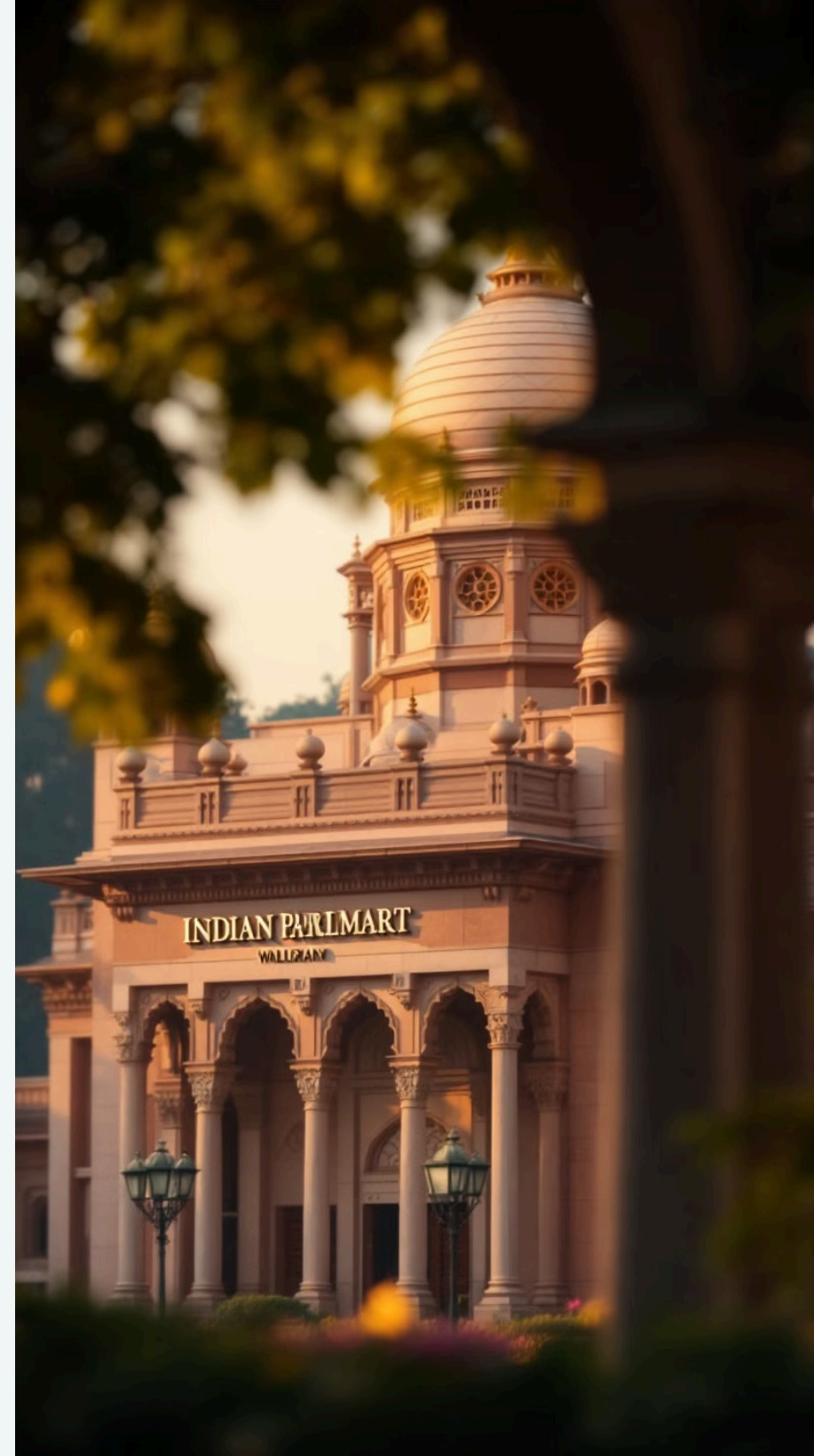


# Understanding the Waqf (Amendment) Bill 2025: Key Changes and Implications

The Waqf (Amendment) Bill, tabled in the Lok Sabha by Union Minority Affairs Minister Kiren Rijiju on April 2, 2025, proposes significant reforms to the Waqf Act of 1995. This legislation, which governs the administration of waqf properties in India, has undergone scrutiny by a Joint Parliamentary Committee (JPC) chaired by BJP MP Jagdambika Pal.

