



JAGANNATH
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Ministry of Minority Affairs
Government of India

Report on

Two Days National Seminar

On

**“Waqf Act and Development of
Waqf Properties in India”**

Fri-Sat (10-11 January, 2020)

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Registrar
Jagan Nath University, Jaipur

-: Venue :-

JNIT Auditorium

Plot No. IP- 2 & 3, Sitapura Industrial Area,
Opposite Chokhi Dhani, Jaipur - 302022

1. Event Summary

1.1. Background

Ministry of Minority Affairs, Government of India under the Central Sector Scheme "Scheme of Research/Studies, Monitoring and Evaluation of Development Schemes including Publicity" had sought proposals to provide financial support to Universities including Deemed Universities, Reputed Institutions of higher learning, to for holding Workshop / Seminar / Conference provided the theme of workshop/seminar/conference has direct relevance to the mandate of the Ministry.

Proposals for Workshop / Conference / Seminar were invited through advertisement in the newspaper on website of the Ministry or directly from Research Organizations of the Government or State Governments or may be proposed / sponsored directly by the Ministry itself. Relevant provisions of GFRs were followed in all these procedures. Universities/Organizations whether in Government / Semi- Government or private sector eligible and desirous of organizing workshops/seminars/conferences were to apply to the Ministry with an outline of the proposed project with following details:

- 1) The main topic / theme of the workshop / seminar / conference etc.;
- 2) Significance /purpose indicating clearly the contribution which the proposed workshop/seminar/conference is expected to make;
- 3) Subjects/contents proposed for discussion;
- 4) Level of participants and their number;
- 5) Duration and venue; and other details.

The theme of the seminar was Waqf act and Waqf properties in India. The sub themes included- Understanding of the Waqf Act, Strategies to develop Waqf administration India, Issues and Challenge, and governance of Waqf Institutions-their governance and its economic and social implications.

1.2. Objective of the Seminar

1. **Creating awareness about concept of Waqf**
2. **Engage eminent members of the society and youth in deliberations about issues and challenges faced**
3. **Draw constructive conclusions and recommendations relating to the theme of the seminar**



1.3.Seminar Organizers

The seminar was jointly organized by the Faculty of Law, Jagannath University, Jaipur and Faculty of Management, Jagannath University, Jaipur. Faculty of Law and Faculty of Management are amongst the oldest faculty established in the university. Faculty of Law and Faculty of Management run both undergraduate and post graduate courses in management and law respectively. Both faculties have been engaged in multi-disciplinary academic linkages/organizing academic events/workshops and seminars for student awareness and development of the academic fraternity.

1.4.Funding Support

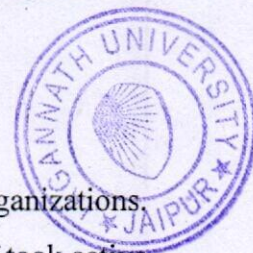
Seminar was organized under funded scheme "Research/Studies, Monitoring and Evaluation of Development Schemes including Publicity" of Ministry of Minority Affairs, Government Of India.

1.5.Venue

The two day seminar was organized at JNIT Auditorium, IP-2 & 3, Sitapura Institutional Area, Jaipur. The auditorium was fully equipped with audio-visual facilities. It has a seating capacity of 500 plus. Arrangements of lunch and tea for the delegates and participants were organized at the grounds adjoining the auditorium.

1.6.Participants

The seminar sessions were attended by 500 participants from 26 different organizations (Annexure II). Academicians, students, research scholars and practitioners of took active part in discussions and deliberations related to various themes of the seminar.



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2. Proceedings Summary-Day 1

2.1 Inaugural Session

Inaugural session of the seminar had Dr. Khanu Khan, Chairman Rajasthan Waqf Board, Dr. Navin Mathur, Vice Chancellor Jagannath University, Mr. Tanmay Pattanayak, Registrar, Jagannath University as attendees. The Chief Guest Mr. Saleh Mohammed, Minister Minority Affairs, Government of Rajasthan and Special Guest Ms. Aparna Arora, could not attend the session due to some urgent and pressing engagement as was shared Mr. Tanmay Pattnaik, Registrar Jagannath University. The dignitaries attending the inaugural session shared with the participants the concept of waqf and the issues and challenges that stand in the ways waqf properties across the nation can be developed and utilized for development of all communities. Dr. Navin Mathur was of the opinion that following the constitutional principles of equality, secularism and social justice, waqf properties should be developed for human purpose and upliftment and social welfare.

