

Reimagining Islamic Endowments: The Waqf (Amendment) Act, 2025 In Contemporary India

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ABSTRACT

India's various faiths are permitted to practice and propagate their faith, with the "Waqf (Amendment) Act, 2025, also known as the UMEED Act", is believed to generally represent a landmark shift in the governance of Islamic Charitable endowments in India. "The Act, which is a key religious event in Islam, is generally considered a tool of centralised authority that infringes constitutional liberty". The legislation aims to enhance transparency, accountability, and inclusivity through measures such as digitisation, registration centralisation, increased board representation, and enhanced governance. On the other hand, it has unleashed extensive discussions over its consequences for religious autonomy and rights. While some of the major issues pertain to the repeal of "Waqf by user", increased authority for District collectors, and the entry of non-Muslim into management positions of the Waqf Board. This paper attempts to critically analyze the constitutional, social, and cultural bearings of the Act in the context of India's political and legal path of Waqf governance, through cross-cutting insights from Malaysia, Turkey, and other international models are referenced to evaluate lessons to balance efficiency. 'The purpose is to establish whether the Act is a real reform or a move towards repression'.

Keywords: Waqf Amendment Act 2025, Umeed Act, Waqf by User, Digitisation, Minority Rights.

INTRODUCTION

Waqf, in Islamic jurisprudence, is a permanent endowment of property dedicated to charitable, religious, or philanthropic objectives¹. The origin of the word lies in the 'Arabic term *Waqufa*', meaning "to bind, hold, or restrain." It signifies the irrevocable dedication of movable or immovable assets by a Muslim for purposes acknowledged under Muslim law as pious, religious, or charitable². Once constituted, ownership vests in God, and the benefits are applied towards community needs such as mosques, schools, graveyards, and support for the poor. The underlying rule is that "once a waqf, always a waqf."³

The practice traces back to Caliph Umar, who purchased land at Khaiber and consulted Prophet Muhammad. The Prophet advised that the land should be tied up, not sold, gifted, or inherited, and that its proceeds be used for relatives, children, the poor, and in the service of Allah. Since then, waqf has been an important factor in the socioeconomic progress of Muslim societies, especially under the Hanafi school of law.⁴

In India, waqf developed during the Mughal period.⁵ and was later acknowledged under British colonial legal systems⁶. Judicial rulings such as *Abdul Ghafoor v. Nizamuddin*⁷ Cast doubt on the legality of family waqfs, which led to the Muslim Waqf Validating Acts of 1913⁸ and 1930⁹. After independence, Parliament enacted the Waqf Act of 1954, followed by the Waqf Act of 1995, to regulate waqf through State Waqf Boards and the Central Waqf Council.¹⁰ These bodies were entrusted with the registration, protection, and management of waqf assets. [The Waqf Act, 1954, No. 29 of 1954, INDIA CODE (1954).] [CENTRAL WAQF COUNCIL, REPORT ON WAQF ASSETS MANAGEMENT SYSTEM OF INDIA (year).]

Despite statutory protections, waqf lands continued to suffer from encroachment, weak administration, and a lack of transparency. "The Sachar Committee (2006) estimated

¹ Tahir Mahmood, *The Muslim Law of India* 212 (Law Book Co. 1980).

² *Mulla's Principles of Mahomedan Law* 187 (21st ed. 2016).

³ *Board of Muslim Wakfs, Rajasthan v. Radha Kishan*, A.I.R. 1979 S.C. 289.

⁴ M. Hidayatullah & Arshad Hidayatullah, *Mulla's Principles of Mohammedan Law* 152 (20th ed. 2016).

⁵ Syed Ameer Ali, *The Spirit of Islam* 448–50 (Kitab Bhavan 2010).

⁶ Tahir Mahmood, *Muslim Law in India and Abroad* 235–46 (2d ed. 2012).

⁷ *Abdul Ghafoor v. Nizamuddin*, A.I.R. 1913 P.C. 148.

⁸ *Mussalman Wakf Validating Act*, No. 6 of 1913, Acts of Parliament, 1913 (India).

⁹ *Mussalman Wakf Validating Act*, No. 32 of 1930, Acts of Parliament, 1930 (India).

¹⁰ Asaf A.A. Fyzee, *Outlines of Muhammadan Law* 347–50 (5th ed. 2008).

their value at over ₹1.2 lakh crore, but observed that they contributed little to the upliftment of the Muslim community¹¹.”