The revised Bill incorporates several contentious amendments based on the JPC's recommendations, despite objections from Opposition MPs who alleged their dissenting notes were redacted without consent. These changes would expand the government's role in regulating waqf properties and adjudicating related disputes.

 by OJAANK IAS



# Retention of 'Waqf by User' Doctrine with Limitations

1

## Original Doctrine

Recognised properties as religious endowments based on uninterrupted communal use, even without formal documentation

2

## Initial Proposal

Complete abolition of the "waqf by user" concept in the original Bill

3

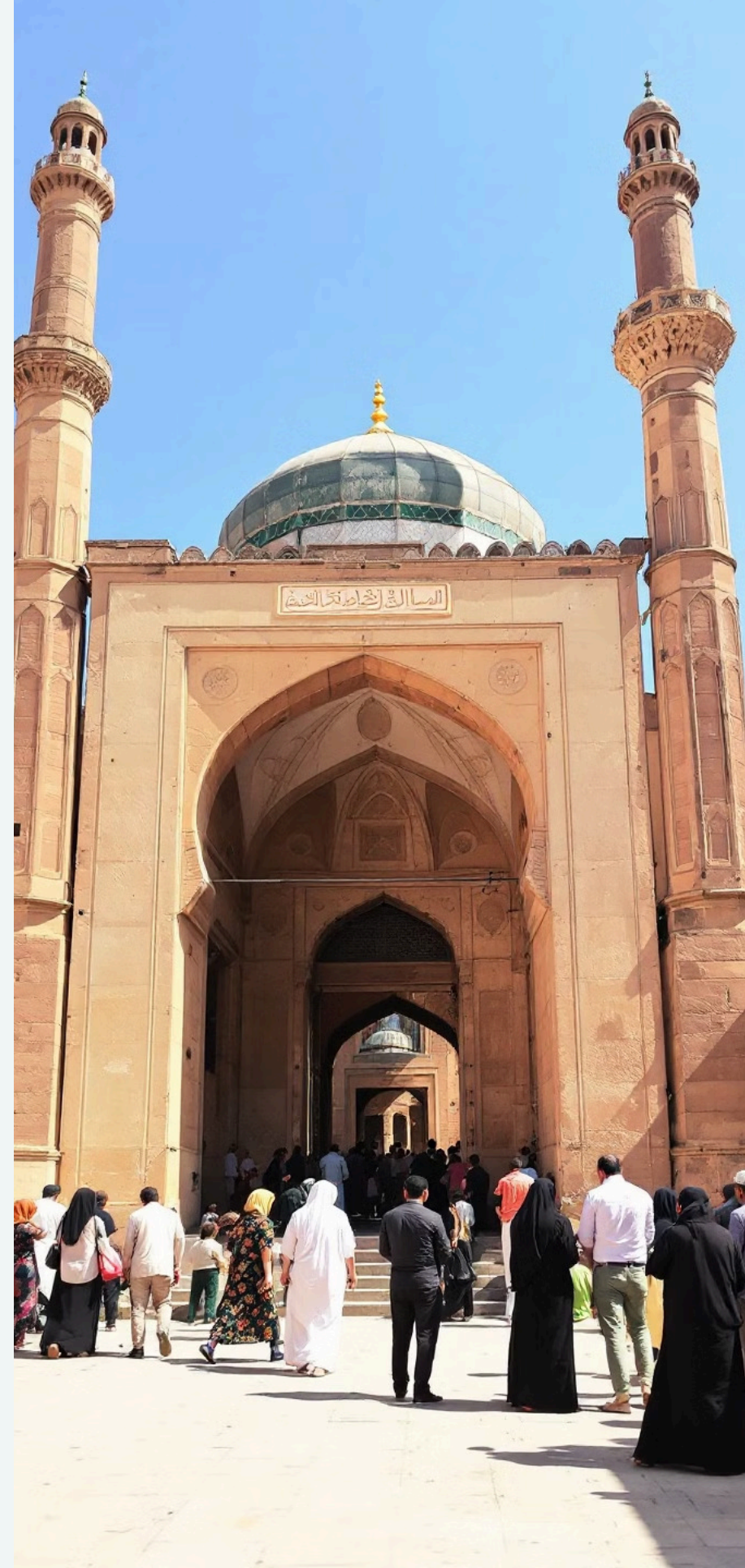
## JPC Recommendation

Cautioned that dismantling this doctrine could destabilise the legal standing of properties managed by communities for decades

