to administration of [1][waqf].—Any person interested in a [1][waqf] may make an application to the Board supported by an affidavit to institute an inquiry relating to the administration of the [1][waqf] and if the Board is satisfied that there are reasonable grounds for believing that the affairs of the [1][waqf] are being mismanaged, it shall take such action thereon as it thinks fit.

71. Manner of holding inquiry.—(*1*) The Board may, either on an application received under section [4][70] or on its own motion,—

(*a*) hold an inquiry in such manner as may be prescribed; or

(*b*) authorise any person in this behalf to hold an inquiry into any matter relating to a [1][waqf] and take such action as it thinks fit.

(*2*) For the purposes of an inquiry under this section, the Board or any person authorised by it in this behalf, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for enforcing the attendance of witnesses and production of documents.

CHAPTER VII

FINANCE OF THE BOARD

72. Annual contribution payable to Board.—(*1*) The mutawalli of every [1][waqf], the net annual income of which is not less than five thousand rupees, shall pay annually, out of the net annual income derived by the [1][waqf], such contributions, not exceeding [5][five per cent. subject to a maximum amount as may be prescribed by the Central Government] of such annual income, as may be prescribed, to the Board for the services rendered by such Board to the [1][waqf].

Explanation I.—For the purposes of this Act, "net annual income" shall mean the gross income of the [1][waqf] from all sources, including nazars and offerings which do not amount to contributions to the corpus of the [6][auqaf], in a year after deducting therefrom the following, namely:—

(*i*) the land revenue paid by it to the Government;

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Second proviso omitted by Act 14 of 2025, s. 36 (w.e.f. 08-04-2025).
3. Ins. by s. 36, *ibid*. (w.e.f. 08-04-2025).
4. Subs. by Act 27 of 2013, s. 40, for "73" (w.e.f. 01-11-2013).
5. Subs. by Act 14 of 2025, s. 37, for "seven per cent." (w.e.f. 08-04-2025).
6. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).

(*ii*) the rates, cesses, taxes and licence fees, paid by it to the Government or any local authority;

(*iii*) expenditure incurred for all or any of the following purposes, [1][in respect of lands directly under cultivation by the mutawalli for the benefit of the waqf], namely:—

(*a*) maintenance of, or repairs to, irrigation works, which shall not include the capital cost of irrigation;

(*b*) seeds or seedlings;

(*c*) manure;

(*d*) purchase and maintenance of agricultural implements;

(*e*) purchase and maintenance of cattle for cultivation;

(*f*) wages for ploughing, watering, sowing, transplanting, harvesting, threshing and other agricultural operations:

Provided that the total deduction in respect of an expenditure incurred under this clause shall not exceed [2][twenty per cent.] of the income derived from lands belonging to the [3][waqf]:

[4][Provided further that no such deduction shall be permitted in respect of waqf land given on lease, by whatever name called, whether *batai* or share cropping or any other name.]

(*iv*) expenditure on sundry repairs to rented buildings, not exceeding five per cent. of the annual rent derived therefrom, or the actual expenditure, whichever is less;

(*v*) sale proceeds of immovable properties or rights relating to, or arising out of immovable properties, if such proceeds are reinvested to earn income for the [3][waqf]:

Provided that the following items of receipts shall not be deemed to be income for the purposes of this section, namely:—

(*a*) advances and deposits recovered and loans taken or recovered;

(*b*) deposits made as security by employees, lessees or contractors and other deposits, if any;

(*c*) withdrawals from banks or of investments;

(*d*) amounts recovered towards costs awarded by courts;

(*e*) sale proceeds of religious books and publications where such sales are undertaken as an un-remunerative enterprise with a view to propagating religion;

(*f*) donations in cash or kind or offerings made by the donors as contribution to the corpus of the [3][waqf]:

Provided that interest on income, if any, accruing from such donations or offerings shall be taken into account in calculating the gross annual income;

(*g*) voluntary contributions received in cash or kind for a specific service to be performed by the [3][waqf] and expended on such service;

(*h*) audit recoveries.

Explanation II.—In determining, the net annual income for the purposes of this section, only the net profit derived by any [3][waqf] from its remunerative undertakings, if any, shall be taken as income, and in respect of its non-remunerative undertakings, such as, schools, colleges, hospitals, poor homes, orphanages or any other similar institutions, the grants given by the Government or any local authority or

1. Ins. by Act 27 of 2013, s. 41 (w.e.f. 01-11-2013).
2. Subs. by s. 41, *ibid.,* for "ten per cent." (w.e.f. 01-11-2013).
3. Subs. by s. 4, *ibid.,* for "wakf" (w.e.f. 01-11-2013).
4. Ins. by s. 41, *ibid*. (w.e.f. 01-11-2013).

donations received from the public or fees collected from the pupils of educational institutions shall not be taken as income.

(*2*) The Board may in the case of any mosque or orphanage or any particular [1][waqf] reduce or remit such contribution for such time as it thinks fit.

(*3*) The mutawalli of a [1][waqf] may realise the contributions payable by him under sub-section (*1*) from the various persons entitled to received any pecuniary or other material benefit from the [1][waqf], but the sum realisable from any one of such persons shall not exceed such amount as shall bear to the total contribution payable the same proportion, as the value of the benefits receivable by such person bears to the entire net annual income of the [1][waqf]:

Provided that if there is any income of the [1][waqf] available in excess of the amount payable as dues under this Act, other than as the contribution under sub-section (*1*), and in excess of the amount payable under the [1][waqf] deed, the contribution shall be paid out of such income.

(*4*) The contribution payable under sub-section (*1*) in respect of a [1][waqf] shall, subject to the prior payment of any dues to the Government or any local authority or of any other statutory first charge on the [1][waqf] property or the income thereof, be a first charge on the income of the [1][waqf] and shall be recoverable, on a certificate issued by the Board after giving the mutawalli concerned an opportunity of being heard, as an arrear of land revenue.

(*5*) If a mutawalli realises the income of the [1][waqf] and refuses to pay or does not pay such contribution, he shall also be personally liable for such contribution which may be realised from his person or property in the manner aforesaid.

