
WAQF REFORMS 2025: A LEAP TOWARDS GOOD GOVERNANCE

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ABSTRACT

The Waqf (amendment) act of 2025 that was recently passed by the Parliament of India has sparked a hot debate about its transparency, accountability as well as inclusiveness in the governance of Waqf properties. In this article, the issue of compulsory registration, gender-neutral presentation and computerization of the property of waqf comes to the surface. Having litany of women underrepresented, the paper will provide the ways in which this Amendment act intends to promote gender inclusiveness by bringing reforms as well as redress the issue of gender imbalance within Waqf governance. Another assumption against which the article indicates is that once Waqf (Amendment) Act, 2025 is enacted it will cause a religious problem and specifically targets the minority community whereas it introduces a revised and stronger transparency and accountability in the WAQF management. These would advocate the use of digital documentation, participation of the non-Muslim professionals and the restriction of the authority of the Waqf Tribunal to giving a heterogeneous representation in the chapter of Waqf decision making.

Keywords: Waqf (Amendment) Act, 2025, Waqf Governance, Gender Inclusiveness, Transparency and Accountability, Digitalization of Waqf Properties.

INTRODUCTION

Waqf is a part of Islamic tradition in India and its origin back to early days of the Delhi Sultanate when Shaikhul Islam was supervisor of that two villages which is granted by Sultan Muizuddin Sam Ghaor to the Jama Masjid. Following the period of Muslim rule, the British

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opposed waqfs just like it was in case of *Abul Fateh Mohammad v Russomoy Dhur Chowdhury*¹ of Privy Council. The Waqf governance in India was legitimized with Mussalman Waqf Validating Act of 1913². Waqf holds territory that specifies supervision and authority of Waqf properties in India religious, donative or spiritual donations within the Islamic law. At the state level these charitable contributions are to be regulated through Waqf boards as required by law. The waqf properties are identified by long term usage and recognized by benefactor as a religious or charitable property which cannot be reversed. Waqf Boards has the largest urban landowners in India, overseeing approximately 8.7 lakh properties covering 9.4 lakh acres of land.

UMEED (Unified Management Efficiency and Empowerment and Development) (Amendment) Act of 2025 or the Waqf Amendment Act 2025³ is an initiative which follows a large-scale review and public consultation process that is meant to enhance transparency and accountability at the management level and efficiency and development amidst Waqf property and is already passed by the Indian Parliament, ratified by the Lok Sabha on April 3, 2025 and Rajya Sabha on April 4, 2025 and which seeks to amend the Waqf. The President Draopadi Murmu approved the both Waqf Amendment Act 2025 and Mussalman Waqf (Repeal) Bill, 2025⁴.

The Indian Waqf Act has brought in amendments to the Waqf system- incorporation of non-Muslims in Waqf Boards, set aside rule of Waqf by user, abolition of the provision pertaining to Section 40⁵, and the neglect of trusts. It requires at least two Muslim women be elected to State Waqf Boards and Central Waqf Council, it implements Limitation Act and makes appeals to High Court. Financial measures entail a decline in Waqf Boards contributions and introduction of auditing to institutions with high income.

¹ *Abul fata Mahomed Ishak & Ors. V. Rasamaya Dhur Chowdhuri & ors.* (1891) 18 Cal. 399 (Calcutta HC)

² Mussalman Waqf Validating Act, 1913, No. 6 of 1913, INDIA CODE (1913).

³ Waqf (Amendment) Act, 2025, No. ____ of 2025, INDIA CODE (2025).

⁴ Mussalman Wakf (Repeal) Act, 2025, No. 15 of 2025, INDIA CODE (2025).

⁵ The Waqf act, no.43 of 1995 & 40, acts of parliament, 1995

BACKGROUND: THE WAQF FRAMEWORK IN INDIA

The aim of 1954 waqf act, and the revision of it, in 1995, was harmonized and sought to unify waqf laws in India. The Act also set-up State Waqf Boards in addition to giving the methods of registering and managing the property on the one hand; and Waqf Boards forming part of the procedures and supervised by the Central Waqf council on the other hand. In spite of, administrative failures on the part of non-registration, invasions, inadequate audits, un-representation of the women and lack of a central digital database still persisted. The problems resulted into demands to fix it fast to demands of immediate changes by different stakeholders comprising of community leaders, parliamentarians, civil societies organization, and courts.

NECESSITY OF THE AMENDMENT

The purpose of the Amendment is to solve problem of too much extensive disregard of a waqf property, keeping of records, marginalization of gender, corruption, and accountability. According to the statistics of the Ministry of Minority Affairs (2023), more than three lakh waqf properties were found encroached that are often illegally rent even sold out without any authorization⁶. Reporting lapses in a number of State enabled encroachments to evade detection going, referring to the conflicts over owning and using. Women have never been well represented in waqf boards or in managing the position of a waqf called Mutawalli leaving them out in governance and sharing of benefits. Reflectively, the Central Waqf Council did not have the necessary power to enforce accountability, or to take any action concerning the mismanagement of waqfs on a state level.

