Twitter Thread by Agenda Buster

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Waqf Act 1995 (Explained)

In this thread u will get to know in simple language-

What is Waqf or Wakf ?
What is Waqf Act 1995 ?
What r powers of Waqf boards ?
Can waqf board claim ur home as their property?

After reading this thread, U will hate congress n shocked to know
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That such act exists in a secular country.
Even no muslim country have such act.

What is waqf system ?

Its a part of muslim brotherhood charity system.

Suppose Ahmed is 80 year old. He has two flats. Before death he wants to donate 1 flat for qaum so he donated 1 flat to waqf

As he donated now that property belongs to Allah. Waqf board is not owner but caretaker of that flat n they can use that flat for mus1im school, hostel, community hall or any for m community

So waqf is property of Allah donated for charity for muslim that was actual meaning
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But this meaning changed with time

In 1947 hindu left their land in Pak n came to India n Muslim left their in India n went to Pak
Pak confiscated all land of hindus in Pak n gave that land to muslims n state govt but Gandhi Nehru did opposite.

They said no hindu will touch

land of mus1im who went to pak. They collected all that land n gave to waqf.
Waqf board 1954 that act was not as draconian but the real change came in 1995

Congress leader n PM PV Narsimha Rao brought Waqf act 1995 n gave them unlimited powers to acquire lands.
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Lets talk what r the provisions of waqf act:

Section 3 (R)
What is waqf - any property for any purpose recognised by the Muslim law as pious, religious or charitable
So according to Muslim law (not Indian law) if they think that land belongs to muslim that becomes waqf
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(r) "wakf" means the 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 and includes—

So suppose u purchased a land from Ramesh in 2010 and Ramesh purchased that land from Salim in 1965 then waqf board can claim that in 1964 Salim gave that land to waqf n now that is their land.

Now what u can do ?
U cant go to court..... U have to go to State Waqf Board
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What is waqf board ?

In India there r 1 central waqf board n 32 state waqf board

Waqf board is committee of 7 person. All that person sud be Muslim.
Congress party brought temple act n captured all temples by state n said a non hindu can also become member of temple board but

14. Composition of Board.—

(1) The Board for a State and the Union territory of Delhi* shall consist of—

(a) a Chairperson;

(b) one and not more than two members, as the State Government may think fit, to be elected from each of the electoral colleges consisting of—

(i) Muslim Members of Parliament from the State or, as the case may be, the Union territory of Delhi*,

(ii) Muslim Members of the State Legislature,

(iii) Muslim Members of the Bar Council of the State, and

(iv) mutawallis of the wakfs having an annual income of rupees one lakh and above;

(c) one and not more than two members to be nominated by the State Government representing eminent Muslim organisations;

(d) one and not more than two members to be nominated by the State Government, each from recognised scholars in Islamic Theology;

(e) an officer of the State Government not below the rank of Deputy Secretary.

same congress brought waqf act, kept them autonomous n wrote no non muslim can become part of waqf board.

Waqf board have a surveyor who kept surveying all lands and if he thinks any property belong to waqf they can issue notice. Section 4 gives unlimited power to surveyor

Waqf is headed by CEO who must be muslim. Section 28 gives power to waqf CEO to order collector.

So as u get notice, u have to take all drawings, registry, paper n have to run to waqf board to convince them it's ur land (Same board who sent u notice)

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Now comes the most draconian article of waqf act

Article 40 This article is horrible

I m pasting article 40 in english n hindi both. Pl read it.

