



INTERNATIONAL JOURNAL OF TRENDS IN EMERGING RESEARCH AND DEVELOPMENT

INTERNATIONAL JOURNAL OF TRENDS IN EMERGING RESEARCH AND DEVELOPMENT

Volume 3; Issue 5; 2025; Page No. 28-29

Received: 08-07-2025

Accepted: 13-08-2025

Published: 10-09-2025

The Waqf Bill 2025: Legal and Political Analysis

Dr. Gaurav Solanki

Assistant Professor, Saraswati Vidya Mandir Law College, Shikarpur Bulandshahr, Uttar Pradesh, India

DOI: <https://doi.org/10.5281/zenodo.17092531>

Corresponding Author: Dr. Gaurav Solanki

Abstract

The Waqf (Amendment) Bill, 2025 brings substantial reforms to the governance of waqf properties in India, reshaping the legal, social, and political landscape. This paper examines the core provisions of the Bill, such as the narrowed definition of waqf, new restrictions on donor eligibility, increased role of state authorities, digitization of records, and the inclusion of non-Muslims and women in Waqf Boards. While the government presents these changes as measures to enhance transparency and efficiency, critics argue they curtail the independence of Muslim institutions and risk discriminatory outcomes. The Bill's ongoing implementation, the controversies surrounding it, and pending constitutional challenges reveal deeper tensions in balancing secular state oversight with minority religious autonomy.

Keywords: Waqf Bill 2025, minority rights, property law, legal reforms, state intervention, secular governance, India, waqf properties, administrative control

Introduction

The Waqf (Amendment) Bill, 2025, enacted to revise the Waqf Act of 1995, introduces wide-ranging reforms in the administration of waqf properties. It is promoted as a step toward modernization, accountability, and protection against misuse of religious endowments. However, the legislation has ignited strong debate, particularly within India's Muslim community, over concerns of state overreach, erosion of traditional practices, and implications for constitutional protections of religious freedom.

Legal Analysis

Redefinition and Eligibility Restrictions

The Bill redefines who can create a waqf by limiting eligibility to practicing Muslims who have followed Islam for a minimum of five years. It removes the earlier provision of 'waqf by user,' under which property informally dedicated for religious use could automatically qualify as waqf. Donors must now provide formal ownership documents, with added safeguards to secure inheritance rights of heirs, especially women and other vulnerable groups, before property dedication is recognized.

Expanded Role of the State

Dispute resolution and property survey powers are transferred from traditional Waqf Boards to District Collectors and state officials. The government argues this ensures uniformity and reduces corruption, but detractors highlight it as a weakening of the historical autonomy granted to Muslim endowments.

Tribunal and Board Reforms

The Bill restructures tribunals for disputes and permits appeals to the High Court within ninety days. It further requires the inclusion of non-Muslims and Muslim women in Waqf Boards, aimed at increasing representation. While projected as inclusive, critics argue it may conflict with Articles 25 and 26 of the Constitution, which safeguard the right of religious groups to manage their own affairs.

Digitization and Modernization: Digitization of records and online registration are intended to improve accountability and prevent fraud. Yet, technical and administrative gaps could result in incomplete databases, thereby undermining transparency and raising new disputes.

Political Analysis**Community Concerns**

Muslim organizations and leaders have strongly opposed the reforms, perceiving them as an attempt to undermine minority rights and diminish the cultural significance of waqf properties. The abolition of 'waqf by user' is particularly contentious, as it threatens properties historically maintained without formal legal recognition.

Governance and Representation

The move to broaden board membership and enhance state powers feeds into a larger political debate: whether secular governance should extend into the internal functioning of religious trusts. Supporters highlight the need for oversight, while opponents argue this violates religious self-determination.

Constitutional Challenges

Multiple cases are before the Supreme Court challenging the Bill's validity. The issues under scrutiny include the restricted definition of waqf, the exclusion of user-based properties, and the appointment rules for board members. Judicial outcomes will have significant implications for property law and minority rights jurisprudence in India.

Conclusion

The Waqf (Amendment) Bill, 2025 represents a transformative but controversial step in the governance of waqf properties. While the reforms promise modernization and efficiency, they also raise profound questions about autonomy, representation, and the constitutional rights of religious minorities. With legal challenges still underway, the Bill illustrates the difficulty of reconciling secular state oversight with the pluralistic traditions of Indian society.

References

1. Drishti IAS. Overview of the Waqf (Amendment) Act, 2025 [Internet]. New Delhi: Drishti IAS; 2025 [cited 2025 Aug 18]. Available from: <https://www.drishtiiias.com>
2. Arise Bharat. Comprehensive Analysis of the Waqf (Amendment) Bill 2025 [Internet]. New Delhi: Arise Bharat; 2025 [cited 2025 Aug 18]. Available from: <https://www.arisebharat.org>
3. The Soufan Center. Waqf Amendment Act 2025 and Its Political Implications [Internet]. New York: The Soufan Center; 2025 [cited 2025 Aug 18]. Available from: <https://thesoufancenter.org>
4. Supreme Court Observer. Constitutional Review of the Waqf (Amendment) Act, 2025 [Internet]. New Delhi: SCO; 2025 [cited 2025 Aug 18]. Available from: <https://www.scobserver.in>
5. Press Information Bureau (PIB). Government's Explanation of the Waqf (Amendment) Bill, 2025 [Internet]. New Delhi: Government of India; 2025 [cited 2025 Aug 18]. Available from: <https://pib.gov.in>
6. BBC News. Why the Waqf Law Reforms Are Sparking Protests in India [Internet]. London: BBC; 2025 [cited 2025 Aug 18]. Available from: <https://www.bbc.com>
7. Jagran Josh. Key Features and Impacts of the Waqf (Amendment) Bill 2025 [Internet]. New Delhi: Jagran Josh; 2025 [cited 2025 Aug 18]. Available from: <https://www.jagranjosh.com>

8. Finology. Understanding Waqf Property and the 2025 Reforms [Internet]. Gurugram: Finology; c2025 [cited 2025 Aug 18]. Available from: <https://finology.in>
9. SSRN. The Waqf Amendment Act, 2025: Balancing Reform and Religious Autonomy [Internet]. Rochester, NY: SSRN; 2025 [cited 2025 Aug 18]. Available from: <https://papers.ssrn.com>
10. Rest the Case. Legal and Social Implications of the Waqf Act 2025 [Internet]. New Delhi: Rest the Case; 2025 [cited 2025 Aug 18]. Available from: <https://restthecase.com>

Creative Commons (CC) License

This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY 4.0) license. This license permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.