



وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا (القرآن)

# MUTTAHEDA MAJLIS-E- ULEMA J&K

متحدہ مجلس علماء جموں و کشمیر

**Memorandum to the Chairman Joint Parliamentary (JPC)  
on the proposed Waqf(Amendment Bill) 2024  
Presented by: Mutahida Malis-E-Uleme J&K(MMU)  
Dated 24<sup>th</sup> Jan 2025**

**To**

Shri Jagdambika Pal  
Chairman JPC on proposed Waqf amendemment Bill 2024  
New Delhi

**Subject: Objections to the Proposed Amendments to the Waqf Bill 2024**

**Respected Shri Jaqdambika Pal ji,**

Mutahida Majlis-E-Ulema (MMU), the foremost representative body of all major Islamic/Muslim organisations, Ulemas and Muslim educational institutions of Jammu and Kashmir, express our serious and deep concern regarding the proposed amendments to the Waqf Act. We believe that these amendments are completely against the interests of the Muslim community and also violate the universally accepted fundamental rights of communities. Waqf properties are personal properties dedicated by Muslims in the name of God for the benefit of their society and to help the underprivileged. Such Religo /social institutions warrant least interference from the state. But the Govt proposed amendments represent a significant threat to the autonomy and functioning of this institution.

## **Areas of Concern regarding the proposed Amendments**

### **1. Government Overreach and Control Over Waqf Properties**

- Our first concern is the proposed overtake of the Waqf by the Government through the authority of the collector. The collector has been given absolute power to change the nature of the waqf properties into "Government properties." He can do this simply by passing orders and changing the entries in the Revenue record. Besides this, the arbitrary powers conferred upon the collector with regard to both disputed and undisputed Waqf properties give him immense control over them. This action seeks to undermine the very purpose of the Waqf Act, which is to protect and preserve the properties dedicated to religious and charitable purposes by the Muslim community members.

### **2. Reduced Muslim Representation**

- Another major concern is the reduction of Muslim representation and increase in the number of Non-Muslim representation upto 13 in central Waqf council and 7 in State Waqf Boards and the arbitrary mandate given to them . Earlier all members except one were Muslim and they were Elected.

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- Even the provision that the CEO of Waqf board shall be a Muslim has been removed. These proposed changes are totally unacceptable as they will severely undermine the independent functioning of the Waqf board by direct interference from State nominated Non-Muslim Board members.

### **3. Removal of the “ Waqf by User” Provision**

- Another serious concern is the proposed removal of the provision of “waqf by user” which recognised that the long use of property as a Waqf for religious and charitable purposes will establish its dedication as Waqf. Removal of “Waqf by user “ not only violates the principles of Waqf but will aggravate communal claims over Mosques and other Waqfs such as Madrasas, Darghas, Astans and Qabristans existing for centuries but not recorded as such in revenue records making it open to litigation and illegal appropriation by the State authorities .This is very distressing for the community.

### **4. Increased Risk of Property Appropriation**

- Furthermore, the proposed amendments will give the government the power to remove Waqf properties from the list of protected properties. This will allow the government to seize or sell valuable Waqf properties, leaving the Muslim community with fewer resources to support its religious and charitable activities.

### **5. Violation of Muslim Personal Law and constitutional Rights**

- Besides the proposed amendments are a violation of the Muslim Personal Law, which is protected under Article 25 of the Indian Constitution.
- The amendments will also exacerbate the sense of insecurity and mistrust among the Muslim community, who already feel under threat , as now their religious properties will no longer be safe from government interference.

### **6. Regional Implication for Jammu & Kashmir**

- We want to make it clear that the Muslim majority region of Jammu and Kashmir feels very strongly about these amendments to the Waqf Act seeing it as another attempt at undermining our religious freedom and the autonomy of our institutions.
- So we urge you to reconsider and reject these proposed amendments and rather engage in meaningful talks with the Muslim community to address these apprehensions and concerns and take suggestions from them regarding what kind of changes they would like to see ,if any at all , to make the waqf Act more effective for their benefit and not superimpose these discriminatory changes upon them.

## **Our Request**

1. Immediate Rejection of the Proposed Amendments
2. Engagement with Stakeholders
3. Safeguards for Religious Autonomy
4. Protection of Waqf Properties

**Sincerely,**

**Mirwaiz Umar Farooq**

Patron Mutahida Majlis-e-Ulema  
Jammu and Kashmir

## **On Behalf of Constituents Members of Mutahida Majlis-E-Ulema**

- Anjuman Auqaf Jama Masjid Srinagar Kashmir
- Muslim Personal law board Jammu and Kashmir
- Darul Uloom Rahimiyah Bandipora J&K
- Anjuman Shari Shian J&K
- Jamiat Ahle Hadith J&K
- Karwan-e-Islami J&K
- Ittihad-ul-Muslimeen J&K
- Anjuman Himayat-ul-Islam J&K
- Anjuman Tabligh-ul-Islam J&K
- Jamat-i- Islami J&K
- Jamiat Hamdania J&K
- Anjuman Ulama-e-Ahnaf J&K
- Darul Uloom Qasmiya J&K
- Darul Uloom Bilaliya J&K
- Anjuman Nusrat-ul-Islam J&K
- Anjuman Mazhar-ul-Haq J&K
- Jamiat-ul-Aima wal Ulama J&K
- Anjuman Aima wa Mashayekh J&K
- Darul Uloom Naqshbandiya Kashmir
- Darul Uloom Rashidiya J&K
- Ahlul Bait Foundation J&K
- Madrasa Kanz-ul-Uloom, Pirwan-e-Wilayat J&K
- Auqaf Islamia Khiram Sirhama Kashmir
- Bazm-e-Tauheed Ahle Hadith Trust
- Anjuman Tanzeem-ul-Makatib Kashmir
- Muhammadi Yateem Trust Kashmir
- Anjuman Anwar-ul-Islam J&K
- Karwan Khatm-e-Nabuwwat J&K
- Darul Uloom Syed-ul-Mursaleen Kashmir
- Anjuman Ulama wa Aima Masajid Kashmir
- Falah-e-Darain Trust Welfare Society Islamabad
- Ashraf-ul-Uloom Hyderpora Srinagar
- Darul Uloom Dawoodiya Batamaloo Srinagar
- Darul Uloom Furqaniya Nowshera Srinagar
- Darul Uloom Dawoodiya Khanyar Srinagar
- Jamiat-ul-Ulama J&K
- Siraj-ul-Uloom J&K
- Idara Wahdat-ul-Makatib Kashmir
- Darul Uloom Imdadiya Natipora Sringar
- Darul Uloom Jamia-tur-Rashad Awantipora Kashmir
- Khanqah Muradiya Jamia Masjid Kreeri Kashmir
- Darul Uloom Saut-ul-Quran Gulshanabad Kashmir
- Awami Rahat Trust Kashmir
- Imamia Federation Kashmir
- Sabeel-ul-irshad Buchpora Srinagar
- Alnoor Trust Bemina Srinagar
- Kashmir Shaheen Syndicate social Trust.