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TODAY'S IMPORTANT CURRENT AFFAIRS

UPSC MAINS

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WAQF AMENDMENT ACT 2025

Source: The post is based on the article published in “The Hindu” on 15.04.2025.

In News: Violence rocks Bengal's Bhangar over Waqf Act

Syllabus: Mains – GS II (POLITY - GOVERNANCE)

Waqf

A waqf is an inalienable charitable endowment under **Islamic law**, where an **individual donates property** (movable or immovable) for **religious or charitable purposes**. Once declared as waqf, the property cannot be sold, transferred, or inherited, and is considered to be held in trust for Allah, with its benefits intended for **public welfare or specific beneficiaries**. Waqf properties commonly include mosques, schools, hospitals, and land for community use.



History of Waqf and Related Acts

- ❖ The practice of waqf dates back to the time of **Prophet Muhammad**, who encouraged endowments for community benefit.

- ❖ The earliest known waqf documents are from the 9th century in the **Abbasid period**.
- ❖ In **India**, waqf was formalized during the **Delhi Sultanate**, with rulers and nobles dedicating properties for religious and charitable uses.

Colonial and Post-Colonial Legal Developments:

- ❖ The British colonial government enacted laws to regulate waqf properties, starting with the **1810 law** for Fort William (Calcutta) and subsequent acts for Madras and other regions.
- ❖ The **Mussalman Waqf Validating Act, 1913**, was passed after a British Privy Council judgment questioned the validity of waqf, ensuring its legal protection in India.
- ❖ The **Waqf Act, 1954**, centralized waqf administration and established the Central Waqf Council.
- ❖ The **Waqf Act, 1995**, further strengthened waqf governance, creating state waqf boards and waqf tribunals, and making the act overriding over other laws.
- ❖ **Amendments in 2013** aimed to improve transparency and efficiency, but implementation challenges persisted.

Issues with Waqf in India

- ❖ **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.
- ❖ 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
- ❖ **No Judicial Oversight**
 - ❖ Decisions by Waqf Tribunals **cannot be challenged** in higher courts.
 - ❖ This **reduces transparency and accountability** in Waqf management.
- ❖ **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.
- ❖ **Misuse of Waqf Laws**
- ❖ Some **State Waqf Boards have misused** their powers, leading to **community tensions**.
- ❖ Waqf Act has been widely misused to declare private properties as Waqf properties, causing legal battles and unrest.

Why the Waqf Amendment Act, 2025 Was Introduced

The Waqf (Amendment) Act, 2025, was enacted to address persistent issues in waqf management, enhance transparency, resolve ownership disputes, and **modernize waqf governance to reflect contemporary legal and social realities**. The act also aimed to **repeal** outdated laws, such as the Mussalman Wakf Act, 1923, and align waqf administration with broader principles of accountability and inclusivity.

Key Provisions of the Waqf Amendment Act, 2025

Name of the Act	Waqf Act, 1995	Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2025
Formation of Waqf	By declaration, user, or endowment (Waqf-alal-aulad)	Removes waqf by user and allows formation only through declaration and endowment. Clarifies formation; only practicing Muslims (for at least five years) can dedicate property as waqf
Government Property as Waqf	No clear provision	Any government property identified as waqf will cease to be waqf ; Collector to resolve disputes
Survey of Waqf	Survey commissioners appointed	Collectors empowered to conduct surveys; pending surveys as per state revenue laws

Central Waqf Council Composition	All members must be Muslim	Inclusion of non-Muslims and mandatory women members
Waqf Board Composition	Only Muslims	State governments can nominate non-Muslims and women
Tribunal Decision	Final and binding, no court appeal	Appeals allowed to High Court within 90 days
Separate Boards for Sects	Sunni and Shia (Shia if >15% all waqf)	Separate boards for Bohra, Agakhani, Shia, and Sunni sects
Women's Rights in Family Waqf	Not specified	Women must be included as beneficiaries in family waqf

Issues with the Waqf Amendment Act, 2025

- ❖ **Potential for Bureaucratic Delays:** Shifting powers to Collectors and state authorities could lead to delays and potential politicization of waqf property disputes.
- ❖ **Concerns Over Representation:** Inclusion of non-Muslim members, while promoting inclusivity, has raised apprehensions among some Muslim groups about the dilution of religious character and autonomy.
- ❖ **Judicial Review:** Allowing appeals to High Courts may increase litigation and burden higher judiciary, though it also enhances legal oversight.
- ❖ **Ambiguity in Implementation:** Some provisions, such as the process for determining government property as waqf, may lack clarity, risking further disputes.
- ❖ **Exclusion of Waqf Board's Powers:** Removing the Waqf Board's authority to determine waqf property could weaken community-based oversight.

Way Forward and Suggested Solutions

Supreme Court Judgments and Committees:

The Supreme Court has repeatedly emphasized the need for transparency, proper record-keeping, and protection of waqf properties from encroachment.

Various government committees have recommended digitization of waqf records, professional management, and stronger legal safeguards.

Suggested Solutions:

- ❖ **Digitize all waqf records** and make them publicly accessible.
- ❖ Establish independent, professional waqf management bodies with community representation.
- ❖ Ensure **regular audits and public disclosure** of waqf accounts.
- ❖ Strengthen legal protections against encroachment and misuse.
- ❖ **Promote inclusivity** while safeguarding the religious and charitable objectives of waqf.