



Waqf (Amendment) Act, 2025

For Prelims: [Waqf \(Amendment\) Act, 2025](#) Parliament, [Waqf Act, 1995](#), [Mutawallis](#), [Limitation Act, 1963](#), [Rights to Equality \(Article 14\)](#), [Article 26](#).

For Mains: The Waqf (Amendment) Act, 2025 and related concerns.

Source: [TOI](#)

Why in News?

The [Waqf \(Amendment\) Act, 2025](#) was passed by the [Parliament](#) and it has received **assent of the President**.

- The Act amends the [Waqf Act, 1995](#), allowing the government to **regulate Waqf properties** and settle related disputes.
- The Act aims to improve **Waqf board efficiency**, update **Waqf definitions**, streamline registration, and boost **use of technology** in record management.

What is Waqf?

- **Waqf:** It refers to an **endowment** made by a Muslim for **charitable or religious purposes**, such as building **mosques, schools, hospitals**, or other public institutions. It is **inalienable** i.e., it cannot be sold, gifted, inherited or encumbered.
- **Click Here to Read:** [Waqf](#)

What is Waqf Board and Waqf Act, 1995?

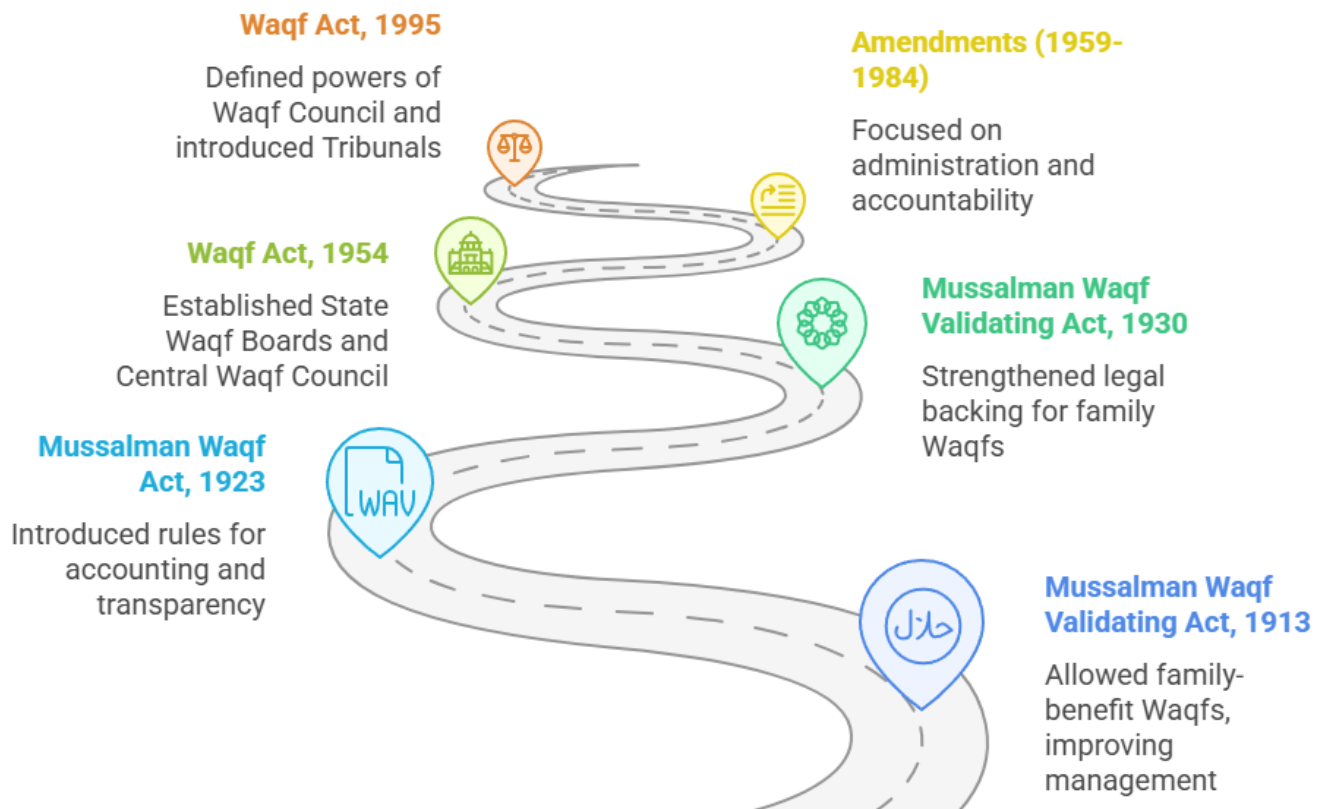
- **Click Here to Read:** [Waqf Board](#) and [Waqf Act, 1995](#)

Note: There are **8.72 lakh** waqf properties, covering an area of more than **38 lakh acres**.

Waqf Estates	Immovable Properties	Movable Properties	Digitized Records
356,350	872,802	16,716	330,008

Evolution of Waqf Law in India

Evolution of Waqf Law in India



What are the Key Provisions of the 2025 Act ?