(*6*) Where, after the commencement of this Act, the mutawalli of a [1][waqf] fails to submit a return of the net annual income of the [1][waqf] within the time specified therefor or submits a return which, in the opinion of the Chief Executive Officer is incorrect or false in any material particular, or which does not comply with the provisions of this Act or any rule or order made thereunder, the Chief Executive Officer may assess the net annual income of the [1][waqf] to the best of his judgment or revise the net annual income as shown in the return submitted by the mutawalli and the net annual income as so assessed or revised shall be deemed to be the net annual income of the [1][waqf] for the purposes of this section:

Provided that no assessment of net annual income or revision of return submitted by mutawalli shall be made except after giving a notice to the mutawalli calling upon him to show cause, within the time specified in the notice, as to why such assessment or revision of the return shall not be made and every such assessment or revision shall be made after considering the reply if any, given by the mutawalli.

(*7*) Any mutawalli who is aggrieved by the assessment or revision made by the Chief Executive Officer, under sub-section (*6*), may prefer an appeal to the Board within thirty days from the date of the receipt of the assessment or revision of return and the Board may, after giving the appellant a reasonable opportunity of being heard, confirm, reverse or modify the assessment or revision or the return [2]***.

(*8*) If, for any reason, the contribution or any portion thereof leviable under this section has escaped assessment in any year, whether before or after the commencement of this Act, the Chief Executive Officer may, within five years from the last date of the year to which such escaped assessment relates serve upon the mutawalli a notice assessing him with the contribution or portion thereof which had escaped assessment, and demanding payment thereof within thirty days from the date of service of such notice, and the provisions of this Act and the rules made thereunder, shall, as far as may be, apply as if the assessments were made under this Act, in the first instance.

73. Power of Chief Executive Officer to direct banks or other person to make payments.—(*1*) Notwithstanding anything contained in any other law for the time being in force, the Chief Executive Officer, if he is satisfied that it is necessary and expedient so to do, make an order directing any bank in which, or any person with whom any money belonging to a [1][waqf] is deposited, to pay the contribution, leviable under section 72, out of such money, as may be standing to the credit of the [1][waqf] in such bank or may be deposited with such person, or out of the moneys which may, from time

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Certain words omitted by Act 14 of 2025, s. 38 (w.e.f. 08-04-2025).

to time, be received by bank or other person for or on behalf of the [1][waqf] by way of deposit, and on receipt of such orders, the bank or the other person, as the case may be, shall, when no appeal has been preferred under sub-section (*3*), comply with such orders, or where an appeal has been preferred under sub-section (*3*), shall comply with the orders made by the Tribunal on such appeal.

(*2*) Every payment made by a bank or other person in pursuance of any order made under sub-section (*1*), shall operate as a full discharge of the liability of such bank or other person in relation to the sum so paid.

(*3*) Any bank or other person who is ordered under sub-section (*1*) to make any payment may, within thirty days from the date of the order, prefer an appeal against such order to the Tribunal [2]***.

(*4*) Every officer of the bank or other person who fails, without any reasonable excuse, to comply with the order made under sub-section (*1*) or, as the case may be, under sub-section (*3*), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to eight thousand rupees, or with both.

74. Deduction of contribution from perpetual annuity payable to the [1][waqf].—(*1*) Every authority empowered to disburse any perpetual annuity payable to a [1][waqf] under any law relating to the abolition of zamindars or jagirs, or laying down land ceilings, shall, on receipt of a certificate from the Chief Executive Officer, specifying the amount of contribution payable by the [1][waqf] under section 72 which remains unpaid, deduct before making payment of the perpetual annuity to the [1][waqf], the amount specified in such certificate and remit the amount so deducted to the Chief Executive Officer.

(*2*) Every amount remitted under sub-section (*1*) to the Chief Executive Officer shall be deemed to be a payment made by the [1][waqf] and shall, to the extent of the amount so remitted, operate as a full discharge of the liability of such authority with regard to the payment of the perpetual annuity.

75. Power of board to borrow.—(*1*) For the purpose of giving effect to the provisions of this Act, the Board may, with the previous sanction of the State Government, borrow such sum of money and on such terms and conditions as the State Government may determine.

(*2*) The Board shall repay the money borrowed, together with any interest or costs due in respect thereof, according to the terms and conditions of the loan.

76. Mutawalli not to lend or borrow moneys without sanction.—(*1*) No mutawalli, Executive Officer or other person in charge of the administration of a [1][waqf] shall lend any money belonging to the [1][waqf] or any [1][waqf] property or borrow any money for the purposes of the [1][waqf] except with the previous sanction of the Board:

Provided that no such sanction is necessary if there is an express provision in the deed of [1][waqf] for such borrowing or lending, as the case may be.

(*2*) The Board may, while according sanction, specify any terms and conditions subject to which the person referred to in sub-section (*1*) is authorised by him to lend or borrow any money or lend any other [1][waqf] property.

(*3*) Where any money is lent or borrowed, or other [1][waqf] property is lent in contravention of the provisions of this section, it shall be lawful for the Chief Executive Officer,—

(*a*) to recover an amount equal to the amount which has been so lent or borrowed, together with interest due thereon, from the personal funds of the person by whom such amount was lent or borrowed;

(*b*) to recover the possession of the [1][waqf] property lent in contravention of the provisions of this Act, from the person to whom it was lent, or from persons who claim title to such property through the person to whom such property was lent.

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Certain words omitted by Act 14 of 2025, s. 38 (w.e.f. 08-04-2025).

77. [1]**[Waqf] Fund.—**(*1*) All moneys received or realised by the Board under this Act and all other moneys received as donations, benefactions or grants by the Board shall form a fund to be called the [1][Waqf] Fund.

(*2*) All moneys received by the Board, as donations, benefactions and grants shall be deposited and accounted for under a separate sub-head.

(*3*) Subject to any rules that may be made by the State Government in this behalf, the [1][Waqf] Fund shall be under the control of the Board, so, however, that the [1][Waqf] Fund under the control of common [1][Waqf] Board shall be subject to rules, if any, made in this behalf by the Central Government.

(*4*) The [1][Waqf] Fund shall be applied to—

(*a*) repayment of any loan incurred under section 75 and payment of interest thereon;

(*b*) payment of the cost of audit of the [1][Waqf] Fund and the accounts of [2][auqaf];

(*c*) payment of the salary and allowances to the officers and staff of the Board;

(*d*) payment of traveling allowances to the Chairperson, members, of the Board;

(*e*) payment of all expenses incurred by the Board in the performance of the duties imposed, and the exercise of the powers conferred, by or under this Act;

(*f*) payment of all expenses incurred by the Board for the discharge of any obligation imposed on it by or under any law for the time being in force:

[3][(*g*) payment of maintenance to Muslim women as ordered by a court of competent jurisdiction under the provisions of the Muslim Women (Protection of Rights on Divorce) Act, 1986 (25 of 1986).]

