UNDERSTANDING THE UMEED ACT, 2025: KEY CHANGES AND IMPLICATIONS

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ABSTRACT

The concept of Waqf under the Muslim law played an important role in supporting the religious and the welfare the community in India since the period of 12^{th} century. Despite, of so many Amendments it continued to suffer from mismanagement, outdated records, land disputes and lack of transparency. To solve these problems, the Indian Government recently passed the Waqf (Amendment) Act,2025, also known as UMEED Act. This paper explores the historical background of waqf and its legal evolution also the major changes introduced under the new law. The paper also highlights the landmark judgements which shaped the waqf jurisprudence. This research work aims to provide a descriptive understanding of how UMEED Act seeks to modernize the waqf system and protect the Right of the citizen of this country.

Keywords: Waqf Reforms, Sachar Committee Report, UMEED Act, Waqf Governance, Waqf Endowment

Introduction

The concept of Waqf in India has deep historical roots and emerged during the period of Delhi Sultanate in the 12th century. In that period rulers and noble families used to donate the land and the properties to support mosques, schools, dargahs and other public spaces. Overtime, this system became more structured with written waqf deeds and appointed authorities to manage these properties. But after the arrival of Britishers, a new perspective was adopted. Since the concept of Waqf didn't go along with the English property law thus, it created confusion. Certainly, the *Privy Council called Waqf a problematic form of perpetuity*.[1] Gradually, due its cultural importance when it got recognised a new Act was passed named- *Mussalman Waqf Validating Act, 1913*. It allowed even private family Waqf to be legally acknowledged. After the independence, a dedicated waqf law was introduced in India in the year 1954 to manage these properties in a better way. The present legal framework, however, came with the *Waqf Act of 1995* which enhanced the power of State Waqf Boards and introduced Waqf Tribunals for resolving the disputes relating to the waqf properties. In spite of these efforts, some challenges continue to exist, which includes the disputes related to land ownership, misuse of authority, and the lack of detailed surveys and absence of accurate documentation.

In order to cope up with this situation our government introduced new Act named- The Waqf (Amendment) Act, 2025 or it is also known as The Unified Waqf Management, Empowerment, Efficiency, and Development Act (UMEED Act), which is recently passed in Parliament in April 2025.

Research Methodology

This paper is of descriptive nature, made based on the secondary sources like the news, articles and other trusted online sources. It aims to provide knowledge regarding the newly passed UMEED Act, so that the reader could understand the actual importance of amendment of the former Act.

Exploring the Concept of Waqf

The word Waqf derived from an Arabic term "Waqufa" which simply means 'to hold something

[1] KASHMIR PEN, https://www.kashmirpen.in/a-new-framework/, (April 19, 2025)

back' or 'detaining.[2] Muslim law describes Waqf as dedicating the property permanently for the religious or charitable purpose. So, it implies that once the property is donated it will be treated as waqf property and it will no longer remain their personal asset. That's why it is said that once a waqf is always a waqf.

Parties involved in it:[3]

1. Waqif: The person who dedicates the property permanently, by providing a written declaration or verbally expressing their intention to do so.

2. Al- Mawquf 'Alaih: The beneficiaries, who are going to get the benefits of the waqf property.

3. Mutawalli: The trustees, who has the responsibility of managing the waqf property.

There are two main types of waqf:

• Waqf Ahli, which is basically made for family and after the family ends it goes to charity.

• Waqf Khayri, is made directly for the public use like for education institutions, dargahs etc.

The main administrative bodies under the Waqf Act of 1955:

1. Central Waqf Council (CWC) who advises the government and SWBs on policy but doesn't directly control waqf properties.

2. State Waqf Boards (SWBs) manages and protects the waqf properties in each State.

3. Waqf Tribunal is the exclusive judicial body that handles disputes related to waqf properties.

This waqf system have both the cultural and religious significance in the life of Muslim communities as it offers support to educational institutions, mosques, dargahs etc. But as I have discussed earlier, over the years the concerns related to mismanagement, lack of transparency, and inadequate legal safeguards have been raised. Now, in order to understand the socio-economic conditions of the Muslim community in India, including the waqf properties, Sachar

[2] HINDUSTAN TIMES, https://www.hindustantimes.com(Last visited April 19,2025)
[3] Aparajita Balaji, Waqf under Muslim Law, iPleaders Blog (April 19, 2025, 1:52pm), https://blog.ipleaders.in/concept-waqf-muslim-law/

Committee was constituted in 2005 by the Government of India, headed by Rajinder Sachar. The main aim of this committee was to examine the status of the Muslim community, including how the waqf properties will be managed and how they might better serve the community. Let's discuss about the Sachar Committee Report in more detail.

Sachar Committee Report and Recommendations[4]

Before Waqf (Amendment) Act 2025, major amendments related to Waqf was once made in order to resolve these problems and this happened in Waqf (Amendment) Act, 2013 on the basis of the Sachar Committee Report. In March 2005 Indian Government took an important step by forming a committee which was led by Rajinder Sachar, to analyse the socio-economic and educational condition of Muslim community.

