



The Waqf (Amendment) Bill, 2025 Explained

On August 8, 2024, two bills, the **Waqf (Amendment) Bill, 2025**, and the **Mussalman Wakf (Repeal) Bill, 2024**, were introduced in the Lok Sabha with an aim to streamline the Waqf Board's work and ensure the efficient management of Waqf properties.

The objective of the **Waqf (Amendment) Bill, 2025**, is to amend the Waqf Act, 1995, to redress the issues and challenges in regulating and managing Waqf properties. The Amendment Bill seeks to improve the administration and management of Waqf properties in India. It aims to:

- Overcome the shortcomings of the previous act and enhance the efficiency of Waqf boards by introducing changes such as renaming the Act
- Updating the definitions of Waqf
- Improving the registration process
- Increasing the role of technology in managing Waqf records.

The following FAQs provide an understanding of the Waqf Amendment 2025 Bill.

1) What are the administrative bodies responsible for Waqf management in India and what are their roles?

The administration of Waqf properties in India is presently governed by the Waqf Act, 1995, which is enacted and regulated by the Central Government. The key administrative bodies involved in Waqf management include:

The **Waqf Act of 1995**, enforced by the Central Government, currently regulates Waqf properties. The main administrative bodies are:

- ❖ **Central Waqf Council (CWC)** – Advises the government and State Waqf Boards on policy but does not directly control Waqf properties.
- ❖ **State Waqf Boards (SWBs)** – Manage and protect Waqf properties in each state.
- ❖ **Waqf Tribunals** – Exclusive judicial bodies that handle disputes related to Waqf properties.

This system ensures better management and faster resolution of issues. Over the years, legal changes have made Waqf administration more transparent, efficient, and accountable.

2) **What are the issues concerned with Waqf Board?**

1. **Irrevocability of Waqf Properties**

- The principle "once a Waqf, always a Waqf" has led to disputes, such as claims over islands in Bet Dwarka, which have been deemed perplexing by courts as well.

2. **Legal Disputes & Poor Management:** The Waqf Act, 1995, and its 2013 amendment have not been effective. Some problems include:

- Illegal occupation of Waqf land
- Mismanagement and ownership disputes
- Delays in property registration and surveys
- Large-scale litigation cases and complaints to the Ministry

3. **No Judicial Oversight**

- Decisions by Waqf Tribunals cannot be challenged in higher courts.
- This reduces transparency and accountability in Waqf management.

4. **Incomplete Survey of Waqf Properties**

- The Survey Commissioner's work has been poor, leading to delays.
- In states like Gujarat and Uttarakhand, surveys have not yet begun.
- In Uttar Pradesh, a survey ordered in 2014 is still pending.
- Lack of expertise and poor coordination with the Revenue Department have slowed the registration process.

5. **Misuse of Waqf Laws**

- Some State Waqf Boards have misused their powers, leading to community tensions.
- Section 40 of the Waqf Act has been widely misused to declare private properties as Waqf properties, causing legal battles and unrest.
- As per information out of 30 States/UTs, data was given only by 8 States where 515 properties have been declared as Waqf under Section 40.

6. Constitutional Validity of the Waqf Act

- The Waqf Act applies only to one religion, while no similar law exists for others.
- A PIL (Public Interest Litigation) has been filed in the Delhi High Court, questioning whether the Waqf Act is constitutional. The Delhi High Court has asked the Central Government to respond to this issue.

3) What steps and stakeholder consultations were undertaken by the Ministry before introducing the bill?

The Ministry of Minority Affairs consulted various stakeholders which inter alia includes; report of the Sachar Committee, concern raised by public representatives, Media and general public regarding mismanagement, misuse of powers of Waqf act and underutilization of Waqf Properties by the Waqf institutions. The Ministry also consulted with State Waqf Boards.

The Ministry initiated the process of review of provisions of Waqf Act, 1995 and had consultations with stakeholders. Two meetings were conducted- one in Lucknow on **24.07.23** and another one at New Delhi on **20.07.23** wherein most of the following issues were discussed in detail. The consensus was emerged to make suitable amendment in the Act to solve the problems of the affected stakeholders.