- **Separation of Trusts from Waqf:** Muslim-created **trusts** under any law will no longer be considered **Waqf**, ensuring **individuals** retain **full control** over their trusts.
- **Eligibility for Waqf Dedication:** Only **practicing Muslims** (for at least five years) can **dedicate their property** to Waqf.
 - Properties **already registered** with Waqf Boards will **remain so unless disputed** or identified as **government land**.
- **Women's Rights in Family Waqf:** Women must receive their **inheritance before Waqf dedication**, with **special provisions** for **widows, divorced women, and orphans**.
- **Ending Arbitrary Property Claims:** **Section 40** of the original Waqf Act (1995) has been **removed**, preventing Waqf Boards from **arbitrarily** declaring properties as Waqf.
 - **Section 40** of the Waqf Act (1995) gives the **Waqf Board** the **authority** to decide whether a property is a **Waqf property or not**.
- **Waqf Tribunals:** The Waqf tribunals consist of 3 members i.e., a **district judge**, a **state government officer (joint secretary level)**, and an **expert in Muslim law and jurisprudence**.
 - Aggrieved parties can **appeal directly** to the concerned **High Court** within 90 days of receiving the Waqf tribunal's order.
- **Government Land & Waqf disputes:** An officer **above the rank of Collector** will **investigate** government properties claimed as Waqf to prevent any **unwarranted claims**.

- **Reduced Annual Contributions:** Waqf institutions' **mandatory contribution** to Waqf Boards reduced from **7% to 5%** allowing **more funds** to be allocated for **charitable purposes**.
- **Annual Audit Reforms:** Waqf institutions earning over **Rs 1 lakh** must undergo **audits** by State-appointed auditors.
- **Technology & Central Portal:** A **centralized portal** will automate Waqf property management, improving **efficiency and transparency**.
 - **Mutawallis** (caretaker of a waqf) must register property **details** on the central portal.
- **Diverse Representation:** The **Waqf Boards** will include **two non-Muslim members** for inclusivity, and **among Muslim members, at least two must be women**.
 - Representation from **Shia, Sunni, Bohra, Aghakhani, and OBC Muslim** communities is also mandated.
- **Application of the Limitation Act:** The **Limitation Act, 1963**, will now apply to **Waqf property claims**, reducing prolonged litigation.
 - The **Limitation Act**, sets time **limits for filing cases** to ensure **speedy disposal** and **prevent delays** in legal proceedings.

What was the Need of Waqf (Amendment) Act, 2025?

- **Irrevocability of Waqf Properties:** The principle "**once a Waqf, always a Waqf**" ensures Waqf properties **remain permanent**, often causing **complex disputes**.
 - E.g., It has sparked controversies, like ownership claims over islands in **Bet Dwarka**, where courts face **legal challenges** in determining ownership.
- **Poor Management:** The **Waqf Act, 1995** has failed to **prevent mismanagement and land encroachments**.
 - E.g., In **Karnataka** (between 1975 and 2020), 40 Waqf properties were notified, including **farmlands, public spaces, government lands, graveyards, lakes, and temples**.
- **Lack of Judicial Oversight:** Under the **Waqf Act, 1995**, **Waqf Tribunal decisions cannot be appealed**, which limits judicial review and **reduces transparency**.
- **Misuse of Powers:** **Section 40** of the **Waqf Act, 1995** has been used to **declare private properties as Waqf**, leading to **legal battles**.
 - E.g., In Kerala, around **600 Christian families** protested after the **Waqf Board** claimed their **ancestral lands** leading to **legal disputes**.

What Concerns are Related to the Waqf (Amendment) Act, 2025?

- **Increased Government Control:** Critics argue that the **Act grants the government the authority to regulate Waqf properties** and determine their status, **thereby reducing the autonomy of Waqf Boards**.
 - The **deletion of Section 40 of the Act**, shifts the power to determine whether a property is Waqf to government officials.
- **Dilution of Muslim Representation:** Critics argue that allowing **non-Muslim officials** on Waqf Boards **violates** the community's **right to manage its religious affairs** under **Article 26**.
- **Ambiguity in Defining a "Practising Muslim":** The Act lacks a **clear definition** of "**practising Muslims**" for Waqf property allocation, which may lead to **legal challenges** due to **varied interpretations** by religious scholars.
- **Removal of "Waqf by User" Principle:** Critics fear that removing "**Waqf by user**," which recognizes properties through **long-term religious use**, may lead to many existing sites **losing their Waqf status**.

Conclusion

The **2025 Act** aims to enhance **transparency, prevent misuse, and streamline dispute resolution** through legal and technological reforms. However, concerns over **government control, representation, and property rights** must be addressed through dialogue to balance regulatory oversight with community autonomy. The **rules** for the Waqf (Amendment) Act, 2025 are **yet to be released** and are expected to **address ambiguity and other concerns**.

Drishti Mains Question:

How does Waqf (Amendment) Act, 2025 seek to reform Waqf governance, and what concerns have been raised regarding its provisions?

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains

Q. How is the Indian concept of secularism different from the western model of secularism? Discuss. (2018)

PDF Reference URL: <https://www.drishtiias.com/printpdf/waqf-amendment-bill-2024>