(*5*) If any balance remains after meeting the expenditure referred to in sub-section (*4*), the Board may use any portion of such balance for the preservation and protection of [1][waqf] properties or for such other purposes as it may deem fit.

78. Budget of Board.—(*1*) The Board shall in every year prepare, in such form and at such time as may be prescribed, a budget for the next financial year showing the estimated receipts and expenditure during that financial year and forward a copy of the same to the State Government.

(*2*) On receipt of the budget forwarded to it under sub-section (*1*), the State Government shall examine the same and suggest such alterations, corrections or modifications to be made therein as it may think fit and forward such suggestions to the Board for its consideration.

(*3*) On receipt of the suggestions from the State Government the Board may make written representations to that Government with regard to the alterations, corrections or modifications suggested by that Government and the State Government shall, after considering such representations, communicate, within a period of three weeks from the date of receipt thereof, to the Board its final decision in relation to the matter and the decision of the State Government shall be final.

(*4*) On receipt of the decision of the State Government under sub-section (*3*), the Board shall incorporate in its budget all the alterations, corrections, modifications finally suggested by the State Government and the budget as so altered, corrected or modified, shall be the budget which shall be passed by the Board.

79. Accounts of Board.—The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be provided by regulations.

80. Audit of accounts of Board.—(*1*) The accounts of the Board shall be audited and examined annually by such auditor as may be appointed by the State Government.

(*2*) The auditor shall submit his report to the State Government and the report of the auditor shall, among other things, specify whether the accounts of every [1][waqf] under the direct management of the

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid.,* for "wakfs" (w.e.f. 01-11-2013).
3. Ins. by s. 42, *ibid.* (w.e.f. 01-11-2013).

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Board have been kept separately and whether such accounts have been audited annually by the State Examiner of Local Funds and shall also specify all cases of irregular, illegal or improper expenditure or of failure to recover money or other property caused by neglect or misconduct and any other matter which the auditor considers it necessary to report; and the report shall also contain the name of any person who, in the opinion of the auditor is responsible for such expenditure or failure and the auditor shall in every such case certify the amount of such expenditure or loss as due from such person.

(*3*) The cost of the audit shall be paid from the [1][Waqf] Fund.

81. State Government to pass orders on auditor's report.—The State Government shall examine the auditor's report and may call for the explanation of any person in regard to any matter mentioned therein, and shall pass such orders on the report as it thinks fit [2][and a copy of the said auditor's report, along with orders shall be forwarded by the State Government to the Council within a period of thirty days of laying of such report before each House of the State Legislature where it consists of two Houses or where such Legislatures consist of one House, before that House].

82. Dues of Board to be recovered as arrears of land revenue.—(*1*) Every sum certified to be due from any person by an auditor in his report under section 80, be paid by such person within sixty days after service of a demand notice by the Board.

(*2*) If such payment is not made in accordance with the provisions of sub-section (*1*), the sum payable may, on a certificate issued by the Board, after giving the person concerned an opportunity of being heard, be recovered as an arrear of land revenue.

CHAPTER VIII

JUDICIAL PROCEEDINGS

83. Constitution of Tribunals, etc.—[3][(*1*) The State Government shall, by notification in the Official Gazette, constitute as many Tribunals as it may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf property, eviction of a tenant or determination of rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals:]

[4][Provided that any other Tribunal may, by notification, be declared as the Tribunal for the purposes of this Act.]

(*2*) Any mutawalli or person interested in a [1][waqf] or any other person aggrieved by an order made under this Act, or rules made thereunder, may make an application within the time specified in this Act or where no such time has been specified, within such time as may be prescribed, to the Tribunal for the determination of any dispute, question or other matter relating to the [1][waqf]:

[4][Provided that if there is no Tribunal or the Tribunal is not functioning, any aggrieved person may appeal to the High Court directly.]

(*3*) Where any application made under sub-section (*1*) relates to any [1][waqf] property which falls within the territorial limits of the jurisdiction of two or more Tribunals, such application may be made to the Tribunal within the local limits of whose jurisdiction the mutawalli or any one of the mutawallis of the [1][waqf] actually and voluntarily resides, carries on business or personally works for gain, and, where any such application is made to the Tribunal aforesaid, the other Tribunal or Tribunals having jurisdiction shall not entertain any application for the determination of such dispute, question or other matter:

Provided that the State Government may, if it is of opinion that it is expedient in the interest of the [1][waqf] or any other person interested in the [1][waqf] or the [1][waqf] property to transfer such application to any other Tribunal having jurisdiction for the determination of the dispute, question or other matter relating to such [1][waqf] or [1][waqf] property, transfer such application to any other Tribunal having jurisdiction, and, on such transfer, the Tribunal to which the application is so transferred shall deal with the application from the stage which was reached before the Tribunal from which the application has been

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Ins. by s. 43, *ibid.* for "as it thinks fit" (w.e.f. 01-11-2013).
3. Subs. by s. 44, *ibid.,* for sub-section (*1*) (w.e.f. 01-11-2013).
4. Ins. by Act 14 of 2025, s. 39 (w.e.f. 08-04-2025).

so transferred, except where the Tribunal is of opinion that it is necessary in the interest of justice to deal with the application afresh.

[1][[2][(*4*) Every Tribunal shall consist of three members—

(*a*) one person, who is or has been a District Judge, who shall be the Chairman;

(*b*) one person, who is or has been an officer equivalent in the rank of Joint Secretary to the State Government-member;

(*c*) one person having knowledge of Muslim law and jurisprudence—member:

Provided that a Tribunal established under this Act, prior to the commencement of the Waqf (Amendment) Act, 2025, shall continue to function as such until the expiry of the term of office of the Chairman and the members thereof under this Act.]

(*4A*) The terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as *ex officio* members shall be such as may be prescribed:]

[3][Provided that tenure of the Chairman and the member shall be five years from the date of appointment or until they attain the age of sixty-five years, whichever is earlier.]

(*5*) The Tribunal shall be deemed to be a civil court and shall have the same powers as may be exercised by a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, or executing a decree or order.

(*6*) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), the Tribunal shall follow such procedure as may be prescribed.