This committee closely observed the waqf properties across India which were meant to help Muslim communities and support things like education, healthcare and welfare. But here a big question arose – Are these properties being used properly to help the community? To find out, the committee asked SWBs and CWC to share the data about the kinds of waqf properties, there locations and what income is being generated from such properties, and whether proper records and survey are being maintained or not?

The committee discovered that in many states, the information related to the properties were not updated and incomplete. Regular surveys were also not being conducted by the authority.

What Committee Found?

The Committee found that India has over 4.9 lakh registered waqf properties, spread across the country. States like West Bengal, Uttar Pradesh, Kerala, Karnataka, Andhra Pradesh have the highest numbers. The total land area under Waqf is 6 lakh acres, on book value these properties are worth around Rs 6000 crores, but the actual market value is far higher- possibly around Rs1.2 lakh crores or even more![5]

So, clearly a lot of these properties are not being used properly like for building schools, hospitals or for the commercial purpose. If these properties were used efficiently then the income could go up dramatically. The report estimated that even a basic return of 10% could

[4] Sachar Committee Report, Nov. 2006
[5] Sachar Committee Report, 240, Nov. 2006

mean Rs 12000 crores a year, which could be used for uplifting the overall human development of the Muslim community

Recommendations made by Sachar Committee

These are the following recommendations made by the Committee-

1. Legislative support from both the central and the state government,
2. Stricter rules for Mutawallis for better management of the properties.
3. Digital record keeping in order to maintain transparency
4. In this report the power of the waqf tribunal was also being discussed
5. Timely survey must be conducted
6. Discussed about the women representation
7. Non-Muslim professionals should also be hired for managing waqf properties.
8. Most importantly changes in the law to allow these improvements to happen.

On the basis of these recommendations Waqf (Amendment) Act 2013 was passed.

Waqf (Amendment) Bill, 2024

Now, when this Waqf (Amendment) Bill, 2024 was proposed, the recommendations provided in Sachar Committee Report was also been considered. Despite, different amendments in Waqf Act, the major problems were not being solved due to which Waqf (Amendment) Bill, 2024 and Musalman Wakf (Repeal) Bill, 2024 were introduced in Lok Sabha on 8th August 2024. These bills were introduced in order to clear waqf related rules, to smoother the functioning of the waqf Board, and for the better management and development of such properties.

But these Bills received a lot of criticisms due to which it was referred to Joint Parliamentary Committee. The Committee collected the opinions of the public, experts, stakeholders and different organizations. After the meeting they gave 25 recommendations and which was later introduce in the Bill. On 30th January 2025 that report and after which this Bill was passed in

Lok Sabha then in Rajya Sabha.

Understanding Waqf (Amendment) Bill, 2025- Key Changes

The major changes which are made are as follows:

1. No more Waqf by Long-Term Usage (Waqf by user)

Previously, if a piece of any land or property had been used for a long term like for years for religious purposes let's say mosque, dargahs, even without formal documentation or ownership proof it could be declared as a waqf property. This concept is called Waqf by user. It was based mostly on how the property is being used over time rather than on legal written documentations or proofs. Traditionally this practice was adopted but it often led to serious disputes and conflicts, especially when the private landowners suddenly discover their properties being marked as a waqf property, without their knowledge and consent.

This practice has been discontinued with the 2025 Amendment. Now only those properties which will have a clear legal documentation and verified ownership and a formal declaration, shall be accepted as waqf property. In simple terms, using a property for religious purpose over a long time, is no longer enough to claim it as waqf.

However, in order to protect existing institutions and avoid unnecessary disruption, the old waqf properties created by the usage will still remain valid unless or until they are not involved in a dispute with the government. This helped inn preventing misuse of waqf framework by protecting rightful ownership and public interest.

2. Only Practising Muslims (for at least 5 years) can create Waqf

According to previous Waqf rules, even non-Muslims could dedicate their property as waqf and no clear requirements were provided about how long someone must have practiced Islam before doing so, which led to confusion and also allegations were made regarding the misuse of this system for personal motives.

This 2025 Amendment makes this stricter. Now, only Muslims who have been practicing it for the period of 5 years will be allowed to create waqf. This clearly means that the individuals must not only be identified as Muslims but also be practicing for a specified period of time in order to be eligible for dedicating their property as Waqf. It ensures that waqf declarations are made with good intent and used as a loophole for non-religious or legal advantages.

3. District Collectors will now conduct Waqf Land Survey

Previously, survey of the waqf properties were done by the Waqf Board themselves, but it often led to lack of transparency, and delays. In some cases, it has been found that the surveys were not conducted properly in time and is not updated or never completed, which led to the creation of confusion and further opened the door for the disputes over the land ownership and allegations of corruptions.

