



The Waqf (Amendment) Bill, 2025: An overview of the Act vs Bill

Introduction

The Waqf (Amendment) Bill, 2025 aims to update the Waqf Act, 1995 to fix issues in the management of Waqf properties. The proposed changes focus on:

- Overcoming the shortcomings of the previous act and enhancing the efficiency of Waqf boards
- Updating the definitions of waqf
- Improving the registration process
- Increasing the role of technology in managing Waqf records.

The **Mussalman Wakf (Repeal) Bill, 2025** seeks to remove the outdated **Mussalman Wakf Act, 1923**, which is no longer effective for modern India. The repeal will:

- Ensure **uniform rules** for managing Waqf properties under the **Waqf Act, 1995**.
- Improve **transparency and accountability** in Waqf management.
- Eliminate **confusion and legal contradictions** caused by the old law.

Major issues:

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 even started.
- 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.

Key Features of the Waqf (Amendment) Bill, 2025

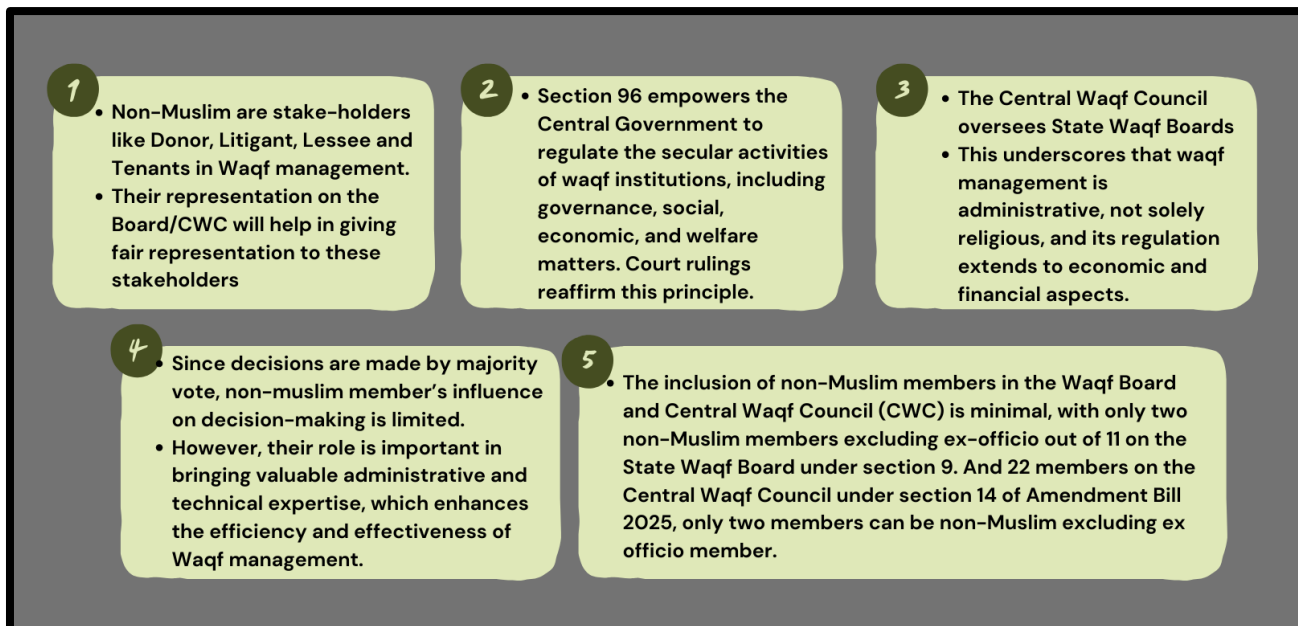
Feature	Waqf Act, 1995	Waqf (Amendment) Bill, 2025
Name of the Act	Waqf Act, 1995	Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2025.
Formation of Waqf	Waqf could be formed by declaration, user, or endowment (waqf-alal-aulad).	<ul style="list-style-type: none"> ● Removes waqf by user and allows formation only through declaration or endowment.