(*7*) The decision of the Tribunal shall be [4]*** binding upon the parties to the application and it shall have the force of a decree made by a civil court.

(*8*) The execution of any decision of the Tribunal shall be made by the civil court to which such decision is sent for execution in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

[5][(*9*) Any person aggrieved by the order of the Tribunal, may appeal to the High Court within a period of ninety days from the date of receipt of the order of the Tribunal:]

Provided that a High Court may, on its own motion or on the application of the Board or any person aggrieved, call for and examine the records relating to any dispute, question or other matter which has been determined by the Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of such determination and may confirm, reverse or modify such determination or pass such other order as it may think fit.

84. Tribunal to hold proceedings expeditiously and to furnish to the parties copies of its decision.—Whenever an application is made to a Tribunal for the determination of any dispute, question or other matter relating to a [6][waqf] or [6][waqf] property it shall hold its proceedings as expeditiously as possible and shall as soon as practicable, on the conclusion of the hearing of such matter give its decision in writing and furnish a copy of such decision to each of the parties to the dispute.

85. Bar of jurisdiction of civil courts.—No suit or other legal proceeding shall lie in any [7][civil court, revenue court and any other authority] in respect of any dispute, question or other matter relating to any [6][waqf], [6][waqf] property or other matter which is required by or under this Act to be determined by a Tribunal.

1. Subs. by Act 27 of 2013, s. 44, for sub-section (*4*) (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 39, for sub-section (*4*) (w.e.f. 08-04-2025).
3. Ins. by s. 39, *ibid*. (w.e.f. 08-04-2025).
4. The words "final and" omitted by s. 39, *ibid.* (w.e.f. 08-04-2025).
5. Subs. by s. 39, *ibid.,* for sub-section (*9*) (w.e.f. 08-04-2025).
6. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
7. Subs. by s. 45, *ibid.,* for "civil court" (w.e.f. 01-11-2013).

86. Appointment of a receiver in certain cases.—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law for the time being in force, where any suit or other legal proceeding is instituted or commenced—

(*a*) by or on behalf of a Board—

(*i*) to set aside the sale of any immovable property, which is [1][waqf] property, in execution of a decree or order of a civil court;

(*ii*) to set aside the transfer of any immovable property, which is [1][waqf] property, made by the mutawalli thereof, whether for valuable consideration or not, without or otherwise than in accordance with, the sanction of the Board;

(*iii*) to recover possession of the property referred to in clause (*a*) or clause (*b*) or to restore possession of such property to the mutawalli of the concerned [1][waqf]; or

(*b*) by a mutawalli to recover possession of immovable property, which is [1][waqf] property, which has been transferred by a previous mutawalli, [2][or by any other person] whether for valuable consideration or not, without otherwise than in accordance with the sanction of the Board, and which is in the possession of the defendant,

the court may, on the application of the plaintiff, appoint a receiver of such property and direct such receiver to pay from time to time to the plaintiff, out of the income of the property, such amount as the court may consider to be necessary for further prosecution of the suit.

87. [*Bar to the enforcement of right on behalf of unregistered* [3][*auqaf*].] *Omitted by the Wakf (Amendment) Act*, 2013 (27 *of* 2013), *s.* 47 (*w.e.f.* 1-11-2013).

88. Bar to challenge the validity of any notification, etc.—Save as otherwise expressly provided in this Act, no notification or order or decision made, proceeding or action taken, by the Central Government or the State Government under this Act or any rule made thereunder shall be questioned in any Civil Court.

89. Notice of suits by parties against Board.—No suit shall be instituted against the Board in respect of any act purporting to be done by it in pursuance of this Act or of any rules made thereunder, until the expiration of two months next after notice in writing has been delivered to, or left at, the office of the Board, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

90. Notice of suits, etc., by courts.—(*1*) In every suit or proceeding relating to a title to or possession of a [1][waqf] property or the right of a mutawalli or beneficiary, the court or Tribunal shall issue notice to the Board at the cost of the party instituting such suit or proceeding.

(*2*) Whenever any [1][waqf] property is notified for sale in execution of a decree of a civil court or for the recovery of any revenue, cess, rates of taxes due to the Government or any local authority, notice shall be given to the Board by the court, Collector or other person under whose order the sale is notified.

(*3*) In the absence of a notice under sub-section (*1*), any decree or order passed in the suit or proceeding shall be declared void, if the Board, within [4][six months] of its coming to know of such suit or proceeding, applies to the court in this behalf.

(*4*) In the absence of a notice under sub-section (*2*), the sale shall be declared void, if the Board, within one month of its coming to know of the sale, applies in this behalf to the court or other authority under whose order the sale was held.

91. Proceedings under Act 1 of 1894.—(*1*) If, in the course of proceedings under [5][the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)] or under any law for the time being in force relating to the acquisition of land or other property,

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Ins. by s. 46, *ibid.* (w.e.f. 01-11-2013).
3. Subs. by s. 4, *ibid*., for "wakfs" (w.e.f. 01-11-2013).
4. Subs. by s. 48, *ibid.,* for "one month" (w.e.f. 01-11-2013).
5. Subs. by Act 14 of 2025, s. 40, for "the Land Acquisition Act, 1894 (1 of 1894)" (w.e.f. 08-04-2025).

[1][and before an award is made, in case the property] under acquisition is [2][waqf] property, a notice of such acquisition shall be served by Collector on the Board and further proceedings shall be stayed to enable the Board to appear and plead as a party to the proceeding at any time within three months from the date of the receipt of such notice.

Explanation.—The reference to the Collector in the foregoing provisions of this sub-section shall, in relation to any other law referred to therein, be construed, if the Collector is not the competent authority under such other law to make an award of the compensation or other amount payable for acquisition of land or other property thereunder, as a reference to the authority under such other law competent to make such award.

(*2*) Where the Board has reason to believe that any property under acquisition is [2][waqf] property, it may at any time before the award is made appear and plead as a party to the proceeding.

(*3*) When the Board has appeared under the provisions of sub-section (*1*) or sub-section (*2*), no order shall be passed [3][under section 77 or section 78 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)] or under the corresponding provisions of the other law referred to in sub-section (*1*) without giving an opportunity to the Board to be heard.

