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LEGISLATION TRACKER

Waqf (Amendment) Act, 2025

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SUBJECTS COVERED

POLITY

SOCIAL ISSUES

CURATED & WRITTEN BY

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ACT NUMBER
YEAR ENACTED
Act No. — of 2025 (originally Bill No. 78 of 2024) 2025
KEY PROVISIONS

- 1 Renames the Waqf Act, 1995 as Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995
- 2 Omits Section 40 — removes power of Waqf Boards to declare any property as Waqf property (waqf by user)
- 3 Mandatory inclusion of two non-Muslim members and two women members on Central and State Waqf Boards
- 4 Creates a centralised digital portal for registration of all Waqf properties with verification by District Collector
- 5 Removes finality of Waqf Tribunal decisions — appeals allowed to High Court within 90 days
- 6 Government properties listed as Waqf to be verified by District Collector/Deputy Commissioner before recognition
- 7 Introduces audit mechanism — CAG or authorised auditor to audit Waqf Board accounts

BACKGROUND

The Waqf (Amendment) Bill, 2024 was introduced in the Lok Sabha on August 8, 2024, by Union Minority Affairs Minister Kiren Rijju. The Bill proposed sweeping amendments to the Waqf Act, 1995, which governs the administration and management of Waqf properties in India. After JPC scrutiny, it was passed by Parliament in April 2025 and received Presidential assent on April 5, 2025, becoming the Waqf (Amendment) Act, 2025. A “Waqf” (also spelled “Wakf”) is a property dedicated in perpetuity for purposes recognised by Muslim law as religious, pious, or charitable. Waqf properties in India include mosques, dargahs, graveyards, Eidgahs, madrassas, and other properties.

India has over 8.7 lakh registered Waqf properties spread across approximately 9.4 lakh acres, making Waqf Boards among the largest landholders in the country after the Indian Railways and the Defence Ministry. The Waqf Act, 1995 (which replaced the Wakf Act, 1954) established Central and State Waqf Boards and Waqf Tribunals for administration, survey, and dispute resolution. However, the management of Waqf properties has been plagued by **encroachment** (over 61,000 properties encroached as per the Sachar Committee, 2006), corruption, lack of transparency, and poor revenue generation.

The Bill was referred to a Joint Parliamentary Committee (JPC) chaired by Jagdambika Pal on August 8, 2024. The JPC conducted extensive hearings, invited public comments, and visited multiple states. The JPC submitted its 428-page report on January 30, 2025, proposing 25 amendments. The Act has been one of the most controversial pieces of legislation in recent years, with the Government arguing it promotes transparency and welfare of Muslim communities, and critics (opposition parties, Muslim organisations) arguing it infringes upon constitutionally guaranteed minority rights under Articles 25, 26, and 30. Its constitutional validity is now being challenged before the Supreme Court.

KEY CONCEPTS

- **Waqf by user (Section 40 of the 1995 Act):** Under the existing Act, if a property was used for religious or charitable purposes by the Muslim community for a sufficient period, the Waqf Board could declare it as Waqf property (waqf by user), even without a formal deed. The Bill omits this power, meaning that only properties with documented Waqf deeds or Government-verified claims can be recognised as Waqf.
- **District Collector verification:** The Bill introduces a verification mechanism where Government-owned properties claimed as Waqf must be verified by the District Collector or Deputy Commissioner before being recognised. If the Collector determines that the property belongs to the Government, it cannot be treated as Waqf. This effectively gives Government officials veto power over Waqf claims on Government land.
- **Non-Muslim representation on Waqf Boards:** The Bill mandates inclusion of two non-Muslim members on Central and State Waqf Boards. Supporters argue this ensures transparency and secular governance. Critics argue that Waqf is a religious institution and non-Muslim participation violates the religious autonomy guaranteed under Article 26.
- **Centralised digital portal:** All Waqf properties must be registered on a centralised portal with details of the property, its usage, revenue, and documentation. This is aimed at creating a transparent nationwide database and reducing disputes.
- **High Court appeals:** Under the current Act, Waqf Tribunal decisions are final. The Bill allows appeals to the High Court within 90 days, bringing Waqf dispute resolution in line with other statutory tribunals.

- **Mutawalli reforms:** The “mutawalli” (manager/custodian of Waqf property) provisions are reformed. The Bill introduces accountability mechanisms, audit requirements, and removal procedures for underperforming mutawallis.