Whether its ur land or waqf land it will be decided by waqf board and their decision will be final

So

waqf is police

waqf is lawyer

40. यह विनिश्चय कि क्या कोई संपत्ति वक्फ संपत्ति है—(1) बोर्ड किसी ऐसी संपत्ति के बारे में जिसके बारे में उसके पास यह विश्वास करने का कारण है कि वह वक्फ संपत्ति है, स्वयं जानकारी संगृहीत कर सकेगा और यदि इस बाबत कोई प्रश्न उठता है कि क्या कोई विशिष्ट संपत्ति वक्फ संपत्ति है या नहीं अथवा कोई वक्फ सुन्नी वक्फ है या शिया वक्फ तो वह ऐसी जांच करने के पश्चात्, जो वह उचित समझे, उस प्रश्न का विनिश्चय कर सकेगा ।

(2) उपधारा (1) के अधीन किसी प्रश्न पर बोर्ड का विनिश्चय जब तक कि उसको अधिकरण द्वारा द्वारा प्रतिसंहृत या उपांतरित न कर दिया जाए, अंतिम होगा ।

(3) जहां बोर्ड के पास यह विश्वास करने का कारण है कि भारतीय न्यास अधिनियम, 1882 (1882 का 2) के अनुसरण में अथवा सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधीन या किसी अन्य अधिनियम के अधीन रजिस्ट्रीकृत किसी न्यास या सोसाइटी की कोई संपत्ति वक्फ संपत्ति है वहां बोर्ड, ऐसे अधिनियम में किसी बात के होते हुए भी, ऐसी संपत्ति के बारे में जांच कर सकेगा और यदि ऐसी जांच के पश्चात् बोर्ड का समाधान हो जाता है कि ऐसी संपत्ति वक्फ संपत्ति है, तो वह, यथास्थिति, न्यास या सोसाइटी से मांग कर सकेगा कि वह ऐसी संपत्ति को इस अधिनियम के अधीन वक्फ संपत्ति के रूप में रजिस्ट्रीकृत कराए या इस बात का कारण बताए कि ऐसी संपत्ति को इस प्रकार रजिस्ट्रीकृत क्यों नहीं किया जाए :

परन्तु ऐसे सभी मामलों में, इस उपधारा के अधीन की जाने के लिए प्रस्तावित कार्रवाई की सूचना, उस प्राधिकारी को दी जाएगी जिसके द्वारा न्यास या सोसाइटी रजिस्ट्रीकृत की गई है ।

(4) बोर्ड, ऐसे हेतुक पर सम्यक् रूप से विचार करने के पश्चात् जो उपधारा (3) के अधीन जारी की गई सूचना के अनुसरण में दर्शित किया जाए, ऐसे आदेश पारित करेगा जो वह ठीक समझे, और बोर्ड द्वारा इस प्रकार किया गया आदेश अंतिम होगा जब तक कि वह किसी अधिकरण द्वारा प्रतिसंहृत या उपांतरित नहीं कर दिया जाता है ।

waqf is judge

So u cud not satisfy waqf that its ur land n u have been asked to vacate ur land. U still cant go to court.

U can go to waqf tribunal court

There r only 1-2 court in every state. So u have to go capital n will have to file ur case there.

Section 83 is abt tribunal

(4) Every Tribunal shall consist of one person, who shall be a member of the State Judicial Service holding a rank, not below that of a District, Sessions or Civil Judge, Class I, and the appointment of every such person may be made either by name or by designation.

(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.

Tribunal will have 2 judges (no religion specified) n one eminent muslim. U fought ur case in tribunal n suppose u lost ur case since tribunal also have their member then what r options for u n here comes one more bomb in section 85

