WHAT IS A WAQF?

- Waqf is the property given in the name of God for religious and charitable purposes. The property is a permanent dedication by a person professing Islam, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable.
- A waqf can be formed through a deed or instrument, or a property can be deemed waqf if it has been used for religious or charitable purposes for a long period of time.
- The proceeds are typically used to finance educational institutions, graveyards, mosques and shelter homes.
- A person creating the waqf cannot take back the property and the waqf would be a continuing entity. A non-Muslim can also create a waqf but the individual must profess Islam and the objective of creating the waqf has to be Islamic.

HOW IS A WAQF GOVERNED?

- Waqfs in India are governed by the Waqf Act, 1995.
- A survey commissioner under the Act lists all properties declared as waqf by making local investigation, summoning witnesses and requisitioning public documents.
- The waqf is managed by a mutawali, who acts as a supervisor.
- It is similar to a trust established under the Indian Trusts Act, 1882, but trusts can be set up for a broader purpose than religious and charitable uses.
- Waqf cannot be dissolved like a trust.

WHAT IS A WAQF BOARD?

A Waqf Board is a juristic person with power to acquire and hold property and to transfer any such property. The board can sue and be sued in a court as it is recognised as a legal entity or juristic person.

Each state has a Waqf Board headed by a chairperson, one or two nominees from the state government, Muslim legislators and parliamentarians, Muslim members of the state Bar Council, recognised scholars of Islamic theology and mutawalis of the waqfs with an annual income of Rs 1 lakh and above.

POWERS OF WAQF BOARD:

- To administer the property and take measures for the recovery of lost properties of any waqf.
- To sanction any transfer of immovable property of a waqf by way of sale, gift, mortgage, exchange or lease. However, the sanction shall not be given unless at least two thirds of the members of the Waqf Board vote in favour of such transaction.

CONNECTION BETWEEN AYODHYA CASE AND UP SUNNI WAQF BOARD:

According to the Waqf Act, the Uttar Pradesh Sunni Waqf Board has the power to administer the disputed site. In 1945, in a suit before a Faizabad judge between the Sunni and Shia Waqf Boards, it was held that the Babri Masjid is a Sunni Waqf.