To address these shortcomings, the Government enacted the “Waqf (Amendment) Act, 2025”, also called the “Unified Waqf Management, Empowerment, Efficiency and Development (UWMEED/UMEED) Act”. The amendment tries to make waqf governance fairer, more inclusive, and it also helps in better management. It brings Muslim women onto waqf boards, also recognizes different sects like Shia, Sunni, Bohra, and Afghakhani with separate boards, and with that, it also controversially allows non-Muslim members. Moreover, it also introduces centralized registration, speeds up property mutation, as it applies the Limitation Act, 1963, to waqf disputes, and allows appeals to the High Courts. “The Waqf (Amendment) Act, 2025, is a big change in how waqfs are run in India, and people are debating whether it is a real reform or just another restriction¹².”

Literature Review

“Dr. Tauseef Ahmad, in *Waqf Amendment Act 2025 and its Impact on Muslim Endowments in India*, explains how waqfs were managed under the 1954 Acts, and it also points out long-standing issues like mismanagement, encroachment, and lack of transparency. The 2025 Amendment tries to fix these problems with digitization, stricter record-keeping, centralized management, and wider representation, which includes women and non-Muslims on waqf boards. However, it raises constitutional concerns regarding autonomy under Article 26, minority rights under Articles 29 and 30, and judicial independence and federal balance. Judicial precedents and comparative perspectives are examined, showing that while the Act promises transparency, it risks undermining community participation and constitutional protections.¹³”

“Sneha Chauhan in *The Waqf (Amendment) Act, 2025*: The paper shows that the Waqf Amendment Act, 2025, introduces major reforms in the governance of waqf properties in India. Earlier frameworks under the 1913, 1930, 1954, and 1995 Acts aimed at

¹¹ Gov't of India, *Sachar Committee Report on Social, Economic and Educational Status of the Muslim Community of India*(2006).

¹² *The Limitation Act*, No. 36 of 1963, INDIA CODE (1963).

¹³ Dr. Tauseef Ahmad, *Waqf Amendment Act 2025 and Its Impact on Muslim Endowments in India*, 8 SSRN 2489 (2025).

regulation, but issues persisted. The 2025 Amendment mandates a centralized digital registry, enhances the powers of the Central Waqf council, and authorizes the acquisition of Waqf land in “public interest,” limits civil court jurisdiction, and imposes time-bound adjudication. Scholars, judicial precedents, and comparative models from Turkey, Malaysia, and the UK highlight tensions between modernization, constitutional safeguards, and community autonomy.¹⁴”

“Dr. Ranvijay Singh in *Legal Framework and Constitutionalism of Wakf (Amendment) Act, 2025*: The paper deals with the principle of Waqf, that is, permanent devoting of property for religious or charitable objectives, which has developed over Islamic tradition, colonial legislation, and post-independence laws. Doubts of the Privy Council in *Abdul Ghafoor v. Nizamuddin* resulted in the *Mussalman Waqf Validating Acts (1913,1930)*. Subsequently, the *Waqf Act 1954* and the *Waqf Act 1995* established statutory boards, but mismanagement continued, as brought to light by the Sachar Committee (2006). Courts such as *Syed Fazal Pookoya Thangal* and *Tilakayat Govindlalji* stressed that the Waqf administration to be secular. The *Waqf (Amendment) Act, 2025*, follows the same direction, tending to address digitization, inclusivity, accountability, and reconciliation of autonomy and state intervention.¹⁵.”

“Somya Singh, Siddhant Joshi in *Reforming Faith: A Critical Appraisal of the Waqf (Amendment) Act, 2025*- The article critically analyzes the *Waqf (Amendment) Act, 2025 (UMEED)* and maps Waqf administration from colonial roots to the 1995 Act and Sachar Committee suggestions. It recognises forces for reform, encroachment, mismanagement, incomplete records, and weak accountability, and summarises major changes: compulsory digitalisation, use of the Limitation Act, new board composition with women and non-Muslim members, repeal of the "by use" doctrine, enhanced tribunal powers, compulsory audits, and promotion of PPPs for development. Based on parliamentary discussions, stakeholders' input, and judicial cases, the authors balance administrative advantages against religious autonomy concerns, positing that enforcement and judicial scrutiny will decide the impact of the Act.¹⁶.”