- Widening The Base of CWC (Central Waqf Council) and SWB (State Waqf Board) Composition
- Role And Responsibilities of Mutawallis
- Re-Structuring of Tribunals
- Improve The Process of Registration
- Declaration Of Titles
- Survey Of Waqf Properties
- Mutation Of Waqf Properties
- Filing Of Accounts by Mutawallis
- Reforms In Filing Annual Accounts
- Review Of Provisions Related to Evacuee Properties/ Limitation Act
- Scientific Management of Waqf Properties

Further, the Ministry has also analysed the international practices on Waqf management across other countries such as Kingdom of Saudi Arabia, Egypt, Kuwait, Oman, Pakistan, Bangladesh and Turkey

and found that the Waqf Properties are generally regulated by the Laws and Institutions set up by the Government.

4) What was the process of the introduction of Waqf Amendment Bill 2025?

- The Waqf Amendment Bill 2025 has been introduced with the primary objective of **addressing shortcomings in the management and governance of Waqf properties** on **August 8, 2024**.
- On **August 9, 2024**, both Houses of Parliament referred the Bill to a Joint Committee of **21 Lok Sabha and 10 Rajya Sabha members** to examine and report on it.
- Keeping in view the importance of the Bill and its wide ranging implications, the Committee had decided to call memoranda to obtain the views from public in general and experts/stakeholders and other concerned organisations in particular on the provisions of the aforesaid Bill.
- The Joint Parliamentary Committee held **thirty-six sittings** wherein, they heard the views/suggestions of the representatives of various Ministries/Departments such as: *Ministries of Minority Affairs, Law and Justice, Railways (Railway Board), Housing and Urban Affairs, Road Transport and Highways, Culture (Archaeological Survey of India), State Governments, State Waqf Boards and experts/stakeholders*.
- The first sitting took place on **August 22, 2024** and the key organizations/ stakeholders consulted during the sittings were:
 - *All India Sunni Jamiyatul Ulama, Mumbai;*
 - *Indian Muslims of Civil Rights (IMCR), New Delhi*
 - *Muttaheda Majlis-e- Ulema, J&K (Mirwaiz Umar Farooq)*
 - *Zakat Foundation of India*
 - *Anjuman E Shiteali Dawoodi Bohra Community*
 - *Chanakya National Law University, Patna*
 - *All India Pasmada Muslim Mahaaz, Delhi*
 - *All India Muslim Personal Law Board (AIMPLB), Delhi*
 - *All India Sufi Sajjadanashin Council (AISSC), Ajmer*
 - *Muslim Rashtriya Manch, Delhi*
 - *Muslim Women Intellectual Group - Dr. Shalini Ali, National Convener*
 - *Jamiat Ulama-i-Hind, Delhi*
 - *Shia Muslim Dharamguru and Intellectual Group*
 - *Darul Uloom Deoband*
- The Committee received **97,27,772** memoranda in total, through both physical and digital mode.

- To thoroughly review the **Waqf Amendment Bill, 2025**, the Committee conducted **detailed study visits** across multiple cities in India. These visits helped members engage with stakeholders, assess ground realities, and gather region-specific insights on Waqf property management. The details of the study visits in 10 cities are as under:
 - **Sept 26 – Oct 1, 2024:** Mumbai, Ahmedabad, Hyderabad, Chennai, Bengaluru
 - **Nov 9 – 11, 2024:** Guwahati, Bhubaneswar
 - **Jan 18 – 21, 2025:** Patna, Kolkata, Lucknow
- The Committee consulted **25 State Waqf Boards (7 in Delhi, 18 during visits)** to discuss administrative challenges and legal hurdles.
- Thereafter, the Joint Committee completed Clause by Clause consideration of all Clauses of the Bill at their 37th sitting held on **27th January, 2025**. The amendments moved by the Members were put to vote and adopted by majority votes.
- The Adoption draft report and authorized the Chairperson to present the report on their behalf. The 38th sitting was held on **29th January, 2025**.
- The Joint Committee submitted its report to the Hon'ble Speaker of Lok Sabha on 31.01.2025 and laid in both the Houses of the Parliament on **13th February, 2025**.