(*4*) Any order passed [3][under section 77 or section 78 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)] or under the corresponding provisions of the other law referred to in sub-section (*1*) without giving an opportunity to the Board to be heard, [4][shall be kept in abeyance relating to portion of the property claimed by the Board, if the Board], within one month of its coming to know of the order, applies in this behalf to the authority which made the order:

[5][Provided that the Collector after hearing the parties concerned shall make the order within one month of the application of the Board.]

92. Board to be party to suit or proceeding.—In any suit or proceeding in respect of a [2][waqf] or any [2][waqf] property the Board may appear and plead as a party to the suit or proceeding.

93. Bar to compromise of suits by or against mutawallis.—No suit or proceeding in any court by or against the mutawalli of a [2][waqf] relating to title to [2][waqf] property or the rights of the mutawalli shall be compromised without the sanction of the Board.

94. Power to make application to the Tribunal in case of failure of mutawalli to discharge his duties.—(*1*) Where a mutawalli is under an obligation to perform any act which is recognised by Muslim law as pious, religious or charitable and the mutawalli fails to perform such act, the Board may apply to the Tribunal for an order directing the mutawalli to pay to the Board or to any person authorised by the Board in this behalf the amount necessary for the performance of such act.

(*2*) Where a mutawalli is under an obligation to discharge any other duties imposed on him under the [2][waqf] and the mutawalli wilfully fails to discharge such duties, the Board or any person interested in the [2][waqf] may make an application to the Tribunal and the Tribunal may pass such order thereon as it thinks fit.

95. Power of appellate authority to entertain appeal after expiry of specified period.—Where, under this Act any period has been specified for the filing of any appeal, the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the period so specified, entertain the appeal after the expiry of the said period.

1. Subs. by Act 27 of 2013, s. 49, for "it appears to the Collector before an award is made that any property" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
3. Subs. by Act 14 of 2025, s. 40, for certain words (w.e.f. 08-04-2025).
4. Subs. by s. 40, *ibid*., for "shall be declared void if the Board" (w.e.f. 08-04-2025).
5. Ins. by s. 40, *ibid*. (w.e.f. 08-04-2025).

CHAPTER IX

MISCELLANEOUS

96. Power of Central Government to regulate secular activities of [1][auqaf].—(*1*) For the purpose of regulating the secular activities of [1][auqaf], the Central Government shall have the following powers and functions, namely:—

(*a*) to lay down general principles and policies of [2][waqf] administration in so far as they relate to the secular activities of the [1][auqaf];

(*b*) to co-ordinate the functions of the Central [2][Waqf] Council and the Board, in so far as they relate to their secular functions;

(*c*) to review administration of the secular activities of [1][auqaf] generally and to suggest improvements, if any.

(*2*) In exercising its powers and functions under sub-section (*1*), the Central Government may call for any periodic or other reports from any Board and may issue to the Board such directions as it may think fit and the Board shall comply with such directions.

Explanation.—For the purposes of this section "secular activities" shall include social, economic, educational and other welfare activities.

97. Directions by State Government.—Subject to any directions issued by the Central Government under section 96, the State Government may, from time to time, give to the Board such general or special directions as the State Government thinks fit and in the performance of its functions, the Board shall comply with such directions:

[3][Provided that the State Government shall not issue any direction being contrary to any waqf deed or any usage; practice or custom of the waqf.]

98. Annual report by State Government.—As soon as may be after the close of a financial year, the State Government shall cause a general annual report on the working and administration of the State [2][Waqf] Board and the Administration of [1][auqaf] in the State during that year to be prepared and laid before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House, and every such report shall be in such form and shall contain such matters as may be provided by regulations.

99. Power to supersede Board.—(*1*) If the State Government is of opinion that the Board is unable to perform or has persistently made default in the performance of, the duty imposed on it by or under this Act or has exceeded or abused its powers, or has wilfully and without sufficient cause failed to comply with any direction issued by the Central Government under section 96 or the State Government under section 97, or if the State Government is satisfied on consideration of any report submitted after annual inspection, that the Board's continuance is likely to be injurious to the interests of the [1][auqaf] in the State, the State Government may, by notification in the Official Gazette, supersede the Board for a period not exceeding six months:

Provided that before issuing a notification under this sub-section, the State Government shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board:

[4][Provided further that the power of the State Government under this section shall not be exercised unless there is a *prima facie* evidence of financial irregularity, misconduct or violation of the provisions of this Act.]

(*2*) Upon the publication of a notification under sub-section (*1*) superseding the Board,—

(*a*) all the members of the Board shall, as from the date of supersession, vacate their offices as such members;

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1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
3. Ins. by s. 50, *ibid.* (w.e.f. 01-11-2013).
4. Ins. by s. 51, *ibid.* (w.e.f. 01-11-2013).

(*b*) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may direct; and

(*c*) all properties vested in the Board shall, during the period of supersession vest in the State Government.

(*3*) On the expiration of the period of supersession specified in the notification issued under sub-section (*1*), the State Government may—

[1][(*a*) extend the period of supersession by another six months with reasons to be recorded in writing and, the period of continuous supersession shall not exceed more than a year; or]

(*b*) reconstitute the Board in the manner provided in section 14.

100. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the board or Chief Executive Officer or [2][Collector] or any other person duly appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act.

101. [3][Collector], members and officers of the Board, deemed to be public servants.—(*1*) The [3][Collector], members of the Board, every officer, every auditor of the Board and every other person duly appointed to discharge any duties imposed on him by this Act or any rule or order made thereunder, shall be deemed to be public servants within the meaning of [4][clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023)].

(*2*) Every mutawalli of a [5][waqf], every member of managing committee, whether constituted by the Board or under any deed of [5][waqf], every Executive Officer and every person holding any office in a [5][waqf] shall also be deemed to be a public servant within the meaning of [4][clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023)].

102. Special provision for reorganisation of certain Boards.—(*1*) Where on account of the reorganisation of States under any law providing reorganisation of States, the whole or any part of a State in respect of which a Board was, immediately before the day of such reorganisation, functioning has been transferred on that day to another State and by reason of such transfer, it appears to the Government of a State in any part of which the Board is functioning that the Board should be dissolved or that it should be reconstituted as an Intra-State Board for the whole or any part of that State, the State Government may frame a scheme or such dissolution or such reconstitution, including proposals regarding the transfer of the assets, rights and liabilities of the Board to any other Board or State Government and the transfer or re-employment of employees of the Board and forward the scheme to the Central Government.