¹⁴ Sneha Chauhan, *The Waqf (Amendment) Act, 2025*, 5 IJALR (2025).

¹⁵ Dr. Ranvijay Singh, *Legal Framework and Constitutionalism of Waqf (Amendment) Act, 2025*, 8 IJRTI 650 (2025).

¹⁶ Somya Singh & Siddhant Joshi, *Reforming Faith: A Critical Appraisal of the Waqf (Amendment) Act, 2025*, 13 IJCRT 893 (2025).

“Vandana Kumari in ‘Waqf (Amendment) Act, 2025’: A Constitutional Analysis of Religious Freedom and Minority Rights - “The article emphasizes continuing issues of encroachments of waqf land, mismanagement, and ineffective enforcement despite the establishment of Waqf courts by the 1995 Act, which continue to remain ineffective as a result of delays and lack of proper infrastructure. Scholars are keen to note that reforms need to reconcile state control with religious freedom so that excessive intervention may violate Muslim community rights. Judicial decisions, such as Board of Muslim Wakfs v. Radha Kishan, prioritize the protection of waqf assets for their specified objectives. Suggested amendments aim at digitisation, accountability, resolution of disputes, and greater supervision by the Central Waqf Council, although fear continues about over-centralisation and assaults on minority religious autonomy¹⁷.”

“Shariq Us Sabah in The Waqf Amendment Act, 2025: Reforming Governance or Eroding Autonomy: The article traces Waqf’s roots in India to the Delhi Sultanate, with its positioning of the foundation of mosques, dargahs, graveyards, and charitable institutions as irretrievable endowments. It observes British colonial challenges with the administration of religious lands, culminating in legislation such as the Mussalman Waqf Validating Act, 1913, which rebuffed the Privy Council’s antagonistic perception of Waqf as “perpetuity of the worst kind.” The Waqf Act, 1995, established State Waqf Boards and Tribunals but was criticized on grounds of inefficiency, corruption, and poor accountability. The recent discourse of the government recasts Waqf as legally questionable, warranting intervention, while contrasted perspectives highlight its communitarian religious-social origins and autonomy.¹⁸.”

Research Gap

There are numerous articles on Indian Waqf laws, yet they all remain at the Acts of 1954 and 1995. Few researchers have discussed the 2025 Amendment (UMEED Act) thoroughly, although it represents a significant shift in the administration of Waqf. The implication of this law on community autonomy under Article 26, and how it realigns power towards the state, has not been analyzed thoroughly. Most of the work that is

¹⁷ Vandana Kumari, Waqf (Amendment) Act, 2025: A Constitutional Analysis of Religious Freedom and Minority Rights, 5 IJIRL 1 (2025).

¹⁸ Shariq Us Sabah, The Waqf Amendment Act, 2025: Reforming Governance or Eroding Autonomy?, SSRN 1 (2025).

available discusses legal infrastructure and bureaucratic problems, but hardly at all the day-to-day concerns of individuals who rely on Waqf land, particularly those who are impacted by the elimination of “Waqf by User.” Likewise, while international models such as Turkey and Malaysia are sometimes mentioned, there has been an inadequate attempt at bringing India’s reform into comparative international practices in an organized manner. The other gap is a failure to address long-term consequences on minority identity, cultural conservation, and trust in institutions, which are not adequately explored in existing research. This paper attempts to bridge these gaps by examining the constitutional, social, and cultural aspects of the 2025 Amendment and learning from global experiences.

Research Questions

1. Does the Waqf (Amendment) Act, 2025, welcome steps like digitisation and professionalism on one hand, and on the other hand, does it violate the constitutional right of the Muslim Community?
2. Does the removal of the doctrine “Waqf by User” replace the vulnerable groups?
3. Does the shift of power weaken the community-based decisions in the Waqf Board?

Research Objectives

- (i) To analyze the ‘Waqf (Amendment) Act, 2025’, under the constitutional rights and religious autonomy.¹⁹
- (ii) To explore the effect of deleting 'waqf by user' and giving broader powers to district collectors on the ownership and practice among communities.
- (iii) To evaluate India's reforms with global examples for potential lessons.
- (iv) To investigate the wider social and cultural impacts of the amendment on minority Identity and trust.²⁰
- (v) To assess if practices such as digitisation and formal records actually enhance transparency and accountability without negating community ownership.