5) **What are some of the key reforms of the Waqf Amendment Bill 2025?**

The proposed amendments under this Bill, 2025 are aimed at transforming Waqf administration in India by ensuring better governance, transparency, and accountability. It seeks to create a streamlined, technology-driven, and legally robust framework for the management of Waqf properties, while also fostering socio-economic development for the intended beneficiaries.

I. Unified Waqf Management: Key issues affecting Waqf properties include:

- Incomplete survey of Waqf properties.
- Significant backlog of litigations in Tribunal and Waqf Boards.
- Improper account, auditing and monitoring of Mutawallis.
- The mutation of all Waqf properties has not been done properly.

II. Empowerment of Central Waqf Council & State Waqf Boards:

- Inclusion of diverse groups like non-Muslim, other Muslim communities, other backward classes among Muslim communities and Women etc in the decision making, to enhance representation and efficiency.

III. Efficiency of State Waqf Boards:

- A digital portal and database will automate Waqf registration, survey, mutation, audits, leasing, and litigation, ensuring scientific, efficient, and transparent governance.

IV. Development of Auqaf:

- Portal-based lifecycle management will streamline administration.
- Section 65 mandates Waqf Boards to submit reports on management and income improvements within six months, ensuring timely action.
- Section 32(4) allows Waqf Boards to develop Waqf lands into educational institutions, shopping centers, markets, or housing by taking over properties from Mutawallis when necessary.

6) What are the key differences between the Waqf Bill 1995 and Waqf Amendment Bill 2025?

The Waqf (Amendment) Bill, 2025 introduces several changes to the Waqf Act, 1995, aiming for improved governance, transparency, and inclusivity in Waqf management. Below are the key differences:

Category	Waqf Act, 1995	Waqf Amendment Bill, 2025
Name of the Act	The Waqf Act, 1995	Renamed Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995
Formation of Waqf	Allowed by declaration, user, or endowment (Waqf-alal-aulad)	Removes Waqf by user; only declaration or endowment allowed. Donors must be practicing Muslims for 5+ years. Cannot deny female inheritance.
Government Property as Waqf	No clear provision	Government properties identified as Waqf cease to be Waqf. Disputes resolved by the Collector, who reports to the state.
Power to Determine Waqf	Waqf Board had authority	Provision removed.

Survey of Waqf	Conducted by Survey Commissioners and Additional Commissioners	Collectors empowered to conduct surveys as per state revenue laws.
Central Waqf Council	All members had to be Muslims, including two women	Includes two non-Muslims; MPs, former judges, and eminent persons need not be Muslims. The following members must be Muslims: Representatives of Muslim organisations, Scholars in Islamic law, Chairpersons of Waqf Boards. Of the Muslim members, two members must be women.
State Waqf Boards	Up to two elected Muslim MPs/MLAs/Bar Council members; at least two women	State government nominates members, including two non-Muslims, one each from Shia, Sunni, Backward-class Muslims, Bohra, and Agakhani. At least two Muslim women required.
Tribunal Composition	Led by a judge, included Additional District Magistrate & Muslim law expert	Muslim law expert removed; includes District Court judge (chairman) and a joint secretary (state government).
Appeal on Tribunal Orders	High Court intervention only under special circumstances	Appeals allowed to High Court within 90 days.
Powers of Central Government	State governments could audit Waqf accounts anytime	Central Government empowered to make rules on Waqf registration, accounts, and audits (CAG/ designated officer).
Separate Waqf Boards for Sects	Separate boards for Shia & Sunni (if Shia Waqf >15%)	Also allows Bohra & Agakhani Waqf boards.

7) What are the key reforms recommended by the Joint Committee?