(*2*) On receipt of a scheme forwarded to it under sub-section (*1*), the Central Government may, [6][after consulting the Council and the State Governments] concerned, approve the scheme with or without modifications and give effect to the scheme so approved by making such order as it thinks fit.

(*3*) An order under sub-section (*2*) may provide for all or any of the following matters, namely:—

(*a*) the dissolution of the Board;

(*b*) the reconstitution in any manner whatsoever of the Board including the establishment, where necessary, of a new Board;

(*c*) the area in respect of which the reconstituted Board or new Board shall function and operate;

(*d*) the transfer, in whole or in part, of the assets, rights and liabilities of the Board (including the rights and liabilities under any contract made by it) to any other Board or State Government and the terms and conditions of such transfer;

1. Subs. by Act 27 of 2013, s. 51, for cl. (*a*) (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 41, for "Survey Commissioner" (w.e.f. 08-04-2025).
3. Subs. by s. 42, *ibid*., for "Survey Commissioner" (w.e.f. 08-04-2025).
4. Subs. by s. 42, *ibid*., for "section 21 of the Indian Penal Code (45 of 1860)" (w.e.f. 08-04-2025).
5. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
6. Subs. by s. 52, *ibid*., for "after consulting the State Governments" (w.e.f. 01-11-2013).

(*e*) the substitution of any such transferee, for the Board, or the addition of any such transferee, as a party to any legal proceeding to which the Board is a party; and the transfer of any proceeding pending before the Board to any such transferee;

(*f*) the transfer or re-employment of any employee of the Board to or by, any such transferee and subject to the provisions of law providing for the reorganisation of the concerned State, the terms and conditions of service applicable to such employees after such transfer or re-employment; and

(*g*) such incidental, consequential and supplemental matters as may be necessary to give effect to the approved scheme.

(*4*) Where an order is made under this section transferring the assets, rights and liabilities of the Board, then, by virtue of that order, such assets, rights and liabilities of the Board shall vest in, and be the assets, rights and liabilities of, the transferee.

(*5*) Every order made under this section shall be published in the Official Gazette.

(*6*) Every order made under this section shall be laid before each House of Parliament, as soon as may be, after it is made.

103. Special provision for establishment of Board for part of a State.—(*1*) Where on account of the territorial changes brought about by any law providing for the reorganisation of any State, this Act is as from the date on which that law comes into force applicable only to any part or parts of a State but has not been brought into force in the remaining part thereof, then notwithstanding anything contained in this Act, it shall be lawful for the Government of the State to establish one or more Boards for such part or parts in which this Act is in force and in such a case any reference in this Act to the word "State" in relation of a Board shall be construed as a reference to that part of the State for which the Board is established.

(*2*) Where any such Board has been established and it appears to the Government of the State that a Board should be established for the whole of the State, the State Government may, by order notified in the Official Gazette dissolve the Board established for the part of the State or reconstitute and reorganise such Board or establish a new Board for the whole of the State and thereupon, the assets, rights and liabilities of the Board for the part of the State shall vest in and be the assets, rights and liabilities of the reconstituted Board or the new Board, as the case may be.

104. [*Application of Act to properties given or donated by persons not professing Islam for support of certain* [1][*waqf*]].*— Omitted by the Waqf (Amendment) Act, 2025* (*14 of 2025*)*, s. 43 (w.e.f. 08-04-2025*).

[2][**104A. Prohibition of sale, gift, exchange, mortgage or transfer of waqf property.—**(*1*) Notwithstanding anything contained in this Act or any other law for the time being in force or any waqf deed, no person shall sell, gift, exchange, mortgage or transfer any movable or immovable property which is a waqf property to any other person.

(*2*) Any sale, gift, exchange, mortgage or transfer of property referred to in sub-section (*1*) shall be void *ab initio*.]

[3][**104B. Restoration of waqf properties in occupation of Government agencies to waqf Board.—** (*1*) If any waqf property has been occupied by the Government agencies it shall be returned to the Board or the mutawalli within a period of six months from the date of the order of the Tribunal.

(*2*) The Government agency may, if the property is required for a public purpose, make an application for determination of the rent, or as the case may be, the compensation, by the Tribunal at the prevailing market value.]

105. Power of Board and Chief Executive Officer to require copies of documents, etc., to be furnished.—Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Board or the Chief Executive Officer to require any person having the custody of any record, register, report or other document relating to a [1][waqf] or any immovable property, which is [1][waqf] property, to furnish, subject to the payment of necessary costs, copies of, or extracts from, any such

1. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
2. Ins. by s. 53, *ibid.* (w.e.f. 01-11-2013).
3. Ins. by s. 54, *ibid.* (w.e.f. 01-11-2013).

record, register, report or document and every person to whom such a requisition is made, shall furnish, as soon as may be practicable, to the Board or Chief Executive Officer, copies or extracts from the required record, register, report or other document.

106. Powers of Central Government to constitute common Boards.—(*1*) Where the Central Government is satisfied that by reasons of—

(*i*) the smallness of the Muslim population in two or more States,

(*ii*) the slender resources of the [1][Auqaf] in such States, and

(*iii*) the disproportion between the number and income of the [1][auqaf] and the Muslim population in such States,

it is expedient in the interests of the [1][auqaf] in the States and the Muslim population of such States, to have, instead of separate Boards for each of such States, a common Board, it may, [2][after consultation with the Council and the Government] of each of the concerned States, establish, by notification in the Official Gazette, a common Board for such States as it may deem fit, and may, by the same or any subsequent notification specify the place at which the principal office of such common Board shall be located.

(*2*) Every common Board established under sub-section (*1*) shall, as far as practicable, consist of the persons specified in sub-section (*1*) or, as the case may be, sub-section (*7*) of section 14.

(*3*) Whenever any common Board is established under sub-section (*1*)—

(*a*) all powers vested in the State Government under any deed of [3][waqf] or any provision of law for the time being in force relating to [1][auqaf], shall stand transferred to, and vested in, the Central Government and, thereupon, references in such deed of [3][waqf] or law to the State Governments shall be construed as references to the Central Government:

Provided that while establishing a common Board for two or more States, the Central Government shall ensure that at least one representative of each of the concerned States is included as a member of the Board;

(*b*) references in this Act to a State shall be construed as references to each of the States for which the common Board has been established;

(*c*) the Central Government may, without prejudice to any rule applicable to a Board in a State, may, by notification in the Official Gazette, rules regulating the conduct of business by and affairs of, the common Board.