Research Methodology

¹⁹ INDIA CONST. art. 26.

²⁰ *The State of Madras v. Champakam Dorairajan*, A.I.R. 1951 S.C. 226.

This study adopts a doctrinal method by examining the Waqf (Amendment) Act, 2025, through constitutional provisions, legislative frameworks, and judicial decisions. It also analyses cases like “Sardar Syedna Taher Saifuddin v. State of Bombay, Azeez Basha v. Union of India”. Primary sources include the “Indian Constitution, 1950, the Waqf Act 1995, and the Waqf (Amendment) Act, 2025, Government notices, parliamentary discussions, and state releases, while the secondary sources comprise academic articles, law reviews, policy papers and books, news articles, and editorials to track public discussions”.

FROM SULTANATE TO STATUTE

The Concept of Waqf signifies the permanent dedication of either movable or immovable property for objectives categorized as religious, pious, or charitable within the framework of Muslim law.²¹ Historical references to waqf can be traced to the Umayyad period, with its systematic institutionalization occurring under the Abbasid Caliphate.²² In the Indian Context, waqf emerged during the Delhi Sultanate and expanded considerably during the Mughal era. ‘The enactment of the Waqf Act, 1995, provided a comprehensive legal structure for its administration, empowering state waqf boards and prescribing processes for the registration, survey, and governance of waqf properties’.²³

The institution of waqf in India has its roots in the Delhi Sultanate and was further consolidated under Mughal Patronage. During colonial rule, the British introduced the Waqf, validating the ‘Acts of 1913 and 1930’, thereby formalizing its legal position. In the post-independence period, the legislation of 1954 and subsequently 1995 regulated the management of waqf assets, leading to the creation of Waqf Boards to oversee their administration.

The 1995 Act defined waqf as a perpetual legal trust while preserving its religious and cultural distinctiveness. Nonetheless, persistent concerns relating to encroachment,

²¹ Mussalman Wakf Validating Act, No. 6 of 1913, § 2, Acts of Parliament, 1913 (India).

²² Ashraf ul Aid, *Waqf: A Historical Perspective and Its Role in Modern Humanitarian Aid*, <https://ashrafulaid.org/waqf-a-historical-perspective-and-its-role-in-modern-humanitarian-aid/> (last visited Sept. 13, 2025).

²³ *The Waqf Act*, No. 43 of 1995, § 36, Acts of Parliament, 1995 (India).

mismanagement, and insufficient utilization of waqf properties have continued, resulting in repeated calls for reform.²⁴

PRE-AMENDMENT FAULT LINES IN WAQF GOVERNANCE

‘The Waqf Board possesses the third-largest landholding in India, after the Indian Railways and the armed forces.’ “At present, 32 waqf Boards operate across states and union territories. Official statistics record 8,72,328 immovable assets and 16,713 movable assets, along with 3,56,051 registered Waqf estates. Uttar Pradesh accounts for nearly 27 percent of all waqf properties nationwide, with 2,32,547 holdings. Other states also maintain significant numbers: West Bengal (80,480), Punjab (75,965), Tamil Nadu (66,092), and Karnataka (62,830). In contrast, Gujarat, Telangana, and Kerala manage comparatively fewer 39,940, 45,682, and 53,282 properties, respectively.²⁵ Despite such extensive resources, the benefits from the Waqf property remain largely inaccessible to the Muslim Community. The 15th Census of India reports that 31 percent of Muslims continue to live below the poverty line”.²⁶

A longstanding criticism has been the Waqf Board’s discretionary power under earlier laws to unilaterally declare property as Waqf, often leading to disputes. Several high-profile controversies illustrate this pattern: in 2022, the Tamil Nadu Waqf Board asserted ownership over Thiruchendurai village, including the 1,500-year-old Sundareswar Temple in Tiruchirapalli district.²⁷ Similarly, claims over the Thiruparankundram temple triggered widespread local protests, which the Madras High Court permitted to proceed peacefully. In Maharashtra, the Board staked ownership over 40 acres of land belonging to Shri Kanifnath Devasthan in Ahilya Nagar. Kerala too experienced conflicts, such as the Munambam Case, in which inhabitants opposed Waqf claims over lands they had occupied for thirty years, and

²⁴ Tahir Mahmood, *Statute-Law Relating to Muslims in India: A Study with Commentary* 221–23 (Universal Law Publ’g Co. 2005).