Dr. Khanu Khan, in his speech, threw light on the problems of encroachment which mire the waqf properties in Rajasthan and how such seminars play an important role in fruitful deliberations. He told the audience that the states of Maharashtra, Telangana and Tamil Nadu are exemplary in management of waqf properties. Encroachment and eviction of encroachers is a major problem in Rajasthan due to the long process involved. Other issues involve lack of avenues for government funds, public perception. He also suggested some innovative ways income from waqf properties can be used to train and enhance skills of the students. Incentives, scholarships are also ways that students development activities can be planned. He expressed hope that students will consider and suggest ways to contribute in development of waqf properties and improving the waqf management system. He stressed the importance of formal education system and hoped for bright future of the students.

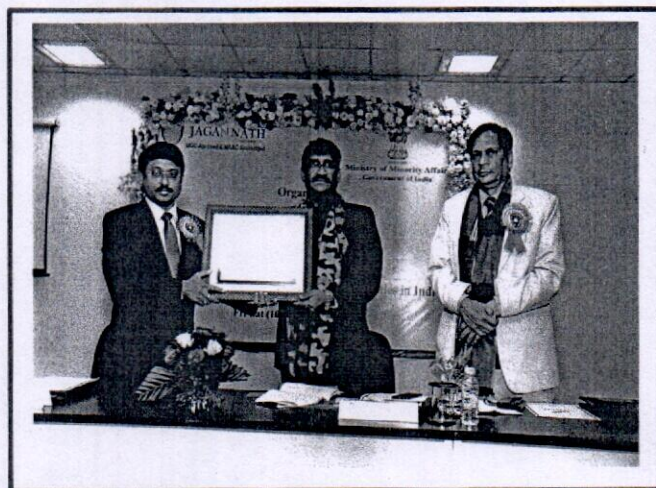
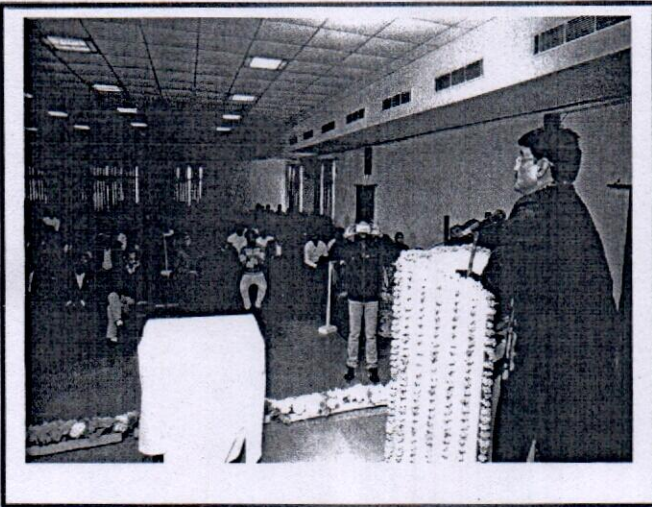
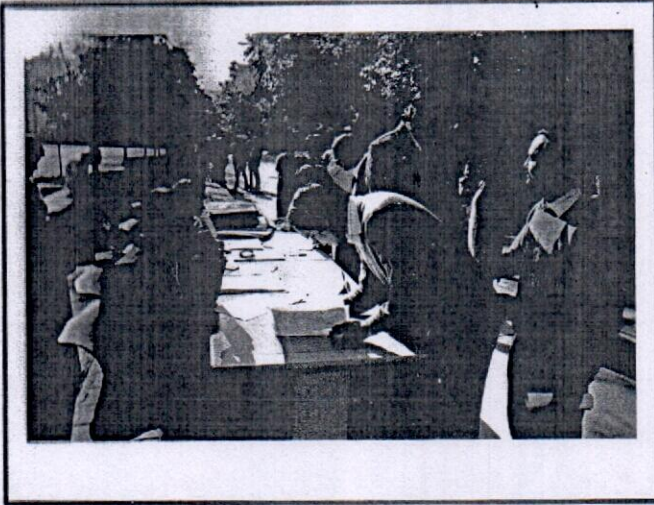
Mementos were presented to the guests. Mr. Tanmay Pattanayak, Registrar Jagannath University presented a vote of thanks.