After the introduction of this amendment bill, the responsibility of conducting surveys of waqf properties shifted towards the District Collectors- Senior Government Officers who oversee the administration of each district. Now, it is expected to become faster, more reliable and more transparent. They have the better knowledge of their local areas and are equipped with the administrative machinery to carry out through land verification. It will allow better coordination with other land records and help to avoid overlap and conflict with private or public land.

4. Removal of Section 40- No More Unilateral Waqf Declaration

In the previous Act section 40 gave the waqf Board a highly controversial authority to declare any property as waqf property if they believed that such property had a religious value or historical usage. This meant that even if a property was legally owned by private citizen, the Board could try to include it in waqf records without proper official government certification. This practice was completely removed by this 2025 Amendment. It only allowed government-appointed officers to declare a property as waqf only if they maintain proper legal process for doing so. It ensures that the land is not wrongfully claimed from the owners without clear evidence.

5. Muslim Trusts Under the Indian Trust Act will not be Treated as Waqf

In Indian people regardless of any religion can form charitable and religious trust under the said Act. Many Muslims have chosen to do this, creating organizations that serve their communities while maintaining financial and legal independence. Sometimes these properties mistakenly considered as waqf properties. So, this 2025 Amendment sets boundaries that if a Muslim trust under the Indian Trust Act, it will not be treated as waqf.

6. Protection of Women and Children's Right

Before dedicating any property for waqf, the inheritance right of both the mother and children shall be honoured. It ensures that the family waqf is not used to deny rightful heirs. It will make the waqf system more just, gender-inclusive and aligned with inheritance law.

7. Government Land Disputes Handled by Senior Officers

When the waqf Board claims the government land, it will be investigated by the District Collector, this matter won't be decided by the Board itself. It will help in preventing land disputes from being settled unilaterally or unfairly.

8. Non-Muslims Allowed in Waqf Boards

For the first time, two non-Muslims will be appointed to both the Central and State Waqf Board. They will paly important role in administrating the Board without any involvement in religious matters. It will promote transparency and will allow for more balanced governance.

9. Change in Waqf Tribunal

The said Tribunal will now be headed by the District Judge and will include a Senior Bureaucrat of Joint Secretary Rank. The earlier requirement for a Muslim law expert is removed. If someone feels aggrieved by the decision of the Tribunal, they are allowed to appeal before the High Court within 90 days, which will make the process more accessible and structured.

10. Waqf CEO can now be a Non-Muslim

Previously, only a Muslim officer could serve as CEO of a Waqf Board but now it has been removed. This Amendment allowed a qualified person, regardless of religion to hold the said position, which will help in focusing on administrative ability, good governance over religious identity.

11. Digital Registration of Waqf Board

In order to bring more transparency and better ways of keeping records of the waqf properties, it will be now digitally registered on a central online portal for which

Mutawallis will have a time limit of 6 months to upload the complete details and updates. It aims to reduce land disputes and missing records by making everything accessible in one place.

12. Mandatory Audits for Waqf Institutions

if the waqf property earns more that Rs. 1 lakh per year then such earnings will now be legally required to undergo a yearly audit by government authorities. It will ensure transparency and prevent misuse of funds and will hold Mutawalllis accountable.

13. Contribution to Waqf Board Reduced from 7% to 5%

Before this Amendment Waqf Board had to give 7% of their income to the Waqf Board for administrative expenses but now it has been reduced to 5% easing the financial burden, which will leave more funds available for charitable purpose, education, healthcare and so on.

14. No Waqf Claims Allowed on Tribal Land

Under the new Amendment law, any land which is covered under Schedule V or VI of the Indian Constitution, which includes protected Tribal lands, will not be considered as a waqf property. It respects the right of the tribal people and ensures that the cultural and legal boundaries are honoured, preventing any future conflicts.

15. Limitation Act is now Applies to Waqf Cases

For ending the never-ending legal process, the Limitation Act of 1963 will be applied to all waqf related claims and disputes. It clearly means that the time period is mean clearly mentioned in the said Act within which any legal cases must be filed. Previously the absence of time limit led to confusions and delay in legal process of waqf matters.

LANDMARK CASE LAWS

SAYYED ALI AND ORS. Vs. ANDHRA PRADESH WAQF BOARD[6]

In this case court ruled that once the property becomes Waqf it remains Waqf forever.

But if we put it into this in present situation, we know that "waqf by user" is removed from

[6] SAYYED ALI AND ORS. Vs. ANDHRA PRADESH WAQF BOARD (1998) 2 SCC 642

UMEED Bill.

RAMESH GOBINDRAM Vs. SUGRA HUMAYUN MIRZA WAQF[7]

In this case Supreme Court held that the civil courts can't interfere in the matters of waqf property. Only Waqf Tribunal has power to hear such disputes.

ABDUL RAHIM Vs. SK. ABDUL ZABAR[8]

In this case it has been clarified that the waqf land must be properly documented in records.

[7] RAMESHGOBINDRAM Vs. SUGRA HUMAYUN MIRZA WAQF (2010) 8SCC 726
[8] ABDUL RAHIM Vs. SK. ABDUL ZABAR (2009) 6 SCC 160