

Proposed Waqf (Amendment) Bill 2025: Key Changes and Growing Controversy

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Waqf (Amendment) Bill 2025 Latest News

- After a marathon debate of 12 hours, the Lok Sabha has passed the Waqf (Amendment) Bill, 2025.

Introduction

- The **Waqf (Amendment) Bill 2025**, tabled in the Lok Sabha by Union Minister Kiren Rijju, has reignited debate over the regulation of Waqf properties in India.
- The Bill seeks to amend the **Waqf Act, 1995**, with sweeping changes aimed at increasing transparency, addressing title disputes, and incorporating judicial oversight.
- However, the proposed provisions have drawn strong criticism from opposition parties and Muslim bodies who claim it threatens the community's constitutional autonomy in managing religious endowments.

Key Provisions of the Waqf (Amendment) Bill 2025

• Judicial Oversight on Waqf Tribunal Orders

- The amended Bill introduces a provision allowing High Court appeals against Waqf Tribunal orders.
- This rectifies a long-standing gap in judicial review under the 1995 Act, which **previously made Tribunal decisions final and unchallengeable**.
- The new mechanism strengthens legal accountability and provides a higher forum for redressal.

• Clarification on 'Waqf by User'

- The controversial proposal to eliminate the Islamic legal concept of "waqf by user" has been revised.
- The updated Bill now retains the status of such properties, like mosques and graveyards, if they were registered before the new law's enactment, unless contested.
- However, **future recognition of waqf status requires documentary proof or declaration from a practicing Muslim of at least five years**, raising concerns over the exclusion of recent converts or informal practices.

• Empowering Government Officials in Property Disputes

- One of the most significant changes is the shift in adjudication power.
- The Bill empowers senior government officers (above District Collector rank) to settle disputes over whether a property is waqf or government land, **replacing the Waqf Tribunal's exclusive authority under the 1995 Act**.
- Until the officer submits a report, disputed properties will be treated as government property.

• Centralised Digital Registration of Waqf Properties

- The Bill **mandates the creation of a digital portal for registering and updating waqf properties**.
- All information must be uploaded within six months of the law's commencement, streamlining data management and curbing misappropriation.
- The Tribunal, however, may allow an extension in justified cases.

• Application of Limitation Act to Waqf Properties

- Another critical change is the **removal of Section 107 of the Waqf Act, which had excluded waqf properties from the Limitation Act, 1963**.
- With this deletion, the standard 12-year limitation for reclaiming encroached property will now apply to waqf land.
- This opens the possibility for encroachers to claim ownership via adverse possession.

• Altered Composition of Waqf Boards and Tribunals

- The amended Bill allows the **inclusion of non-Muslim members, including Chief Executive Officers, in State Waqf Boards and the Central Waqf Council**.

- Additionally, **Waqf Tribunals will now have three members instead of two**, a district judge, a joint secretary-level state officer, and an expert in Muslim law.
- This restructuring is intended to promote expertise and inclusivity without undermining community representation.

Controversies and Criticisms

• Allegations of Government Overreach

- Opposition argues that empowering government officials to decide the status of waqf properties significantly curtails community autonomy.
- The new framework grants the government de facto control over disputed land, undermining the Waqf Board's authority and traditional Islamic jurisprudence.

• Marginalisation of Muslim Community in Governance

- While the government asserts that the inclusion of non-Muslims in Waqf bodies fosters transparency, opposition parties and Muslim organisations see this as a violation of their constitutionally guaranteed right to manage religious affairs.
- The representation is perceived as tokenistic and politically motivated.

• Retrospective Implementation Concerns

- Though the revised Bill protects already registered "waqf by user" properties, it introduces ambiguity for those not formally documented.
- This may endanger numerous religious and charitable assets informally managed by local communities for decades.

• Politicisation and Suppression of Dissent

- Opposition leaders, including AIMIM's Asaduddin Owaisi, have accused the government of bulldozing the Bill through parliamentary processes.
- Dissent notes submitted by opposition MPs were reportedly removed from the Joint Committee's final report, raising concerns about legislative transparency.

• Legal and Social Ramifications

- The combined impact of repealing Section 107 and centralising authority may lead to increased litigation, displacement, and unrest within the community.
- Many view these changes as targeting Muslim institutions at a time when communal sensitivities are high.

Conclusion

- The Waqf (Amendment) Bill 2025 introduces pivotal changes to the management and regulation of waqf properties in India.
- While the government emphasizes transparency, accountability, and judicial oversight, opposition sees the Bill as an encroachment on religious freedoms and community rights.

Waqf Amendment Bill 2025 FAQs

Q1. What is the Waqf (Amendment) Bill 2025 about?

Ans. It proposes changes to the 1995 Waqf Act to improve governance, transparency, and dispute resolution regarding waqf properties.

Q2. What changes does the Bill make to property dispute resolution?

Ans. It authorizes senior government officers to adjudicate waqf property disputes, replacing the role of Waqf Tribunals.

Q3. How does the Bill affect judicial review?

Ans. It introduces a provision allowing High Court appeals against Waqf Tribunal orders within 90 days.

Q4. What is the controversy over “waqf by user”?

Ans. The Bill initially sought to remove this doctrine but now allows registered waqf-by-use properties to retain their status unless contested.

Q5. Why is the deletion of Section 107 significant?

Ans. It allows encroachers to claim ownership of waqf property after 12 years under the Limitation Act, which was earlier inapplicable.

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