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Inaugural and Registration Photographs



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2.2 Technical Session 1-Understanding of the Waqf Act

Theme of Technical Session 1 was on 'Understanding of the Waqf Act'. The panelists of this session were Dr. Rana Zaidi, member Rajasthan Waqf board and Prof. Mohd. Hassan, retd. Professor HCM-RIPA. Dr. Aruna Chaudhary, Principal University Law College, Jaipur was the session chair.

Dr. Rana Zaidi congratulated the organizers for planning a platform, where deliberations on waqf related issues can be done with active participation from youth. She explained the concept of waqf to the audience that waqf properties are meant to contribute to the development of the society. Donation of property to waqf is for welfare of the weakest section of the society. Waqf is about permanent dedication of movable and immovable property for causes recognized by Muslim. The purpose behind the donation has to be pious. Waqf done for a limited period is not considered a valid waqf. A living person, Person in his will can leave his property to waqf. Old heritage property whose ownership is unknown use and has been used for religious purpose is also considered waqf property. An adult who is healthy/ of sound mind can donate property for Waqf. Donation to waqf is irrevocable. Managers/ *mutwallhi* have to ensure the management of waqf property and ensure that the benefit goes to person it was meant to reach.

These are various categories of waqf and it is a gift to the society.

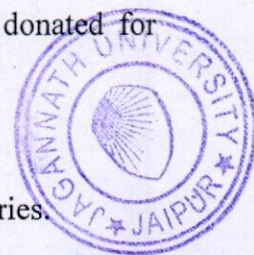
The second panelist **Pro. Mohd. Hassan** spoke on the theme **Framework and Analyses of Waqf laws in India**. He explained that Waqf means Endowment which is of perpetual nature and cannot be sold or transferred. He also explained that if a mosque was found to be built on land of a non-muslim, the ownership would be decided by a magistrate. He explained the various types of waqf that can be done. The pre-requisites of a waqf are perpetuity irrevocability and inalienability.

Examples- Kaba (Mecca), Ajmer dargah, Dargah Fateh pur Sikari, Taj Mahal, Dargah Nizamuddin Delhi.

Waqf Properties include Mosques, Dargahs, Musafir-khana, Graveyards, Land donated for upkeep of mosques shrines etc., Shops in Mosque Buildings