Feature	Waqf Act, 1995	Waqf (Amendment) Bill, 2025
		<ul style="list-style-type: none"> • Donors must be practicing Muslims for at least five years and must own the property. • Waqf-alal-aulad cannot deny inheritance rights to female heirs.
Government Property as Waqf	No clear provision.	Any government property identified as Waqf will cease to be Waqf. Ownership disputes will be resolved by the Collector, who will submit a report to the state government.
Power to Determine Waqf Property	The Waqf Board previously had the power to inquire and determine waqf property.	Provision removed.
Survey of Waqf	Assigned survey commissioners and additional commissioners to conduct Waqf surveys.	Empowers Collectors to conduct surveys and mandates pending surveys to be conducted as per state revenue laws.
Central Waqf Council Composition	<ul style="list-style-type: none"> • Constituted the Central Waqf Council to advise the central and state governments and Waqf Boards. • All members of the Central Waqf Council had to be Muslims, including at least two women members. 	<ul style="list-style-type: none"> • Two members must be non-Muslims. • MPs, former judges, and eminent persons appointed to the Council as per the Act need not be Muslims. • The following members must be Muslims: Representatives of Muslim organisations, Scholars

Feature	Waqf Act, 1995	Waqf (Amendment) Bill, 2025
		<p>in Islamic law, Chairpersons of Waqf Boards</p> <ul style="list-style-type: none"> Of the Muslim members, two members must be women.
Waqf Boards Composition	<ul style="list-style-type: none"> Provides for election of up to two members each from electoral colleges of Muslim: (i) MPs, (ii) MLAs and MLCs, and (iii) Bar Council members, from the state to the Board. At least two members must be women 	<p>The Bill empowers the state government to nominate one person from each background to the Board. They need not be Muslims. It adds that the Board must have:</p> <ul style="list-style-type: none"> Two non-Muslim members At least one member each from Shias, Sunnis, and Backward classes of Muslims One member each from Bohra and Agakhani communities (if there is Waqf in the state) Two Muslim members must be women.
Tribunal Composition	<p>Required state-level Tribunals for Waqf disputes, led by a judge (Class-1, District, Sessions, or Civil Judge), and included:</p> <ul style="list-style-type: none"> A state officer (Additional District Magistrate rank) A Muslim law expert 	<p>The amendment removes the Muslim law expert and instead includes:</p> <ul style="list-style-type: none"> A current or former District Court judge as chairman A current or former joint secretary to the state government
Appeal on Tribunal Orders	<p>Decision of the Tribunal are final and appeals against its decisions in Courts are prohibited.</p>	<p>The Bill omits provisions deeming finality to Tribunal's decisions. Allows appeals to the High Court within 90 days</p>

Feature	Waqf Act, 1995	Waqf (Amendment) Bill, 2025
	Only High Courts could intervene under special circumstances	
Powers of Central Government	State governments could audit Waqf accounts at any time.	<ul style="list-style-type: none"> • The Bill empowers the central government to make rules regarding registration, publication of accounts of waqf and publication of proceedings of Waqf Boards. • The Bill empowers the central government to get these audited by the CAG (Comptroller and Auditor General) or a designated officer.
Separate Waqf Boards for Sects	Separate Waqf Boards for Sunni and Shia sects if Shia waqf constitute more than 15% of all waqf properties or waqf income in the state.	Separate Waqf boards allowed for Bohra and Agakhani sects, along with Shia and Sunni sects.

Inclusion of non-Muslim members in the Waqf Board and Central Waqf Council



Conclusion:

The Waqf (Amendment) Bill, 2025, introduces significant reforms aimed at enhancing the governance, transparency, and efficiency of waqf property management in India. By addressing long-standing issues such as litigation and the lack of judicial oversight, the Bill seeks to create a more structured and accountable framework. Key changes include redefining the formation of waqf, improving the survey and registration process, empowering government oversight, ensuring inclusivity by incorporating non-Muslim members and women into waqf-related bodies. These provisions mark a crucial step toward modernizing Waqf property management in India.

Santosh Kumar/ Ritu Kataria/ Kritika Rane