²⁵ ET Online, *Waqf Through the Ages: How Rs. 1 Lakh Crore Property Owner Board Acquires Land and What the Govt Aims to Change*, <https://economictimes.indiatimes.com/news/india/waqf-through-the-ages-how-rs-1-lakh-crore-property-owner-board-acquires-land-and-what-the-govt-aims-to-change/articleshow/112365585.cms> (last visited Sept. 13, 2025).

²⁶ *The Times of India*, *31% Muslims Live Below Poverty Line: NCAER Survey*, <https://timesofindia.indiatimes.com/india/31-muslims-live-below-poverty-line-ncaer-survey/articleshow/5734846.cms> (last visited Sept. 13, 2025).

²⁷ *Hindustan Times*, *In Tamil Nadu, Waqf Board Claims Ownership of an Entire Village—There’s a Temple Too*, <https://www.hindustantimes.com/india-news/in-tamil-nadu-waqf-board-claims-ownership-of-an-entire-village-there-s-a-temple-too-101663245541768.html> (last visited Sept. 13, 2025).

the Thaliparamba dispute, concerning 600 acres reportedly linked to claims dating back 7,500 years. Waqf land disputes in India have been protracted and complicated, with some of the most high-profile cases concerning lands surrounding the Mahadev Temple in Wadanage, comprising almost 1,500 acres in Vijayapura, and the Krishna Janmabhoomi–Shahi Idgah case in Mathura, where the ownership is disputed between Hindus and the Waqf Board. All these are not isolated issues but are a part of a very large trend, and currently, there are over 40,000 cases still pending before waqf tribunals, while the Waqf Assets Management System of India has recorded over 58,000 complaints, of which the majority have been of land, which indicates how common and entrenched these disputes are.

For decades, the law had operated on the principle of “once a waqf, always a waqf.”²⁸ A doctrine that ensured permanence but also created serious difficulties since properties once dedicated could never be revoked, leading to disputes over ownership, illegal occupations, corruption, and mismanagement; accountability was weak, appeals against tribunal decisions were not allowed, and services linked to waqf properties were often criticized as opaque and inefficient, while the boards themselves enjoyed wide unilateral powers unlike other religious institutions. All of this gradually built up the pressure for reform, which eventually led to the “Waqf (Amendment) Act of 2025”.

NEED FOR THE ACT

The government of India enacted the Waqf Amendment Act, 2025, with its explicit goal of enhancing transparency, preventing encroachment or misutilisation by making the administration of Waqf properties easier. The legislation aims to partially amend the 1995 Waqf Act, which has existed for many years as a governing body for the management of Muslim religious trusts in India. The amendment, according to the Ministry of Minority Affairs, was essential to rectify the existing inadequacies in the system and to ensure the protection of Waqf assets against illegal transfers and misappropriation.

The notable aspect of the amendment was the imposition of tighter controls on the lease, transfer, or alienation of Waqf properties with an aim to digitize the Waqf

²⁸ Syed Ali v. State of Andhra Pradesh, A.I.R. 1998 S.C. 972.

records, centralize waqf asset registration, and create a “National Waqf Property Management System” to track waqf lands and buildings across the country, with a further aim to curb down the fraudulent deals and encroachments which have been highlighted in Sachar Committee and Central Waqf Council reports.

Another significant aspect is the increased intervention of the Central government in matters otherwise handled by State Waqf Boards. Real properties and trusts fall within the State list of the Constitution, which has generated concerns about potential incursions into state autonomy. The greater bureaucratic oversight is viewed as infringing on the autonomy of Waqf Boards and reducing community-based control over religious institutions. It also mentions the risk of centralization, reduced public participation, and discriminatory acquisitions of property.

THE UMEED ACT 2025: BETWEEN HOPE AND CONTENTION

The amendment was retitled the "UMEED Act, or Unified Management Empowerment Efficiency and Development, which constituted a radical change in direction, bringing in provisions for transparency, inclusivity, and modernization.²⁹ Non-Muslim representatives were brought into both central and state waqf boards for the first time. The concept of “waqf by user” was abolished, though earlier registrations remain unless disputed, and Section 40 has given a long criticism for giving boards unchecked authority to declare land as waqf, which was removed. Muslim trusts that are already governed by other charity laws were excluded from the waqf framework, while the rule that only practicing Muslims with at least five years of adherence can dedicate property was restored.³⁰ Safeguards were added to ensure heirs receive their lawful inheritance before any dedication, also with special protection for widows, divorcees, and orphans. Moreover, waqf creation was barred on tribal land under the Fifth and Sixth Schedules, and claims over government property are now to be reviewed by a senior officer who is above the rank of collector.³¹ And, ultimately, a central digital repository has been made obligatory to curb disputes, avoid fraud, and keep authenticated records.