4

## Revised Approach

Properties registered before enactment retain status unless disputed or identified as government land; doctrine prohibited for future claims





# New Requirements for Establishing Waqf Properties

## Five-Year Practice Requirement

Individuals must "show or demonstrate that [they have] been practicing Islam for at least five years" to establish a waqf

## Criticism

Critics argue this requirement arbitrarily excludes potential donors, particularly recent converts who may wish to endow property for religious or charitable purposes

## Future Implications

While historical properties are protected, the new requirements create stricter conditions for establishing new waqf properties



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# Inclusion of Non-Muslims in Waqf Institutions

## Central Waqf Council

Must include at least two non-Muslim members

## Chief Executive Officer

Removed requirement that a waqf board's CEO must be a Muslim



## State Waqf Boards

Must include at least two non-Muslim members and a Joint Secretary-level officer "dealing with waqf matters"

## Waqf Tribunals

Expanded from two to three members, including a district judge, joint secretary-level officer, and an expert in Muslim law

# Opposition Concerns About Non-Muslim Inclusion

## Constitutional Rights

**Opposition parties argue these changes could encroach upon the community's constitutionally protected right to manage its religious affairs**

**They contend that religious institutions should primarily be managed by adherents of that faith**

## Government Justification

**The government maintains that including non-Muslims in waqf institutions is designed to enhance expertise and transparency**

**Officials emphasize that non-Muslims will remain a minority in both the Council and Waqf Boards, preserving community representation**



# Increased Government Oversight in Property Surveys

## Senior Officer Requirement

Officers above the rank of district collectors must conduct waqf property surveys, particularly in disputed cases

## Final Arbitration Authority

Senior government officers become final arbiters in property disputes, replacing waqf tribunals prescribed under the 1995 Act

## Classification Restrictions

Properties cannot be classified as waqf until the officer submits a final report

## Government Land Process

If determined to be government property, officers must update revenue records and instruct Waqf Boards to amend their records





UPSC 2026-2027

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# Centralized Registration System for Waqf Properties



## Information Upload

All information regarding waqf properties must be uploaded to a designated portal within six months of the law's enactment



## New Registrations

Any new waqf property registrations must be submitted exclusively through this portal to the respective Waqf Boards



## Extension Provision

Waqf tribunals may extend the six-month deadline if a muttawali (custodian) demonstrates sufficient cause for delay






## Record Maintenance

System aims to enhance accuracy and transparency of waqf property records nationwide



