



The Waqf (Amendment) Bill, 2025: Benefits of the Bill

Introduction

What is Waqf

The concept of ‘**Waqf**’ is rooted in Islamic laws and traditions. It refers to an endowment made by a Muslim for charitable or religious purposes, such as building mosques, schools, hospitals, or other public institutions. Another defining feature of a Waqf is that it's inalienable- which means it cannot be sold, gifted, inherited or encumbered. Therefore, once a property is divested from the waqif, i.e., the creator of a waqf, it vests in God and as per Islamic belief since God is ever lasting, so is the ‘waqf property’.

Addressing Longstanding Issues

The Waqf (Amendment) Bill aims to address issues such as –

1. Lack of transparency in Waqf property management
2. Incomplete surveys and mutation of Waqf land records
3. Insufficient provisions for women’s inheritance rights
4. Large number of prolonged litigations including encroachment. In 2013, there were 10,381 pending cases which have now increased to 21,618 cases.
5. Irrational power of the Waqf Boards in declaring any property as waqf land based on their own inquiry.
6. Large number of disputes related to government land declared as waqf.
7. Lack of proper accounting and auditing of Waqf properties.
8. Administrative inefficiencies in waqf management. ‘
9. Improper treatment to Trust properties.
10. Inadequate representation of stakeholders in Central Waqf Council and State Waqf Boards.

Modernizing the Waqf Bill

The **Waqf (Amendment) Bill, 2025** aims to streamline the management of Waqf properties, with provisions to safeguard heritage sites and promote social welfare.

- I. **Non-Muslim properties declared as Waqf-** The **Waqf (Amendment) Bill 2025** aims to **streamline Waqf property management** while safeguarding **heritage sites** and **individual property rights**. Various states have seen disputes over Waqf property claims, leading to legal battles and community concerns. As of data from September 2024, across 25 States/UTs Waqf Boards, a total of **5973** government properties have been declared as Waqf properties. Some examples of the same:

- **Tamil Nadu:** A farmer in Thiruchenthurai village was unable to sell his land due to the Waqf Board's claim over the entire village. This unexpected requirement prevented him from selling his land to repay a loan for his daughter's wedding.
- **Govindpur Village, Bihar:** In August 2024, The Bihar Sunni Waqf Board's claim over an entire village in August 2024 affected seven families, leading to a case in the **Patna High Court**. The case is sub-judice.
- **Kerala:** In September 2024, around 600 Christian families in Ernakulam district are contesting the Waqf Board's claim over their ancestral land. They have appealed to the Joint Parliamentary Committee.
- **Karnataka:** In 2024, Farmers protested after the Waqf Board designated **15,000 acres** in Vijayapura as Waqf land. Disputes also arose in **Ballari, Chitradurga, Yadgir, and Dharwad**. The government, however, assured that no evictions would take place.
- **Uttar Pradesh:** Complaints have been raised against alleged **corruption and mismanagement** by the State Waqf Board.

Further, the **Joint Committee on the Waqf (Amendment) Bill (JCWAB)** had also received some communications regarding unlawful claim of properties by Waqf Boards, some of which are as under:

- **Karnataka (1975 & 2020):** 40 Waqf properties were notified, including **farmlands, public spaces, government lands, graveyards, lakes, and temples**.
- The **Punjab Waqf Board** has claimed **land belonging to the Education Department** in Patiala.

Additionally, MoHUA (Ministry of Housing and Urban Affairs) informed the JPC during their presentation in September 2024, that 108 properties under control of Land and Development Office, 130

properties under control of Delhi Development Authority and 123 properties in the public domain were declared as Waqf properties and brought into litigation.

II. Rights of Muslim Women and Legal Heirs- The Bill also seeks to improve the **economic and social status of Muslim women**, particularly **widows and divorced women**, by promoting **self-help groups (SHGs) and financial independence programs**.