Waqf & beneficiaries include Orphans, widows, schools students, Maddarssas

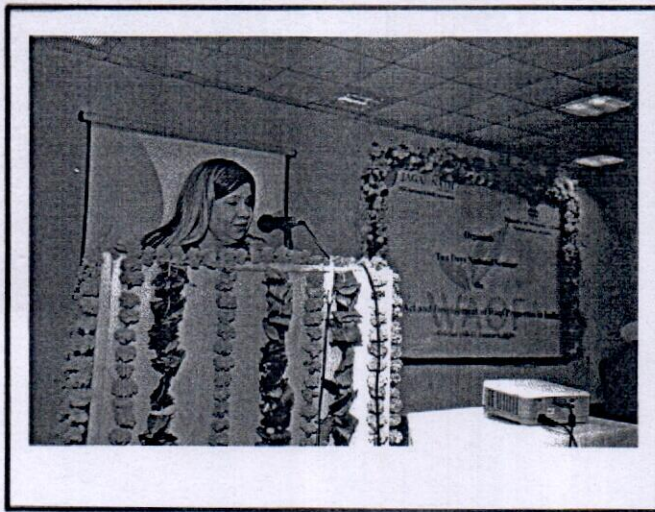
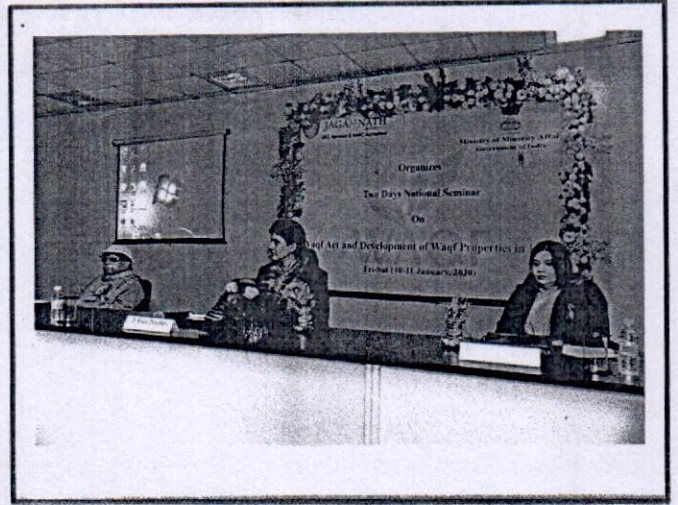
He also explained that Waqf cannot be done without clearly identifying the beneficiaries.



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Seminar Day -I Technical Session I



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Prof. Hassan summarized and explained waqf acts like the Central Waqf Acts is consideration 1954 which is an integration of 8 Acts. He said the problem arises when the caretaker or the *Mutawallis* do not work in complete spirit of the philosophy of waqf. Waqf activities are also affected by political influences and political will is very important for smooth functioning of waqf board and management of Waqf property

Lack of understanding and lack of education is the reason that the community is not able to take advantage of waqf properties.

Session Chair Dr. Aruna Choudhary in her concluding remarks explained about the evolution of the philosophy of waqf from the time of Prophet Mohammed to modern India. Dr. Chaudhary was of the opinion that the spirit of welfare should at the centre of doing waqf. Care should be taken that waqf properties are used for public welfare.

Mementos were given to guests as a token of remembrance. Dr Shilpi Khandelwal presented vote of thanks.



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2.3 Technical Session-2-Strategies to develop Waqf Administration in India

Theme of Technical Session 2 was 'Strategies to develop Waqf Administration in India'. The panelists of this session were Dr. Abhishek Tiwari, Joint Director, University Law College, Jaipur and Prof. U C Sankhla, Ex-Vice Chancellor Ambedkar Law University, Jaipur. Dr. B D Rawat, Ex-Principal University Law College, Jaipur, was the session chair.

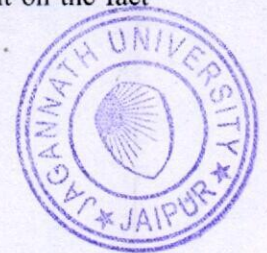
Prof. Sankhla apprised the audience about Waqf being a typical and Complex issue because it is interwoven with religious and social lives of the community. He told that donating property for waqf has been a practice long followed with mentions in Islamic History. In modern Indian administrative system, it is mandatory for every state to have is waqf board appointed by states government. Every waqf has to appoint a Mutwali and he has to get the waqf registered.

Dr. Abhishek Tiwari further elaborated about similarities and differences between trust and Waqf. He explained that Shariah law has the concept of waqf for removal of poverty, inequity and social welfare. He very aptly explained that concept of waqf can be utilized for attainment of Sustainable Development Goals 2030 goals by UN given in Sep 2016. The concept behind waqf and drafting of SDG is the same that is 'concentration of wealth should not be in one place'.

He said that the economic planning of the nation can incorporate the goals of inclusive development and maintaining dignity of life, using the concept of waqf as a tool. For instance wuaqasid -al-shasuah-waqf can be created for maintenance and protection forest and environment.