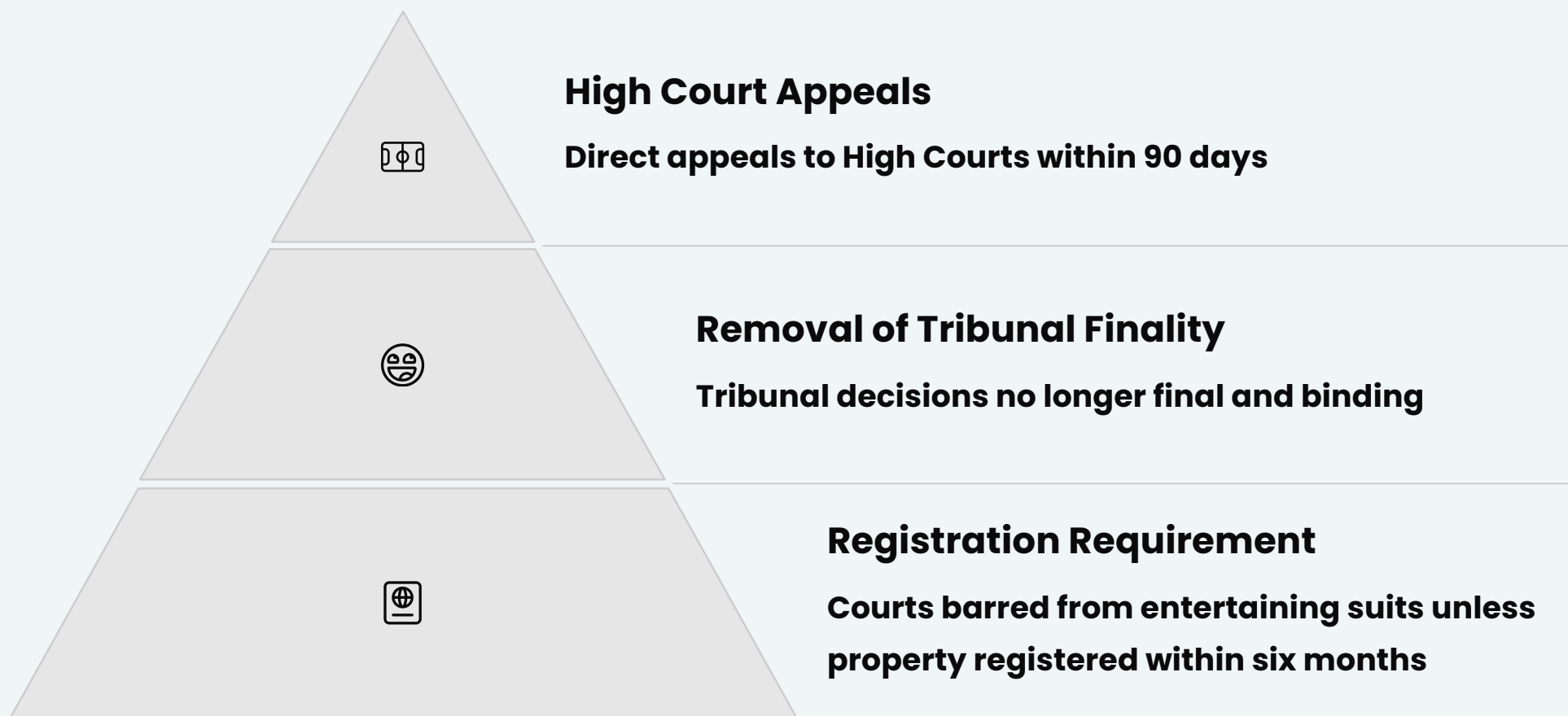


# Application of Limitation Act to Waqf Properties

-  **Repeal of Section 107**  
Bill seeks to repeal Section 107 of the 1995 Act, which had rendered the Limitation Act, 1963 inapplicable to waqf properties
-  **12-Year Limitation Period**  
Waqf boards would now be subject to the standard 12-year limitation period for reclaiming encroached properties
-  **Opposition Concerns**  
Leaders like AIMIM chief Asaduddin Owaisi contend this would enable individuals who have unlawfully occupied waqf properties for over 12 years to claim ownership through adverse possession



# Enhanced Judicial Review Provisions



**The new Bill removes the finality of waqf tribunal decisions, allowing aggrieved parties to appeal directly to the concerned High Court within 90 days. This provision aims to enhance judicial oversight and curb arbitrary exercise of power. However, courts cannot entertain suits regarding rights enforcement unless the waqf property has been registered within six months of the law's commencement, with exceptions only for "sufficient cause" for delay.**

# Political Reactions and Future Implications



## Community Concerns

The Muslim Personal Law Board has stated that "any change in Waqf Act will not be tolerated," reflecting widespread concern within the community about potential impacts on religious autonomy.



## Government Position

The government justifies the amendments as necessary reforms to enhance transparency and prevent misuse, citing examples like the UPA government's transfer of 123 waqf properties to the Delhi Waqf Board.



## Opposition Critique

Opposition leaders like Asaduddin Owaisi argue the amendments are "intended to rob Muslims of Waqf Properties" and constitute a "violation of freedom of religion" guaranteed by the Constitution.





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