The amendments to the Waqf Act, 1995 as recommended by the Joint Committee on Waqf Amendment Bill, 2025 (JCWAB), introduce progressive reforms, including:

Key Reforms in Waqf (Amendment) Bill 2025

- i. **Separation of Trusts from Waqf:** Muslim-created trusts under any law will no longer be considered Waqf, ensuring full control over trusts.
- ii. **Technology & Central Portal:** A centralized portal will automate Waqf property management, including registration, audits, contributions, and litigation, ensuring efficiency and transparency. This also efficiently utilizes technology for the automation of Waqf management.
- iii. **Eligibility for Waqf Dedication:** Only practicing Muslims (for at least five years) can dedicate their own property to Waqf, restoring the pre-2013 provision.
- iv. **Protection of 'Waqf by User' Properties:** Already registered properties remain Waqf unless disputed or identified as government land.
- v. **Women's Rights in Family Waqf:** Women must receive their rightful inheritance before Waqf dedication, with special provisions for widows, divorced women, and orphans.
- vi. **Transparent Waqf Management:** Mutawallis must register property details on the central portal within six months to enhance accountability.
- vii. **Government Land & Waqf Disputes:** An officer above the rank of Collector will investigate government properties claimed as Waqf, preventing unwarranted claims.
- viii. **Strengthening Waqf Tribunals:** A structured selection process and fixed tenure ensure stability and efficiency in dispute resolution.
- ix. **Non-Muslim Representation:** Two non-Muslim members will be included in both Central and State Waqf Boards to ensure inclusivity.
- x. **Reduced Annual Contributions:** Waqf institutions' mandatory contribution to Waqf Boards is reduced from 7% to 5%, allowing more funds for charity.
- xi. **Application of the Limitation Act:** The Limitation Act, 1963, will now apply to Waqf property claims, reducing prolonged litigation.
- xii. **Annual Audit Reforms:** Waqf institutions earning over ₹1 lakh annually must undergo audits by State Government-appointed auditors.
- xiii. **Ending Arbitrary Property Claims:** The Bill removes Section 40, preventing Waqf Boards from arbitrarily declaring properties as Waqf, avoiding misuse like declaring entire villages as Waqf.

These cases underscored the arbitrary and unregulated power exercised by Waqf Boards. To address this, Section 40 of the Waqf Act is being omitted, ensuring fair and just administration of Waqf properties.

8) What are some instances of Non-Muslim properties declared as Waqf?

As of **September 2024**, data from **25 States/UTs Waqf Boards** shows that **5,973 government properties** have been declared as Waqf. Some examples include:

- As per MoHUA (Ministry of Housing and Urban Affairs) in September 2024, **108 properties** are 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.
- **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**.

Examples of other Non-Muslim properties declared as Waqf:

- **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.

9) **How is the Waqf Amendment Bill 2025 expected to benefit the Poor?**

Waqf plays a crucial role in **serving 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:

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**.

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.

10) How does the inclusion of non-Muslim members in the Waqf Board and Central Waqf Council contribute to Waqf management, and what is the extent of their role and influence in decision-making?

- **Non-Muslim Stakeholders:** Donors, litigants, lessees, and tenants are involved in Waqf management, making their representation in Waqf Boards and the Central Waqf Council (CWC) are essential for fairness.
- **Regulation of Secular Activities:** Section 96 empowers the **Central Government** to regulate governance, social, economic, and welfare aspects of Waqf institutions, reaffirmed by court rulings.
- **Oversight Role of Central Waqf Council:** The **CWC supervises State Waqf Boards**, ensuring compliance without direct control over Waqf properties. This highlights that Waqf management extends beyond religious aspects to economic and financial regulation.
- **Non-Muslim Representation:**
 - **State Waqf Boards:** 2 out of 11 members (excluding ex-officio) can be non-Muslims.
 - **Central Waqf Council:** 2 out of 22 members (excluding ex-officio) can be non-Muslims.
- While decisions are made by majority vote, non-Muslim members can contribute **administrative and technical expertise**, improving the efficiency and governance of Waqf institutions.

Santosh Kumar/ Ritu Kataria/ Kritika Rane