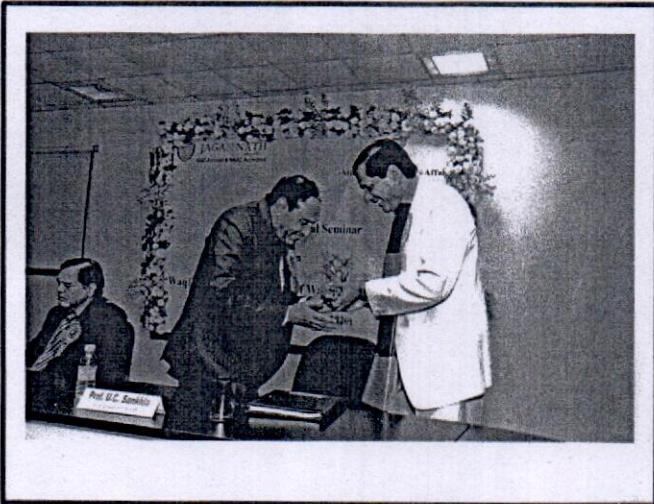
Dr B D Rawat, the Session Chair in his concluding remarks said that zakat and waqf are for ensuring socio-economic justice and welfare of the weaker section of the society. He also threw light on the fact that non-muslim can also crate waqf by donating property and declaring it as waqf property.

Mementos were given to guests and Dr. Deepika Taparia proposed vote of thanks.



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Seminar Day -1 Technical Session II



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3. Proceedings Summary-Day 2

3.1 Technical Session 1-Waqf Administration in India: Issues and Challenges

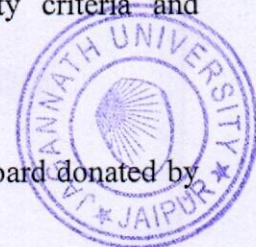
Theme of Technical Session 1 of Day 2 of the seminar was 'Waqf Administration in India: Issues and challenges'. Dr. Nasir Naqvi, Senior Advocate Rajasthan High Court and Mr Syed Mukkaram Shah RAS, CEO Rajasthan Waqf Board was on the panel of this session. Dr. G. S. Rajpurohit, Dean and HOD, Dept. of Law, University of Rajasthan was the session chair.

Dr Naqvi explained that the encroachment of waqf properties and removal of encroachment can be enforced through intervention of the magistrate. It is important that CEO waqf is given equitable power to initiate preventive measures on his own. Other possible ways could be construction of boundary walls. It is unfortunate that for development of waqf properties no enforcement mechanism. One major measure would be to provide the waqf board and tribunals the power to take and enforce prompt decisions. Waqf matters are sensitive matters and due to many such reasons the potential financial benefit of waqf properties has not been realized.

Mr. Syed Mukkaram Shah, CEO Rajasthan Waqf Board was also of the same opinion and elaborated that waqf board management in Rajasthan is done by various committees. The judgement process related to waqf has become longer as decision by the CEO has to be ratified by the tribunal court now. Other problems related to waqf management is