CONSTITUTIONAL BALANCE AND WAQF OVERSIGHT

²⁹ *The Waqf (Amendment) Act*, No. 22 of 2025, Acts of Parliament, 2025 (India).

³⁰ *The Waqf (Amendment) Act*, No. 22 of 2025, § 3, Acts of Parliament, 2025 (India).

³¹ *The Waqf (Amendment) Act*, No. 22 of 2025, § 7, Acts of Parliament, 2025 (India).

These changes in law also have to be placed within the broader constitutional scheme, as Articles 25 and 26 promise freedom of religion and the right of the group to control its own institutions.³² But the rights are not unfettered and have been interpreted by the courts whenever there is a clash between autonomy and state regulation³³. In “Sardar Syedna Taher Saifuddin v. State of Bombay”³⁴ The Supreme Court invalidated the 1949 law prohibiting excommunication, holding that it invaded religious affairs too much, whereas in “Azeez Basha v. Union of India”³⁵ The Court held that Aligarh Muslim University was not eligible for minority protection because it was established by Parliament instead of a community initiative, whereby two choices that collectively emphasize the equilibrium between institutional autonomy and constitutional constraints. These instances make it obvious that “Articles 25 and 26 cannot be interpreted individually but must be read together with Articles 29 and 30, which protect minority cultural and educational rights”, as in a multicultural nation like India, maintaining religious identity and minority culture is usually reliant on education, and institutions are the best medium for doing so³⁶. The Waqf Amendment Act, 2025, which proposes extensive reforms to the administration of Muslim endowments. This section determines whether the Acts provisions are consistent with the constitutional guarantees afforded by Articles 29 and 30 of the Indian Constitution.

*“Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”.*³⁷

The Constitution, therefore, stresses not only the freedom of religious groups to maintain their distinct traditions without interference but also the need to align such practices with the larger ideals of liberty, equality, and fraternity.³⁸

Subsequent judicial intervention, including the Sabarimala case in the “Indian Young Lawyers Association v. State of Kerala”³⁹ and the Shayara Bano case regarding triple talaq broadened these philosophies, reflecting how the judiciary has continually

³² M.P. Jain, *Indian Constitutional Law* 628 (7th ed. 2014).

³³ INDIA CONST. arts. 25–26.

³⁴ *Sardar Syedna Taher Saifuddin v. State of Bombay*, A.I.R. 1962 S.C. 853.

³⁵ *Azeez Basha v. Union of India*, A.I.R. 1968 S.C. 662.

³⁶ INDIA CONST. arts. 29–30.

³⁷ INDIA CONST. art. 29(1).

³⁸ P.M. Bakshi, *The Constitution of India* 123 (17th ed. 2022).

³⁹ *Indian Young Lawyers Ass’n v. State of Kerala*, (2019) 11 S.C.C. 1.

attempted to preserve the autonomy of religious institutions without compromising them to constitutional values. Here, the previous judgements in “Sardar Syedna Taher Saifuddin and Azeez Basha” remain pivotal as extremely significant key precedents in constituting the constitutional vision of minority rights and religious freedom, demonstrating how the courts' fine balance between constitutional guarantees and the overall objective of sustaining India's secular and democratic ethos while providing a fine balance.

What India has, however, over a period of time is the "principled distance" approach, that is to say, the state neither steps back from religious affairs nor strides into taking full charge; rather, it steps in only in narrowly defined contexts where it guarantees access for marginalized groups, since religious autonomy tends to overlap with everyday public life. Measures like the inclusion of non-Muslim members in waqf boards or the introduction of secular oversight are justified as being in the public interest, yet they also set precedents for deeper government involvement in minority institutions, which is why such interventions must remain limited to avoid homogenisation or unnecessary intrusion into religious affairs.