IMPORTANT PROVISIONS

- **Clause 5 — Renaming:** The Waqf Act, 1995 is renamed as “The Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995.”
- **Clause 9 — Composition of Central Waqf Council:** Two members of the Council shall be non-Muslims. Two members shall be women (at least one of whom shall be a Muslim woman). The Council also includes members from the Bohra community, Agakhani community, and other Muslim sects.
- **Clause 14 — Composition of State Waqf Boards:** Two non-Muslim members and two women members are mandatory. This replaces the earlier all-Muslim composition.
- **Clause 16 — Omission of Section 40 (Waqf by User):** The power of Waqf Boards to declare any property as Waqf by virtue of its use (without a formal deed) is removed. All Waqf claims must be based on documentary evidence.
- **Clause 21 — District Collector Verification:** Before any Government property or property of a statutory authority is recognised as Waqf, the claim must be verified by the District Collector. The Collector must submit a report within 6 months. If the Collector determines the property belongs to the Government, it cannot be treated as Waqf.
- **Clause 27 — Appeal to High Court:** Any person aggrieved by an order of the Waqf Tribunal may file an appeal before the High Court within 90 days. This replaces the earlier finality clause.

LANDMARK JUDGMENTS

- **Mohd. Ismail Farooqui v. Union of India (1994):** The Supreme Court discussed the nature of Waqf as a religious trust in the context of the Ayodhya dispute. The Court acknowledged that mosques and Waqf properties enjoy protection under Article 26 (freedom to manage religious affairs and own property).
- **Bihar State Board of Religious Trusts v. Mahant Sri Biseshwar Das (1971):** The Supreme Court held that legislative regulation of religious trusts (including Waqf) is permissible under Article 26(d) if it is aimed at better administration and does not interfere with religious practices. The Government cites this principle to justify the Bill’s regulatory reforms.
- **T.M.A. Pai Foundation v. State of Karnataka (2002):** The 11-judge bench discussed minority rights under Articles 29 and 30. While this case primarily dealt with educational institutions, the principles regarding the scope of minority rights and permissible Government regulation are relevant

to the Waqf Bill debate.

RECENT AMENDMENTS / DEVELOPMENTS

- Joint Parliamentary Committee (JPC):** The JPC chaired by Jagdambika Pal held over 40 sittings, compiled a 428-page report with clause-by-clause recommendations, and proposed 25 amendments to the Bill. The amendments were adopted with 16 members supporting and 10 opposing. Opposition members filed dissent on 281 pages of the report. The JPC report was submitted to Lok Sabha Speaker Om Birla on January 30, 2025.
- Passed by Parliament (April 2025):** The Waqf (Amendment) Bill was passed by the Lok Sabha on April 3, 2025 (288 in favour, 232 against) and by the Rajya Sabha on April 4, 2025 (128 in favour, 95 against, passed at approximately 2:22 AM after over 14 hours of debate). President Droupadi Murmu gave assent on April 5, 2025, making it the Waqf (Amendment) Act, 2025.
- Supreme Court Challenge (April 2025):** Congress MP Mohammad Jawed and AIMIM chief Asaduddin Owaisi separately challenged the Act's constitutional validity before the Supreme Court on April 4, 2025. The Communist Party of India and other organisations also filed petitions. On April 17, 2025, the Supreme Court clubbed all petitions and directed the Union Government to file a consolidated reply within one week. The constitutional challenge is ongoing as of March 2026.
- Opposition criticism:** The Indian National Congress, Trinamool Congress, DMK, AIMIM, and other parties have described the Act as an attack on Muslim minority rights protected under Articles 25, 26, and 30 of the Constitution. They argue that the District Collector verification mechanism gives the Government power to seize Waqf properties and that the removal of waqf-by-user provisions extinguishes centuries-old claims.
- Government position:** The Government argues that the Act aims to improve transparency, reduce encroachment, **empower** women and Pasmanda (backward) Muslims, and ensure that Waqf property revenues are used for the welfare of the Muslim community. The Ministry of Minority Affairs has cited the Sachar Committee (2006) and Kundu Committee findings on mismanagement.
- All India Muslim Personal Law Board (AIMPLB):** The AIMPLB has opposed the Act, calling it unconstitutional. The Board argues that Waqf is a religious matter governed by Muslim personal law and that the Government cannot interfere with its management.

UPSC RELEVANCE

*Waqf Act, 1995 (now renamed by the 2025 Amendment Act); Central Waqf Council, State Waqf Boards, Waqf Tribunals; total Waqf properties in India (8.7 lakh, approximately 9.4 lakh acres); Sachar Committee (2006) on Waqf encroachment; waqf-by-user concept removed by 2025 Act; JPC chaired by Jagdambika Pal; Act passed April 2025; Presidential assent April 5, 2025; Articles 25, 26, 30 of the Constitution; SC constitutional challenge pending. **Mains GS-2:** Minority rights under the Constitution; Article 25 (freedom of religion), Article 26 (freedom to manage religious affairs), Article 30 (right to establish educational institutions); balance between regulation and religious autonomy; federalism (Waqf is in Concurrent List – Entry 10, List III); transparency and accountability in religious endowments; comparison with Hindu Religious and Charitable Endowments legislation in states like Tamil Nadu and Andhra Pradesh. **Interview:** “If the Government can regulate Hindu temple endowments through state-level laws, should similar regulation of Waqf properties be seen as discriminatory, or as a step towards uniform governance of religious properties?”*

RELATED TERMS

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