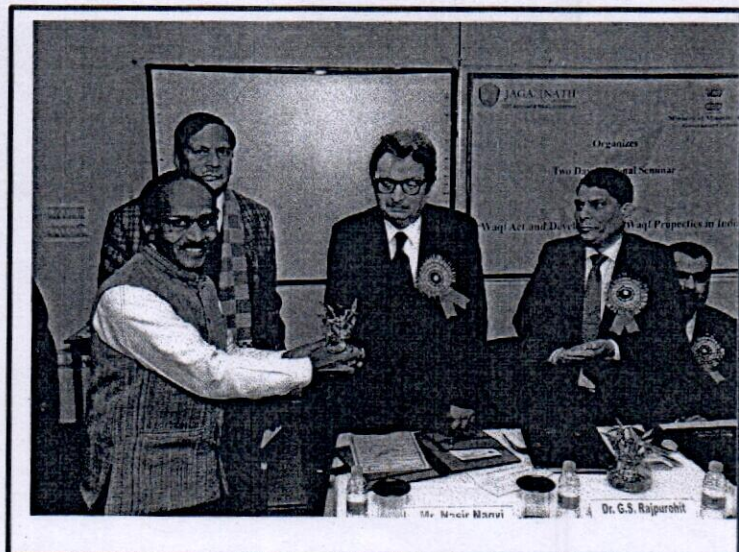
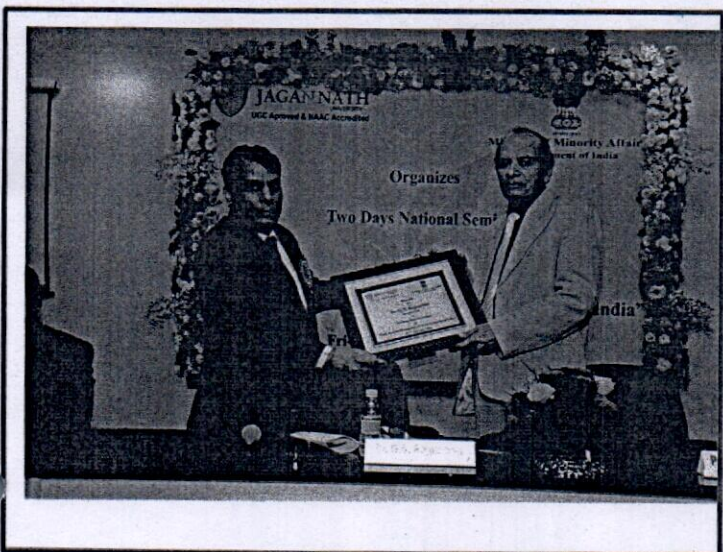
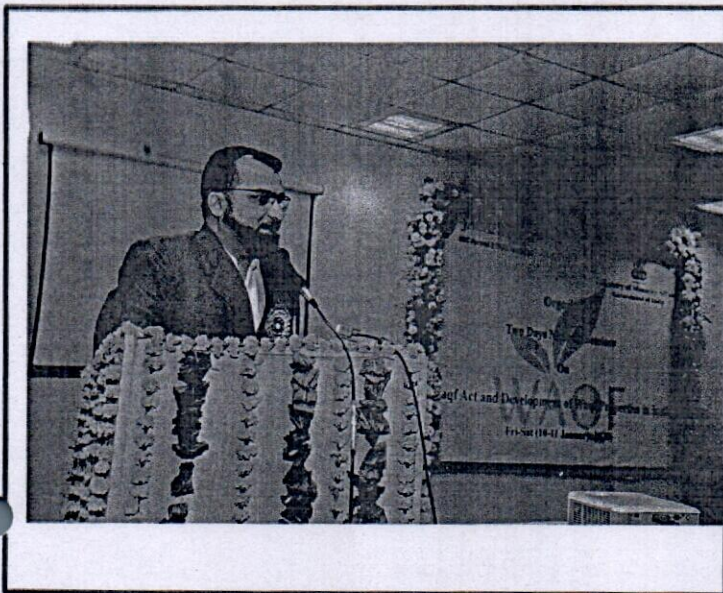
- Waqf management is done through various committees, there is a lack of proper control and monitoring of such committees.
- Regarding the rules/ regulation of working tribunal (only election regulation are Clear)
- Entry of committee members should be on the basis set eligibility criteria and membership should be restricted
- Problem of encroachment of waqf properties
- lack of proper documentation in revenue records of properties of waqf board donated by individuals

CWC- Central Waqf Council is a Supervising agency, Administrative Agency and works on strengthening the state waqf boards. He also enumerated the achievements of the Rajasthan state Waqf Board. He told that:



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Seminar Day -2 Technical Session I



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3.2 Technical Session 2-Waqf Institutions: Governance and its Economic and Social Implications

Theme of Technical Session 2 of Day 2 of the seminar was 'Waqf institutions Administration in India: Issues and challenges'. Dr. Anju Gehlot, Ex-Principal, University Law College, Jaipur and Prof. Afzal Wani, Dean Department of Law, IP University, New Delhi were on the panel of this session. Dr. Sanjula Thanvi, Director, Five Year Law College, University of Rajasthan was the session chair.

