



# **LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH**

**[ISSN: 2583-7753]**

Volume 3 | Issue 4

2025

*DOI: <https://doi.org/10.70183/lijdlr.2025.v03.204>*

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## A COMPARATIVE STUDY OF THE WAQF ACT, 1995 AND THE UMEED ACT, 1995 (WAQF AMENDMENT ACT, 2025)

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### I. ABSTRACT

*Waqf institutions in India have historically served as socio-religious pillars that support education, health care, and welfare services within the Muslim community. However, persistent governance failures under the Waqf Act, 1995 including inaccurate property documentation, encroachment, political interference, and weak accountability mechanisms have significantly undermined the developmental potential of waqf properties. To address these deficiencies, the Government of India enacted the Waqf (Amendment) Act, 2025, subsequently renamed the UMEED Act, 1995, presenting one of the most comprehensive governance transformations in the waqf sector. The amendment introduces structural reforms such as full-scale digitisation, enhanced enforcement measures, and inclusion of non-Muslim professionals in administrative bodies, while abolishing the legally contentious concept of "waqf by user." This research article presents a comparative study between the Waqf Act, 1995 and the UMEED Act, 1995 by critically analysing legislative intent, administrative impact, constitutional implications, and community responses. Through a doctrinal and secondary data-based approach, the study reveals that while the amendment strengthens legal clarity and financial transparency, it also raises significant concerns related to religious autonomy, minority rights, and trust in State institutions evidenced by widespread protests and ongoing litigations challenging its constitutional validity. The article concludes that the UMEED Act has the potential to modernise and secure waqf assets for community welfare, but its success will ultimately depend on inclusive governance practices, effective stakeholder engagement, and judicial clarity from the Supreme Court. This comparative evaluation thus underscores the delicate balance required between State regulation and minority*

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*institutional autonomy, recommending that future reforms prioritise collaboration, transparency, and socio-religious sensitivity to achieve sustainable outcomes.*

## II. KEYWORDS

Waqf, UMEED Act, minority rights, governance reform, digitisation, religious autonomy, property administration.

## III. INTRODUCTION

The institution of waqf has historically served as a vital socio-economic mechanism within Islamic society, functioning as a perpetual charitable endowment for the benefit of the community. In India, waqf properties play a substantial role in funding religious institutions, education programs, poverty alleviation, and healthcare services, particularly supporting the welfare of the Muslim minority.

Despite its deep religious foundation and social significance, waqf administration in India has persistently suffered from challenges such as irregular management practices, opaque land records, inadequate supervision, and rampant encroachments. These systemic issues have resulted in billions of rupees worth of waqf land being illegally occupied or misused, ultimately restricting the developmental benefits intended for the community.

The Waqf Act, 1995 was introduced as reformative legislation aimed at establishing statutory governance through State Waqf Boards and the Central Waqf Council. Although the Act created a structured administrative mechanism, its enforcement remained weak due to limited technological capacity, political intervention, insufficient accountability, and lack of transparency in decision-making. As the mismanagement of waqf properties continued to escalate, legal reforms became an urgent necessity to prevent the erosion of valuable community assets and restore public trust in waqf governance.

In response to these growing concerns, the Government of India introduced the Waqf (Amendment) Act, 2025, which was subsequently renamed as the Unified Management,

Empowerment, Efficiency and Development Act, 1995 (UMEED Act)<sup>2</sup>. This amendment marks a paradigm shift in the administration of Waqf by introducing digitisation, restructuring governance systems, redefining property identification principles, and strengthening anti-encroachment enforcement. However, the introduction of several controversial provisions such as inclusion of non-Muslims on Waqf Boards and the abolition of "waqf by user" has sparked strong public dissent from the Muslim community, leading to ongoing legal scrutiny regarding its compatibility with constitutional guarantees under Articles 25, 26, and 29.

Thus, the comparative analysis of the Waqf Act, 1995 and the UMEED Act, 1995 become essential not only to examine legislative advancements but also to evaluate their socio-religious implications. This study seeks to provide a balanced and critical understanding of both legislations, highlighting the need to maintain harmony between State-led reforms and community autonomy, ensuring that waqf continues to serve its intended socio-spiritual purpose.