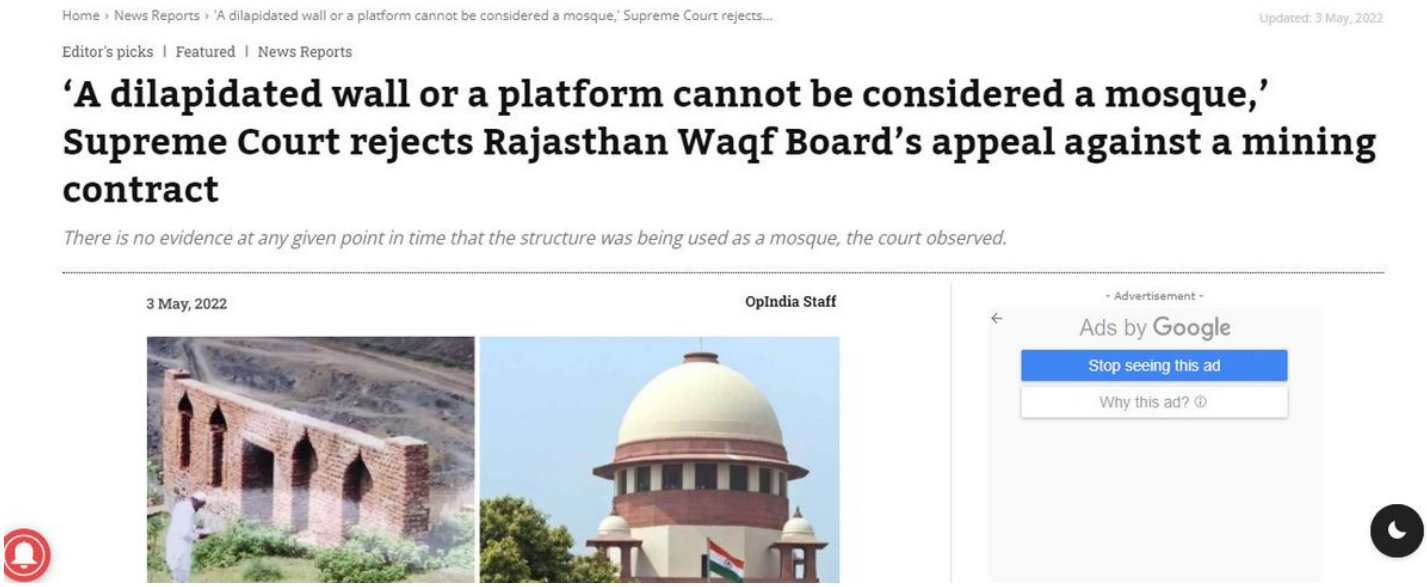
Section 85 says tribunal decision is final

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

No civil court (supreme court, high court) can change the order of tribunal court

Though later this clause was stuck down by Supreme Court is Rajasthan Jindal Saw case in May 2022

SC said no court is superior than us n we can interfere in any decision.



In 2005, UP waqf board claimed on Taj Mahal against ASI though they lost case in Supreme Court

They used provisions of waqf act in Gyanvapi case also but there they also lost

Question is powerful people can hire costly lawyer n can go to Supreme court but what about common man

In Tamil Nadu waqf claimed an entire village.
When waqf claim then its not their responsibility to prove its responsibility of victim to prove.