Prof. Wani explained the origination and the reason behind the philosophy of waqf. He said there is a need to emulate the behavior of the custodian of waqf from the time of Prophet Mohammed. We need to go back to the basic principle on which the idea of waqf was established. He said that formulation of law should not be a knee-jerk reaction and there should proper execution of the existing laws. We can only get the desired result if we go the basics of purpose of setting up of Waqf. He said that use of religious endowments should be for educating the people of God. He said that the people would really benefit they are able to elect the waqf management through a democratic process.

The democratization process and monitoring should be constant. "*Shehri Waqf Sampatti Vikas Yojna*" should be implemented in its true sense. Equalizing people is important and no Mutwallis should restore to nepotism and favour only his friends and family. He further added that NGOs have a big role to play as a check mechanism and facilitate to realize full potential of waqf properties. A constant analysis and monitoring of government scheme also needs to be done.

Dr Anju Gehlot spoke on the sub theme of "Restructuring of Central Waqf Council". She suggested that after amendment of 2013 inclusion of two women members in CWC is essential. Earlier they had only advisory role and now powers have been increased. CWC has monitoring role for state waqf boards can seek clarifications regarding working and ask explanation for reasons of a discrepancy. She was of the opinion that proper use of waqf fund can be used for development of the country.

Dr Sanjula Thanvi Session chair in her concluding remarks said that encroachment of Waqf property is a problem that needs to be actively worked upon and basic philosophy of waqf should always be kept in mind and all possible efforts should be done to ensure due spread of social equality through waqf in the best possible manner.

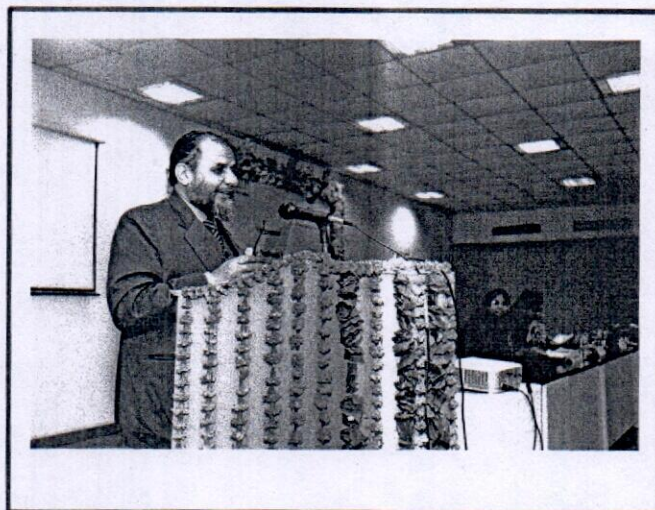
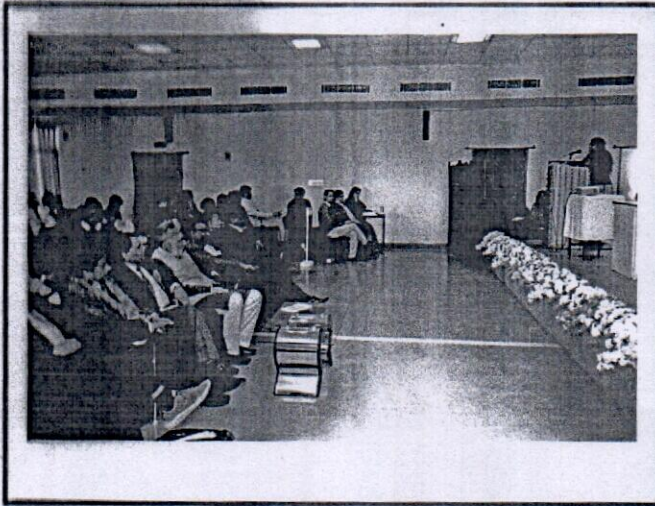
Ms. Pratishtha thanked the guest for their invaluable contribution in the discussion. Mementos were presented to guests.



