

PARLIAMENT PASSES WAQF (AMENDMENT) BILL, 2025

In the early hours of April 4, 2025, the Rajya Sabha passed the feverously debated Waqf (Amendment) Bill, 2025 ("Bill"). Aimed at regulating Waqf properties and further amending the Waqf Act, 1995 ("Act"), the Bill was initially introduced in the Lok Sabha in August 2024 and was passed by the lower house on April 3, 2025.

A. Background:

- The term 'Waqf' refers to movable and immovable properties permanently and exclusively dedicated for pious, religious or charitable purposes under Muslim law.
- Increase in Waqf properties led to the Waqf Act, 1954. Subsequently, the Act was introduced to govern Waqf properties through the Waqf Council, State Waqf Boards, the Chief Executive Officer, and mutawallis.
- This Act specifies the powers and restrictions of a Waqf Tribunal that acts in lieu of a civil court under its jurisdiction and made the decisions of the Waqf Tribunal final and binding. The Act also grants the High Court, at its discretion, the power to review Tribunal decisions on its own motion or on application filed by the Board or aggrieved party and to confirm, reverse, modify, or issue any other order it deems appropriate.

B. Objective of the Bill:

- It was felt that the implementation of the Act did not prove to be effective, despite the comprehensive 2013 amendments.
- The Waqf Repeal Bill, 2022 was also introduced to achieve more equitable arrangement and treatment of bodies such as Waqf and other recognized religious entities established under similar intent, which was tabled in the Rajya Sabha in 2023.
- Therefore, the Bill was introduced to overcome shortcomings and to enhance efficiency in the administration and management of Waqf properties.

C. Comparative Review:

Key Amendments	Act	Bill
Renaming the Act	The Waqf Act, 1995.	Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995.
Formation of Waqf	Allowed waqf to be formed by: (i) declaration, (ii) recognition based on long-term use (Waqf by user), or (iii) endowment when the line of succession ends.	(i) Formation of Waqf by only a person practicing Islam for at least five years and who must own the property. (ii) Removes Waqf by user. (iii) Declaration of Waqf must not result in denial of inheritance rights to the donor's heir, including women heirs.
Government property as Waqf	No explicit provision.	(i) Cessation of any government property as Waqf. (ii) Collector to determine ownership in case of uncertainty, submit a report to the State Government and accordingly update revenue records.
Power to determine if property is Waqf	Granted powers of such determination to Waqf Board.	Removes such provision.
Survey of Waqf	By Survey Commissioner and additional commissioners.	By Collector.
Membership in Central Waqf Council	All council members were to be Muslim.	Two members to be Non-Muslim.
State Waqf Board	Election of up to two members who were to be from electoral colleges of Muslim MPs, MLAs and MLCs and Bar Council members.	(i) State Government to nominate one person from such backgrounds. (ii) Board to include two Non-Muslim members, at least one member from Shia, Sunni and Backward classes of Muslims and one member each from Bohra and Agakhani communities.
Appeals on Tribunal Orders	No specific provision for appeals; but High Court may consider applications on its own motion or those filed by the Board or aggrieved party.	Appeals to be preferred to the High Court within ninety days.
Applicability of the Limitation Act, 1963	It was inapplicable.	It will now be applicable.

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