### **A. Research Questions**

1. What are the major structural and administrative differences between the Waqf Act, 1995 and the UMEED Act, 2025 in the governance of waqf properties?
2. How does the abolition of the doctrine of "waqf by user" under the UMEED Act, 2025 affect the legal certainty and protection of waqf properties?
3. To what extent does the inclusion of non-Muslims and women in Waqf Boards under the UMEED Act, 2025 enhance transparency and accountability in waqf administration?

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<sup>2</sup> The Waqf (Amendment) Act, 2025 officially renames the Waqf Act, 1995 as the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 (UMEED Act, 1995).

Accordingly, references to the Waqf Amendment Act, 2025 throughout this work are to be understood in light of this statutory renaming.

4. What constitutional and socio-religious concerns arise from the reforms introduced by the UMEED Act, 2025 with reference to Articles 25, 26, and 29 of the Constitution of India?
5. How effectively can the digitisation and audit mechanisms under the UMEED Act, 2025 prevent mismanagement and encroachment of waqf properties?

## **B. Research Hypotheses**

1. The UMEED Act, 2025 significantly strengthens the governance framework of waqf administration compared to the Waqf Act, 1995 by introducing digitisation, professional oversight, and enhanced accountability mechanisms.
2. The abolition of "waqf by user" under the UMEED Act, 2025 reduces legal ambiguity and prevents arbitrary declaration of properties as waqf.
3. The inclusion of non-Muslims and women in Waqf Boards leads to greater transparency, inclusivity, and public trust in waqf governance.
4. Despite administrative improvements, the UMEED Act, 2025 raises constitutional challenges relating to religious autonomy and minority rights under Articles 25 and 26 of the Constitution of India.

## **C. Background of Study**

Waqf, an Islamic endowment of property dedicated to religious, charitable, or educational purposes, has historically served as a vital mechanism for social welfare within Muslim communities in India. Over centuries, Waqf institutions have contributed to the establishment of mosques, madrasas, hospitals, and community welfare projects, making them a significant socio-religious and economic resource. However, despite their importance, Waqf properties in India have frequently faced challenges such as mismanagement, encroachments, lack of proper record-keeping, and underutilization.

The Waqf Act, 1995, followed by subsequent amendments in 2013, sought to provide a statutory framework for governance, management, and protection of Waqf properties.

While these laws introduced regulatory oversight through Central and State Waqf Boards, they retained a Muslim-exclusive governance structure and allowed certain practices, such as “waqf by user,” that created ambiguities in property ownership. Surveys and records were often incomplete, inconsistent, and administratively slow, resulting in legal disputes and underutilization of Waqf assets. Furthermore, financial accountability mechanisms were weak, and the professional expertise of board members was limited, restricting effective management of Waqf resources.

Recognizing these structural and administrative challenges, the Government of India enacted the Waqf (Amendment) Act, 2025, also known as the UMEED Act (Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995). This amendment introduces comprehensive reforms including mandatory digitization of Waqf records, broader representation in Waqf boards (including non-Muslims and women), centralization of survey and property oversight under district authorities, stricter audit procedures, and the creation of a Waqf Development Authority to ensure productive use of Waqf assets.

The UMEED Act represents a paradigm shift from a purely religious trust model to a transparent, accountable, and development-oriented governance framework. While it aims to improve financial management, administrative efficiency, and socio-economic utility, it also raises questions regarding constitutional validity, community acceptance, and the balance between state intervention and religious autonomy<sup>3</sup>.

This comparative study is therefore motivated by the need to critically evaluate the differences between the Waqf Act (1995/2013) and the UMEED Act, 2025, focusing on governance structures, property management, digitization, legal clarity, and socio-economic impact. The study also aims to assess the practical challenges and opportunities

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<sup>3</sup> iPleaders, Concept of Waqf in Muslim Law, [online] Available at: <https://blog.ipleaders.in/concept-waqf-muslim-law/#:~:text=According%20to%20Muslim%20law%2C%20wakf, the%20benefit%20of%20human%20beings.> [Accessed 25 Nov 2025].

arising from the reforms, thereby providing a comprehensive understanding of the modern Waqf regulatory framework in India.