(*4*) The common Board shall be a body corporate, with objects not confined to one State, having perpetual succession and a common seal with power to acquire and hold property and to transfer any such property, subject to such conditions and restrictions as may be specified by the Central Government, and shall by the said name sue or be sued.

[4][**107. Application of Act 36 of 1963. —**On and from the commencement of the Waqf (Amendment) Act, 2025, the Limitation Act, 1963 shall apply to any proceedings in relation to any claim or interest pertaining to immovable property comprised in a waqf.]

108. [*Special provision as to evacuee* [3][*waqf*] *properties*.]— *Omitted by the Waqf (Amendment) Act, 2025* (14 *of* 2025*), s.* 45 *(w.e.f.* 08-04-2025).

108A. [*Act to have overriding effect*.]— *Omitted by the Waqf (Amendment) Act,* 2025 *(*14 *of* 2025*), s.* 45 *(w.e.f.* 08-04-2025).

[5][**108B. Power of Central Government to make rules.—**(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

1. Subs. by Act 27 of 2013, s. 4, for "wakfs" (w.e.f. 01-11-2013).
2. Subs. by s. 55, *ibid.,* for "after consultation with the Government" (w.e.f. 01-11-2013).
3. Subs. by, s. 4, *ibid*., for "wakf" (w.e.f. 01-11-2013).
4. Subs. by Act 14 of 2025, s. 44, for section 107 (w.e.f. 08-04-2025).
5. Ins. by s. 46, *ibid*. (w.e.f. 08-04-2025).

(*2*) In particular, and without prejudice to the generality of the foregoing powers, the Central Government may make rules for all or any of the following matters, namely:—

(*a*) the waqf asset management system for the registration, accounts, audit and other details of waqf and Board under clause (*ka*), and the manner of payments for maintenance of widow, divorced woman and orphan under sub-clause (*iv*) of clause (*r*), of section 3;

(*b*) any other particulars under clause (*j*) of sub-section (*2*) of section 3B;

(*c*) the manner in which details of waqf to be uploaded under sub-section (*2B*) of section 5;

(*d*) any other particulars under clause (*f*) of sub-section (*3*) of section 36;

(*e*) the manner in which the Board shall maintain the register of auqaf under sub-section (*1*) of section 37;

(*f*) such other particulars to be contained in the register of auqaf under clause (*f*) of sub-section (*1*) of section 37;

(*g*) form and manner and particulars of the statement of accounts under sub-section (*2*) of section 46;

(*h*) the manner for publishing audit report under sub-section (*2A*) of section 47;

(*i*) the manner of publication of proceedings and orders of Board under sub-section (*2A*) of section 48;

(*j*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

109. Power to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act, other than those of Chapter III.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

[1][(*i*) the qualifications required to be fulfilled by a person to be appointed as a mutawalli under clause (*i*) of section 3;

[2]* * * * *]

(*ii*) any other matter under clause (*f*) of sub-section (*4*) of section 4;

(*iii*) the particulars which a list of [3][Auqaf] published under sub-section (*2*) of section 5, may contain;

[4]* * * * *

(*v*) the terms and conditions of service of the Chief Executive Officer under sub-section (*2*) of section 23;

(*vi*) the conditions and restrictions subject to which the Chief Executive Officer or any other officer may inspect any public office, records or registers [5][under sub-section (*1*) of] section 29;

1. Subs. by Act 27 of 2013, s. 57, for cl. (*i*) (w.e.f. 01-11-2013).
2. Cl. (*ia*) omitted by Act 14 of 2025, s. 47 (w.e.f. 08-04-2025).
3. Subs. by Act 27 of 2013, s. 4, for "Wakfs" (w.e.f. 01-11-2013).
4. Cl. (*iv*) omitted by Act 14 of 2025, s. 47 (w.e.f. 08-04-2025).
5. Subs. by Act 27 of 2013, s. 57, for "under" (w.e.f. 01-11-2013).

[1][(*via*) the period within which the mutawalli or any other person may produce documents related to waqf properties under sub-section (*2*) of [2][section 29];

(*vib*) the conditions under which an agency of the Government or any other organisation may supply copies of records, registers and other documents under sub-section (*3*) of [2][section 29];]

(*vii*) the conditions subject to which an Executive Officer and supporting staff may be appointed under sub-section (*1*) of section 38;

(*viii*) the manner in which an inquiry may be held by the Chief Executive Officer under sub-section (*1*) of section 39;

(*ix*) the form in which, and the time within which, a separate budget for [3][Auqaf] under the direct management of the Board shall be prepared under sub-section (*1*) of section 45;

(*x*) the interval at which accounts of [3][Auqaf] may be audited in pursuance of the provisions of sub-section (*1*) of section 47;

[4]* * * * *

(*xii*) the guidance subject to which the Collector shall recover the property transferred in contravention of the provisions of this Act, under section 52;

(*xiii*) the manner of service of notice issued under sub-section (*1*) of section 54 and the manner in which any inquiry is to be made under sub-section (*3*) of that section;

(*xiv*) the manner in which any inquiry may be held under section 64 or section 71;

(*xv*) the other matters which may be specified in the report submitted under sub-section (*3*) of section 65;

(*xvi*) the manner of publication of order made under sub-section (*2*) of section 67;

(*xvii*) the manner in which consultation may be made with mutawalli under sub-section (*1*) of section 69;

(*xviii*) the manner of publication of order made under sub-section (*3*) of section 69;

[5][(*xviiia*) the manner of giving notice inviting objections under proviso to sub-section (*4*) of section 69;]

(*xix*) the rate at which contribution is to be made by a mutawalli under section 72;

(*xx*) the payment of moneys into the [6][Waqf] Fund, the investment, the custody and disbursement of such moneys under section 77;

(*xxi*) the form in which, and the time within which, the budget of the Board may be prepared and submitted under section 78;

(*xxii*) the time within which application is to be made to the Tribunal under sub-section (*2*) of section 83;

[7][(*xxiia*) the terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as *ex officio* members under sub-section (*4A*) of section 83;]

(*xxiii*) the procedure which the Tribunal shall follow under sub-section (*6*) of section 83;

(*xxiv*) the form in which the annual report is to be submitted and the matters which such report shall contain under section 98; and

(*xxv*) any other matter which is required to be, or may be, prescribed.