The Supreme Court's while handling personal law, shows that constitutional authority also extends to religiously governed matters, particularly when the practices are discriminatory.⁴⁰ And in a similar way, the court can intervene anytime in state management of waqf properties that may be viewed as acceptable if the system is itself corrupt or unjust. However, while the 2025 amendment improves transparency through digitisation and audits, it also hands broad discretionary powers to the government, and this creates the risk of overreach, disproportionately affecting communities that are already vulnerable. Granting the state a role in even a portion of waqf property management could eventually pave the way for similar control over other minority-run institutions, which raises serious concerns about autonomy.

The practical question is whether the appeals in High Courts, as introduced under the amendment, are actually more accessible or effective than the older system of waqf tribunals. High Courts are meant to provide thorough adjudication, but they are less approachable for resource-poor litigants, while older systems were often criticised for lacking clear timelines and sensitivity to community-specific disputes. Several legal

⁴⁰ Joseph Shine v. Union of India, (2019) 39 S.C.C. 39.

scholars and minority commissions have therefore recommended strengthening tribunals through better funding and training for judges rather than replacing them, since that would protect access for disadvantaged groups while still preserving self-regulation within the community.

WAQF REFORMS IN INDIA: A GLOBAL PERSPECTIVE

A comparative look at global models of religious endowments management helps clarify these challenges. For example, in the United States, the Constitution guarantees religious freedom, and its strict separation of state and religion has given rise to the ministerial exception, which allows religious bodies to manage their internal matters independently.⁴¹ Europe follows a similar philosophy under the “European Convention on Human Rights, where Article 9 guarantees freedom of conscience and religion, and the European Court of Human Rights” has repeatedly held that religious organisations, as collective entities, enjoy the right to organise without disproportionate state intrusion. Malaysia offers another example, with the State Islamic Religious Councils administering waqf properties under state control but retaining their religious character without forfeiting religious nature and maintaining administration in Muslim hands, but simultaneously modernising through professional management, auditing, and computerisation, which together enhance the efficiency and suppress corruption without eroding religious bases.⁴²

In India, for example, these instances illustrate that the actual problem is to balance a key between the constitutional right to religious freedom alongside accountability.⁴³ The court has explained that the government could intervene only in cases of issues such as fraud, corruption, or illegal occupation of land, but an excessive interference on the part of the state may undermine religious autonomy, which is a subset of religious liberty.⁴⁴ Hence, the Waqf Amendment Act 2025 must thus be critiqued solely on whether it achieves this balance or not, and has taken appropriate measures like digitisation, independent audit, and professionalism-based community.

⁴¹ U.S. CONST. amend. I; *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012).

⁴² Ahmad Ibrahim, *The Administration of Islamic Law in Malaysia* 123–30 (1997).

⁴³ INDIA CONST. art. 25.

⁴⁴ *Azeez Basha v. Union of India*, A.I.R. 1968 S.C. 662.

This is a step forward in a good sense, but with more powers vested in the government, it can turn into something bad instead of good. International experiences around the world reveal that religious property tends to function most effectively where it is maintained within community autonomy itself; the state should only intervene when there is apparent public harm involved, and accountability rule systems need to be developed so that internal self-governance and religious identity are not compromised. For India, this entails waqf reforms having to balance transparency with protection against mismanagement, with protection of the Muslim community's constitutional right to govern its own religious affairs, since only then can proper policy go hand in hand with Indian secular and plural constitutional character.⁴⁵.

WHO OWNS FAITH: THE BATTLE OVER INDIA'S WAQF REFORM

A Clash of Autonomy, Identity, and Power

The amendments have been opposed forcefully by the indigenous Muslim populations and a number of political parties. People perceive that they intrude upon religious autonomy and community control. Allowing non-Muslims to be part of Waqf Boards, and possibly lead them, goes against Muslim tradition. Opponents cite that charitable societies of other religions in India have the provision that the head has to be from that religion. This disparity raises the spectre of abuse and is seen to undermine Muslim community control. Exclusion of Muslim law scholars from Waqf Tribunals and replacing them with government joint secretaries has also been criticized. It reduces the religious and community experience required to deal with disputes that are fraught with complex Islamic rules of law.