Additionally, the Bill aims at achieving the following for the benefit for Muslim women-

- **Transparency in Waqf Management** – Digitizing waqf records to curb corruption.
- **Legal Aid & Social Welfare** – Establishing legal support centers for family disputes and inheritance rights.
- **Cultural & Religious Identity** – Strengthening cultural preservation and interfaith dialogue.

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SOME KEY PROVISIONS ENHANCING WOMEN'S RIGHTS

- SOCIO-ECONOMIC SUPPORT FOR WIDOWS, DIVORCED WOMEN, AND ORPHANS**
 - Waqf-alal-aulad now allows waqf income to support widows, divorced women, and orphans.
 - Section 3(r)(iv) ensures financial security for these groups, aligning with Islamic welfare principles.
- PROTECTION OF WOMEN'S INHERITANCE RIGHTS IN WAQF-ALAL-AULAD**
 - Female heirs are guaranteed their rightful share in family waqf.
 - Section 3A(2) mandates securing women's inheritance rights before dedicating property as waqf, preventing circumvention of inheritance laws.
- WOMEN'S REPRESENTATION IN WAQF GOVERNANCE**
 - Retains two Muslim women members in State Waqf Boards (Section 14) and the Central Waqf Council (Section 9).
- PROMOTION OF GENDER JUSTICE AND EQUITY**
 - Strengthens economic support and inheritance rights, addressing long-standing gender inequalities.
 - Aligns waqf administration with constitutional principles of equality and social welfare.

Women's involvement ensures transparency and directs Waqf resources towards:

- Scholarships for Muslim girls
- Healthcare and maternity welfare
- Skill development and microfinance support for women entrepreneurs
- Vocational training in fields like fashion design, healthcare, and entrepreneurship
- Establishing legal aid centers for inheritance disputes and domestic violence cases

- Pension schemes for widows

III. **Upliftment of the Poor**

Waqf plays a crucial role in **servicing religious, charitable, and social welfare needs**, especially for the underprivileged. However, its impact has often been reduced due to **mismanagement, encroachment, and lack of transparency**. Some key benefits of Waqf for the Poor:

1. **Digitization for Transparency and Accountability**

- A **centralized digital portal** will track Waqf properties, ensuring **better identification, monitoring, and management**.
- **Auditing and accounting** measures will prevent financial mismanagement and ensure funds are used **only for welfare purposes**.

2. **Increased Revenue for Welfare and Development**

- **Preventing misuse and illegal occupation** of Waqf lands will boost revenue for Waqf Boards, allowing them to expand welfare programs.
- Funds will be allocated to **healthcare, education, housing, and livelihood support**, directly benefiting the **economically weaker sections**.
- **Regular audits and inspections** will promote financial discipline and **strengthen public confidence** in Waqf management.

IV. **Addressing Administrative Challenges-**

The **Waqf (Amendment) Bill 2025** aims to improve governance by:

- **Enhancing transparency** in property management.
- **Streamlining coordination** between Waqf Boards and local authorities.
- **Ensuring stakeholder rights** are protected.

V. **Empowerment of Backward classes & other sects of Muslim communities:** The Bill

aims at making the Waqf Board more inclusive having representation from different Muslim sects for better Waqf governance and decision-making-

- The Bill mandates inclusion of **one member each from Bohra and Aghakhani** communities in State/UT Waqf Boards, if they have functional Auqaf.
- Also, the Board will have representation from Muslims belonging to backward classes apart from Shia and Sunni members.
- Includes two or more elected members from municipalities or Panchayats, strengthening local governance in waqf affairs.

- The Board/CWC will have two non-Muslim members excluding the ex-officio members.

Conclusion:

The **Waqf (Amendment) Bill 2025** establishes a **secular, transparent, and accountable** system for Waqf administration. While Waqf properties serve **religious and charitable** purposes, their management involves **legal, financial, and administrative responsibilities** that require **structured governance**. The role of **Waqf Boards and the Central Waqf Council (CWC)** is **not religious but regulatory**, ensuring legal compliance and safeguarding public interest. By **introducing checks and balances, empowering stakeholders, and improving governance**, the Bill sets a **progressive and fair framework** for Waqf administration in India.

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