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1. Ins. by Act 27 of 2013, s. 57 (w.e.f. 01-11-2013).
2. Subs. by Act 14 of 2025, s. 47, for "section 31" (w.e.f. 08-04-2025).
3. Subs. by Act 27 of 2013, s. 4, for "Wakfs" (w.e.f. 01-11-2013).
4. Cl. (*xi*) omitted by s. 57, *ibid.* (w.e.f. 01-11-2013).
5. Ins. by Act 14 of 2025, s. 47 (w.e.f. 08-04-2025).
6. Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 01-11-2013).
7. Ins. by s. 57, *ibid.* (w.e.f. 01-11-2013).

110. Powers to make regulations by the Board.—(*1*) The Board may, with previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made thereunder, for carrying out its functions under this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely—

(*a*) the time and places of the meetings of the Board under sub-section (*1*) of section 17;

(*b*) the procedure and conduct of business at the meetings of the Board;

(*c*) the constitution and functions of the committees and the Board and the procedure for transaction of business at the meetings of such committees;

(*d*) the allowances or fees to be paid to the Chairperson or members of the Board or members of committees;

(*e*) the terms and conditions of service of the officers and other employees of the Board under sub-section (*2*) of section 24;

[1]* * * * *

(*h*) the form in which, and the time within which, the budgets of [2][Auqaf] may be prepared and submitted by the Mutawalli and approved by the Board under sub-section (*1*) of section 44;

(*i*) the books of accounts and other books to be maintained by the Board under section 79;

(*j*) fees payable for inspection of proceedings and records of the Board or for issue of copies of the same;

(*k*) persons by whom any order or decision of the Board may be authenticated; and

(*l*) any other matter which has to be, or may be, provided by regulations.

(*3*) All regulations made under this section shall be published in the Official Gazette and shall have effect from the date of such publication.

111. Laying of rules and regulations before State Legislature.—Every rule made under section 109 and every regulation made under section 110 shall be laid, as soon as may be after it is made, before the State Legislature.

112. Repeal and savings.—(*1*) The Wakf Act, 1954 (29 of 1954) and the Wakf (Amendment) Act, 1984 (69 of 1984) are hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) If, immediately before the commencement of this Act, in any State, there is in force in that State, any law which corresponds to this Act that corresponding law shall stand repealed:

Provided that such repeal shall not affect the previous operation of that corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under the corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such things were done or action was taken.

113. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(*2*) However, order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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1. Cls. (*f*) and (*g*) omitted by Act 14 of 2025, s. 48 (w.e.f. 08-04-2025).
2. Subs. by Act 27 of 2013, s. 4, for "Wakfs" (w.e.f. 01-11-2013).

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STATEMENT OF OBJECTS AND REASONS

The actual working of the Wakf Act, 1954 had brought out many deficiencies in it as also in the set up of the Wakf Boards, especially, their powers of superintendence and control over the Management of individual wakfs. To clarify some of these Matters the Act had to be amended three times in 1959, in 1964 and in 1969-within a period of 15 years.

2. Comprehensive amendments to the Wakf Act, were, made by the Wakf (Amendment) Act, 1984 which were based largely on the recommendations of the Wakfs Inquiry Committee, set up in December, 1970 to enquire into administration of wakfs at all levels and in response to a demand made in Parliament by the Members during a discussion on the Wakf (Amendment) Bill, 1969.

3. Only two provisions of 1984 Act could, however be enforced because of strong opposition to its various provisions from the Muslim Community. The two provisions delated to:-

(*i*) increasing the period of limitation for filling suits its respect of wakf properties in adverse possession from 12 years to 30 year; and

(*ii*) application of the provisions of Wakf Act, 1954, to the Evacuee properties.

4. The main criticism related to provisions concerning the powers of the Wakf Commissioner. It was stated that the Wakf Commissioner has been given overriding powers and the Wakf Board has been mad sub-ordinate to him. The other criticisms were that the Amendment Act, 1984 is a gross interference by the State and the Central Government in the day to day management and administration of the wakfs by the Trustees and Mutawallis of wakfs.

5. After a careful consideration of the objections to the various provisions of the 1984 Act, and after holding wide ranging discussions with the leaders' of the Muslim Community, it has been decided to bring in a new comprehensive Bill on wakf matters incorporating the features of 1954 Act and such provisions of the 1984 Act, in respect of which there was a near consensus.

6. Now, the new Wakf Law will have inter alia, the following features:—

(*a*) Wakf Boards for the States and for the Union territory of Delhi shall have not less than 7 and not more than 13 members of which the majority will comprise such persons as are elected from amongst Muslim Members of Parliament, Muslim Members of State Legislatures, Muslim. Members of the Bar Council in a State and Mutawallis of wakfs having an annual income of Rs. 1 lakhs or more. The nominated members will be from Muslim organisations of State eminencie, recognised scholars in Muslim theology and a representative of the State Government not below the rank of Deputy Secretary. In a State where there are Shia wakfs but no separate Shia Wakf Board, at least one of the Members shall be a shia Muslim. A smaller Wakf Board is envisaged for Union territories other than Delhi.

(*b*) The other important feature is about distribution of powers between the Wakf Board and the Wakf Commission which would now be redesignated as the Chief Executive Officer and would be subordinate to the Wakf Board.

(*c*) Provisions are also being made for appointment of the Executive Officer in respect of wakfs whose performance is not satisfactory and whose annual income is Rs. 5 lakhs or more.

(*d*) To strengthen the finances of the Wakf Board, one of the measures being contemplated is to raise the rate of the contribution by a Wakf to the Wakf Board from 6 per cent. of its annual income to 7 per cent.

(*e*) It is also intended to put certain restrictions on the powers of Mutawallis in the interest of better management of wakf properties.

(*f*) An important provision in the proposed Bill relates to setting up of Wakf Tribunals to consider questions and disputes pertaining to wakfs.

(*g*) There are instances of misuse of wakf properties either with or without the connivance of the Mutawallis. It is now proposed to incorporate in the Bill a provision so that the alienation of wakf properties will not be easy.

(*h*) At present, the Wakf Act, 1954 is not applicable to 'Uttar Pradesh, West Bengal, parts of Gujarat, parts of Maharashtra and some of the North-Eastern States. With the enforcement of this legislation, there will be uniformity in respect of wakf administration throughout the country except in Jammu and Kashmir State.

7. The present Bill seeks to achieve the above objectives.

SITA RAM KESRI.

NEW DELHI;
The 24th August, *1993*.

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