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Seminar Day -2
Technical Session II



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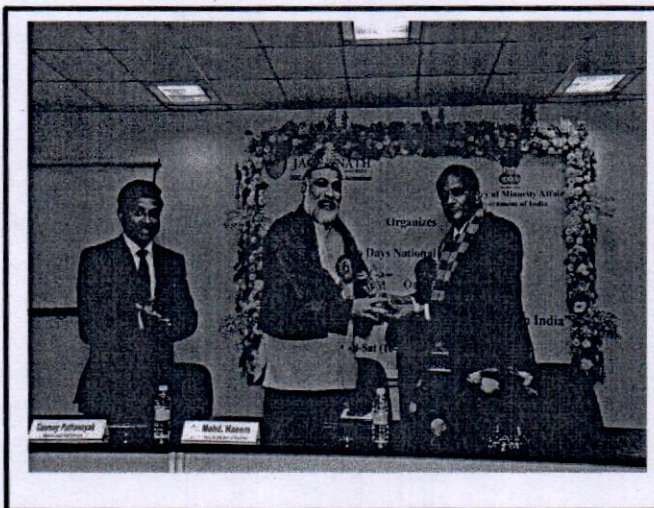
3.3 Valedictory Session

Chief guest of the Valedictory session of the seminar was Dr. Mohd. Naeem, Joint Secretary, Higher Education, Government of Rajasthan, Dr. Navin Mathur, Vice Chancellor Jagannath University, Mr. Tanamya Pattnaik, Registrar, Jagannath University as attendees. Mr. Liaquat Ali Khan Retired IPS officer could not be present due to some urgent and pressing engagement as was shared Mr. Tanmay Pattnaik, Registrar Jagannath University.

Mr. Naeem congratulated the University for organizing seminar on waqf by collaborating with ministry of minority affairs and expressed confidence that the discussions during two days will give pointers to the ministry on enactment on improving mechanism of waqf management. He said that as a society we need Intellectual discussion on contemporary needs of the society and moving from materialism to spirituality, charity, and religion. He said that we are a nation whose philosophy was spirituality and that the contemporary requirement is to change our mind set and minimize the effect of neo-imperialism. Philanthropy should be inbred in bringing up children and should also be incorporated in educating young generation

Students should be taught to take care of due poor and downtrodden while being efficient professionals. He said that charity can have immense benefits for the society in long terms.

Mementos were presented to the guests by Mr. Tanmay Pattnaik, Registrar Jagannath University Co-convener of the event Dr. Jyotsna Sharma expressed the pleasure on being able to organize a seminar on this theme and presented vote of thanks.



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4. Recommendations

The main recommendations that can be summarized on the basis of the discussions held in various technical sessions are as follows:

1. Innovative ways of income from waqf properties can be used to train and enhance skills of the students.
2. Lack of understanding and lack of education is the reason that the community is not able to take advantage of waqf properties. So efforts to educate and increase awareness should be planned and executed carefully.
3. Care should be taken that waqf properties are used for public welfare.
4. Economic planning of the nation can incorporate the goals of inclusive development and maintaining dignity of life, using the concept of waqf as a tool.
5. Waqf board and tribunals should be the power to take and enforce prompt decisions to deal with problem of land mafia and encroachment.
6. CEO waqf can be given equitable power to initiate preventive measures on his own.
7. Waqf management is done through various committees, there is a lack of proper control and monitoring of such committees, which can be improved.
8. Entry of committee members should be on the basis set eligibility criteria and membership should be restricted
9. There is lack of proper documentation in revenue records of properties of waqf board donated by individuals. Documentation should be proper and digital
10. State govt. should look into the possibility of appointing more manpower to waqf boards
11. State apparatus should work on a robust mechanism to help waqf in getting its properties encroachment free
12. Conduction of proper survey for waqf properties
13. Waqf reforms related to Managerial, Administrative functions
14. Proper execution of the existing laws for management of Waqf properties should be there.
15. people would really benefit they are able to elect the waqf management through a democratic process
16. A constant analysis and monitoring of government scheme also needs to be done.