KEY REFORMS INTRODUCED BY THE WAQF (AMENDMENT) ACT, 2025

Mandatory Registration and Digitization of Waqf Properties: A radical policy change in the regard of Waqf (Amendment) Act, 2025, sought the compulsory registration of all the waqf estates within the country, no matter when this was founded, by a specified deadline either with

⁶ Ministry of Minority Affairs, Government of India, *Annual Report 2022–2023*, at 95–96 (2023).

the State Waqf Boards or the nontheistic State Governments, and the regular periodic update of these registers. The act brings along a strict and open registration system that limits encroachment, dispute resolution, and unlawful alienation. Whereas it actually provides official legal status and administrative control to traditional community trusts it also contains a clause that would retroactively enable waqfs (i.e. those that were either not registered or incomplete). In case of any waqf property that is not registered under Waqf (Amendment) Act, 2025, it will be treated as the land that can be classified as private land or government land.)

The other contemporary reform of Waqf (Amendment) Act, 2025 is National Waqf Property Register (NWPR)⁷ which is a legal database, and harmonizes the management of waqf properties across India. The NWPR will provide the State Waqf Boards to digital platform where uniform data can be consolidated that can be easily monitored, governed and made accessible to the people to seek information related to waqf. The waqf may be able to digitize their records in the form of digital infrastructure apps, which may include the Digi Locker, GIS mapping, and state revenue record apps, which allows accurate mapping of waqf lands, updating land use in real-time, and cross-referencing of databases with the government. Associating each waqf property with existing and relevant documents, registration status, location, and man-management records is possible through a unique number known as Unique Waqf Identification Number (UWID). Such a reforms is one of the significant steps towards modernizing the waqf governance and waqf assets are conserved, used, and controlled as per the initial charitable intentions defining the waqf purpose.

Representation of Women and Non-Muslim Professionals in Waqf Governance: Waqf (Amendment) Act of 2025 attempts at mandating women and non-Muslims professionals in waqf institutions of India. Waqf boards and administration have been male oriented and minimal participation of women has been witnessed in the administration of waqf. According to this Act, a minimum of 33% was provided in admissions in the women of the State Waqf Boards or members of the Central Waqf Council. Thus, it is meant to introduce diversity of opinion in instilling more accountability and also concentrate on welfare of the community.

The non-Muslim professionals such as District magistrate, ex former judge of High court, chartered accountants, advocates, town planners, engineers, and IT experts could be consulted in the advising and administration structure of the waqf system. Their involvement is in no way

⁷ Waqf (Amendment) Act, No. 13 of 2025, (India) (establishing the National Waqf Property Register (NWPR))

to compromise the religious aspect of waqf but to introduce technical expertise and moral checks necessary in such areas as property-development, digitally-archival methods, auditing and infrastructure planning. Adoption of the faith of one-size fits all Since domestic lightings are designed to suit all people, then the railways, on the same basis of suitability to all, must be one system It supports the Indian constitutional principles of secularism, inclusiveness and equality, governance by the rule of law.

Limitation on Waqf Tribunal's power: Waqf Tribunals were appointed in the past to adjudicate waqf-property cases. They acquired equal powers as found in Code of the Civil Procedure, 1908. But once Waqf Tribunal pass an order, the same shall be final, Civil Courts cannot interfere as appeal e.g, waqf tribunal declares that the land of mosque is waqf property as they decides, we cannot file suit to set aside the same as it was appeal. Cases of a plethora of Waqf cases are festering for ages. The limit introduced is Limitation Act, 1963, which provides 12 years within which a suit would be maintainable. Eg :If any one want to oppose a waqf avocation then he can after a period of 12 years (As according to Limitation Act, 1963) thus preventing the court trial from being eternal..

Mandatory Audits and Annual Reporting: In an attempt to solve the problem of financial mismanagement, embezzlement and lack of transparency in the waqf institutions problem, an amendment to the Waqf Act of 2025 that provides that all the State Waqf boards and waqf institutions will be audited annually by an independent Chartered Accountant. The Act has also cautioned all the boards to be impartial and accountable by refreshing its finance by auditing its accounts by an external qualified professional auditor once in a year. The publications of the audit reports shall be published at the internet within the six months of the closure of the financial year. There could also be administrative penalties such as suspension of financial authority, withholding of grants, takeover of the waqf board by the concerned government, violation of administrative provisions by the waqf board. The bill aims at renewing public confidence in these kinds of trusts and in carrying out the charitable objectives of waqf endowments in a way which is transparent.

CONCLUSION

Waqf (Amendment) Act of 2025 that is believed to be the most progressive legislation implying to the development, administration and the improved management of the property waqf in India. The waqf system has long been facing severe root issues revolving around the lack of registration, encroachments, mismanagement and non-inclusion with relation to gender in particular and professional representation in general. It is believed that these defects can be solved with the help of the amendment, which consists of a more responsible, transparent and participative legislative ground. These changes have been initiated by a registration mandatory requirement, creation of a National Waqf Property Register, land records as well as annual independent audit with the aim of introducing the system of bringing transparency, accountability as well as inclusivity in the administration of Waqf properties.

Moreover, the opening of the doors to the minds of women and non-Muslim professionals confirms the ideology of the government to be inclusive and practice constitutional ethos. However, the success of this reform would depend on how well the reform would be carried out. This would involve intergroup partnership with the Centre, the State Governments, waqf boards and community stakeholders. The new legal framework should be closely supported financially, staffs should be trained, capacity should be developed and the awareness of people raised. The reform thus extends beyond the legal change and includes a bigger picture of inclusive and fair rule.