



## 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?

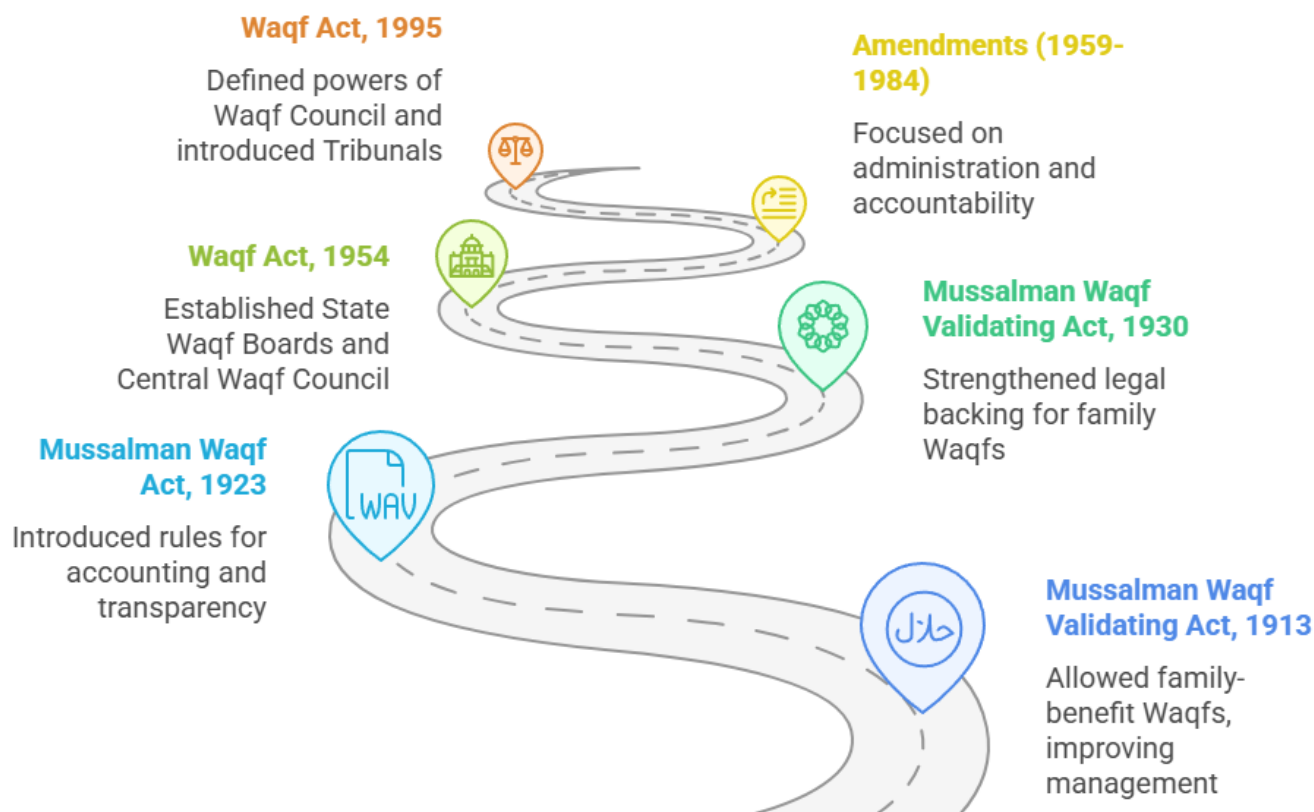
- **Click Here to Read:** [Waqf Board](#) and [Waqf Act, 1995](#)

**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>