Property rights and historical ownership are the major issues. Erasing "Waqf by user" is considered most harmful. Several traditional Waqf properties, which have been used for years and years without deeds, risk losing the right of law. This can lead to communities being evicted from their homes as a consequence of prior administrative shortcomings. Statutory paperwork is a disadvantage since numerous houses that have been occupied for decades and centuries have no paperwork. For example, a fifteen-hundred-year-old temple in the Chola period of Tamil Nadu was claimed as

⁴⁵ M.P. Jain, *Indian Constitutional Law* 1043–50 (8th ed. 2018).

Waqf property, and people living in villages objected because they were not allowed to sell land without Board approval. It shows how carefully disputes have to be solved.

District Collectors now have sweeping powers to identify and determine Waqf properties, including government lands, without clear guidelines to hear the parties. It is generally feared by the critics that this can lead to a conflict of interest or biased decisions. Whereas Public access and digitization are aimed at increasing transparency, but anxiety regarding formal records and the enhanced powers of the Collector is generally a concern. Properties that do not have complete physical or digital records are under threat of denotification. This burdens Waqf Boards and beneficiaries with proofs and may lead to contestations of long-standing properties.

The majority of critics consider these amendments to be a part of the trend of centralization and state control of Waqf institutions. Others describe it as the “nationalisation of waqf in India”. Others have alleged the reforms reflect a political agenda linked to Hindutva ideology. Even the renaming of the law as the “UMEED ACT” is seen as erasing Muslim religious and cultural identity. The argument that the government of the Waqf has directly resulted from Muslim occupation is also refuted, since it may disregard the broader social tradition of dedicating land to God. The government validates the amendments on grounds of mismanagement, corruption, and abuse of “Waqf by user”. There is some mismanagement, admittedly, but labelling the entire system as abused to legitimize the state with greater powers over minority institutions may compromise the autonomy and ownership of the community over its own property.

FINDINGS

The study discovers that the Waqf (Amendment) Act, 2025 (UMEED ACT) brings in some positive changes on board, such as document digitisation, wider public access, and enhanced monitoring. However, there are some serious constitutional, social, and political issues that unfold as a consequence of these changes.

- (i) Religious Autonomy under Threat: Keeping Muslim law experts out of Waqf Tribunals and instilling the role of a leadership position in non-Muslims on Waqf Boards is contrary to the letter and spirit of Article 26, where the right of a community to administer its religious affairs is given protection.

- (ii) Threat to Long-Held Properties: By revoking the yearly “Waqf by User”, certain properties that do not have deeds but are held long by communities can be voided, putting poor families at risk, particularly.
- (iii) Over-centralization of power: Granting District Collectors untrammelled powers with no defined checks increases the likelihood of politically influenced or biased decisions.
- (iv) Cultural and Identity Issues: The critics claim that using the term UMEED Act to describe the bill and associating reforms with overall political agendas dilutes Muslim cultural identity.
- (v) Actual need for Reform: Mismanagement and encroachments are present in the system, yet labelling the entire system as corrupt may drive the community away rather than solving issues.

CONCLUSION AND RECOMMENDATIONS

“The Waqf (Amendment) Act, 2025” is a milestone in the regulation of Islamic charitable trusts in India. Its objectives are greater accountability and transparency are praiseworthy, but the manner in which they are attempting to do so has a tendency to undermine constitutional protection of minority rights and community autonomy. The challenge is less so much whether reforms are desirable or not, and more about how they are designed. There must be a formula of balance that is under the control of the people, but insulates against abuse, and one that ensures professionalism. Reforms that preserved the waqfs' religious and cultural significance, and modernized their administration so that they can serve contemporary needs, would be more legitimate and accepted. Lastly, the success of all these reforms will depend on the ability of these reforms to safeguard both the religion and rights of the community, as well as ensure that the Waqf assets remain available to serve the greater public good.

The Waqf (Amendment) Act 2025 is a significant step towards improving accountability and transparency in Waqf administration. To make these reforms effective while respecting the constitutional safeguards, the following recommendations are proposed:

- (i) To further strengthen the Waqf Tribunal by not replacing Muslim scholars with bureaucrats, but to include a blend a judicial officers, Islamic law experts, and community representatives.
- (ii) To further apply a middle ground in order to adopt learning from International models where waqf properties are professionally managed while remaining under Muslim control, which promotes public-private partnerships.
- (iii) To further include representation without violating autonomy while ensuring the community's constitutional rights remain intact under Article 26 of the Indian Constitution.
- (iv) To further prevent and check on the Collector's power to avoid misuse or bias in the exercise of the power.

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