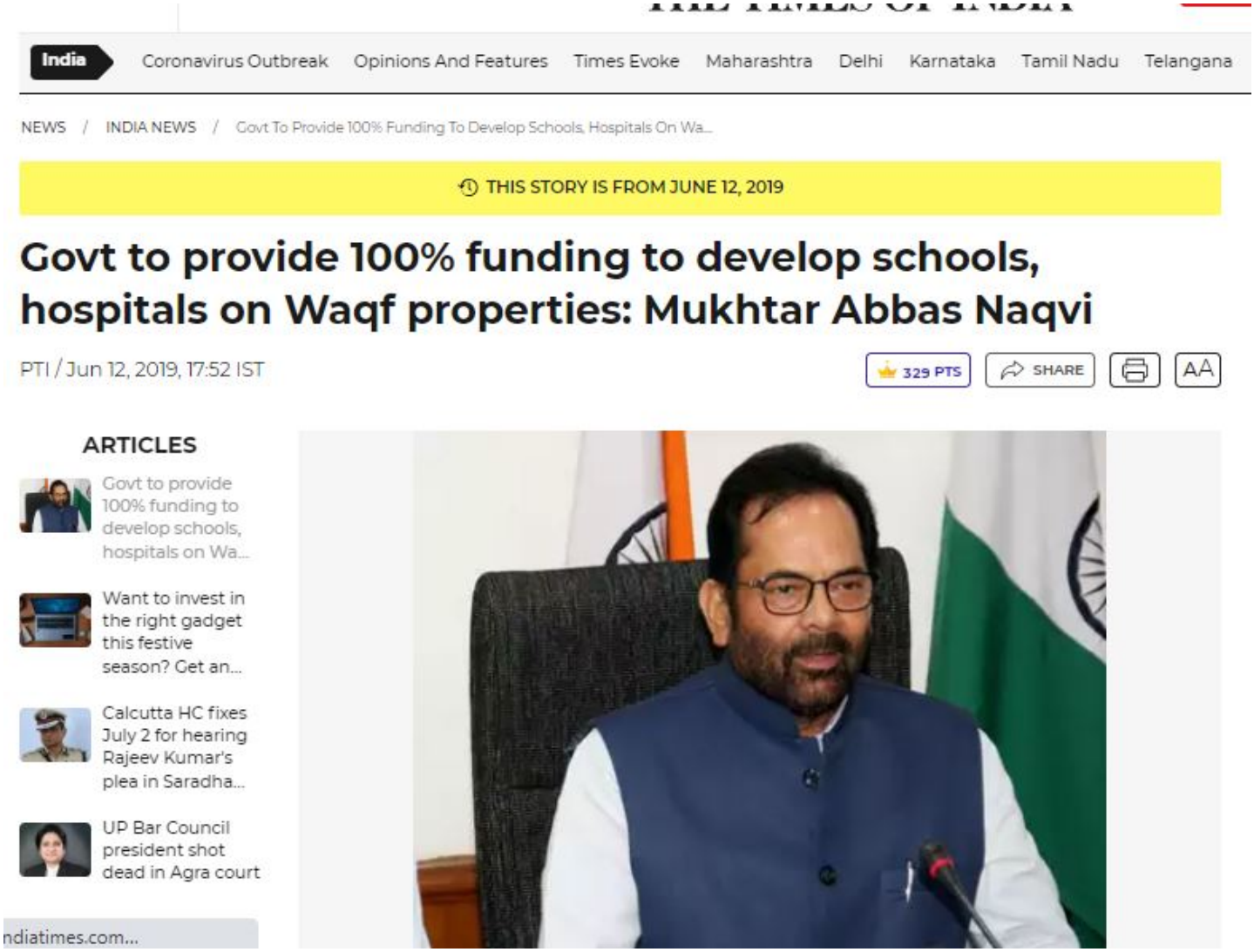
Question is how there can be a religious act in a secular country
1. Why there is no such act for hindu, Christion n sikh

n only for muslim ?

2. If a Christian, sikh, jain encroach a hindu land or vica versa then they have to go civil court but if a muslim encroach the land of hindu or any other religion then hey have to go waqf tribunal ?

why this privilege to only one religion ?
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Due to this draconian act, waqf has become the richest body of India with 6 lac property n market value of 12 lac crore.
Waqf rents this land and earn crore of rupees from it that is used for their religious upliftment, fighting case.
govt also provide them financial supports



On other side Govt takes Rs 1 lac crore every year from Hindu temples that r used for non hindu work while other side govt funding to waqf that is already richest.

Govt sud immediately abolish waqf act n there sud be single act for all the religions.
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U can read entire waqf act 95 here
https://t.co/F1S16D9aJl
or
https://t.co/KSH388xRXT

important sections : 3(r), 4,6,7,11,19,23, 23,29,30,40,77,83,85,99

Salary n allowance is provided to waqf members by waqf fund.

Waqf have administrative, supervisory n judicial powers but execution power is still with collector, DM n Police that r mostly Hindu

But as demography change happens in IAS, IPS also then waqf act will become 10 times more lethal.

Waqf act is violation of article 14
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of Indian constitution

Indian constitution doesn't allow any act that is religious n encroche right of other religions

in 1995, Congress indirectly gave India to one community

Abolish waqf act 1995

End of thread
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