#### **D. Objectives of the Study**

1. Comparing the governance structures under the Waqf Act (1995) and the UMEED Act, 2025.
2. To analyze differences in property management, surveys, and digitization between the two Acts.
3. To examine legal and procedural reforms, including abolition of "Waqf by User" and audit mechanisms.

#### **E. Purpose of the Study**

The purpose of this study is to conduct a comparative analysis of the Waqf Act (1995) and the Waqf (Amendment) Act, 2025 (UMEED Act), highlighting the differences in governance, property management, legal provisions, and administrative reforms. The study aims to evaluate how the 2025 amendments improve transparency, accountability, and socio-economic utilization of Waqf properties compared to the earlier Acts.

#### **F. Methodology**

This research adopts a comparative research methodology to systematically analyze and evaluate the differences between the Waqf Act, 1995 and the UMEED Act, 2025 (Waqf Amendment Act). The study focuses on legal, administrative, and governance aspects of Waqf administration in India.

1. **Research Design:** The study is doctrinal and comparative in nature, emphasizing a side-by-side evaluation of legislative provisions, governance structures, property management processes, and socio-religious implications under both Acts.

#### **2. Data Sources**

Secondary sources were used, including:

- The text of the Waqf Act, 1995, and the UMEED Act, 2025.

- Government reports, policy documents, and parliamentary observations regarding Waqf administration.
- Supreme Court and High Court judgments on Waqf governance and minority rights.
- Academic articles, research papers, and relevant literature on Waqf management.

### 3. Comparative Framework

- **Governance Structure:** Composition, representation, and authority of Waqf Boards and Central Waqf Council.
- **Property Management:** Survey procedures, registration, digitization, and asset utilization.
- **Legal Provisions:** Definitions, creation of Waqf, dispute resolution, and financial oversight.
- **Inclusion and Transparency:** Participation of non-Muslims, women, and minority sects; public disclosure mechanisms.
- **Socio-Economic Impact:** Use of Waqf properties for development, education, healthcare, and community welfare.

### 4. Data Analysis

- Provisions and features of both Acts were tabulated and analyzed to highlight similarities, differences, and the significance of reforms.
- Comparative evaluation was used to identify areas of improvement, legal clarity, administrative efficiency, and potential socio-religious challenges.
- The analysis emphasizes how the UMEED Act, 2025 addresses shortcomings of the Waqf Act, 1995, and its implications for governance and community welfare.

### 5. Scope and Limitations

- The study is confined to legal and administrative aspects of the Acts; practical implementation challenges at local levels are not explored.

- The analysis relies on secondary data; primary field surveys or interviews were not conducted.

This methodology ensures a systematic and structured comparison of the two legislations, providing insights into the evolution of Waqf governance, legal reforms, and socio-economic outcomes.

#### **IV. NEED FOR REFORM**

The necessity to reform the Waqf Act, 1995 arose primarily from long-standing governance failures that compromised the very objectives of waqf. Several national-level studies, including the Sachar Committee Report (2006)<sup>4</sup> and Joint Parliamentary Committee observations<sup>5</sup>, revealed severe mismanagement, inaccurate surveys, and encroachments estimated over thousands of acres of waqf land. Despite the legal structure provided by the 1995 Act, the administrative capacity of State Waqf Boards remained weak due to inadequate staffing, political interference, and lack of professional expertise. These institutional shortcomings prevented waqf assets from being utilised for community development, particularly in areas of education, women empowerment, and healthcare where Muslims remain socio-economically disadvantaged.

Digitisation gaps formed another critical weakness. Manual and outdated record-keeping methods increased the vulnerability of waqf assets to illegal transfers and fraudulent property claims. Surveys often remained incomplete for decades, leading to ambiguity in identifying the extent and status of properties. Weak enforcement mechanisms further limited the Boards' ability to reclaim illegally occupied waqf lands, resulting in perpetual litigation and financial losses.

Additionally, there existed a widespread disconnect between waqf administrations and the stakeholders such properties were intended to benefit the Muslim community itself. Lack of transparency fostered mistrust, which was deepened by allegations of corruption

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<sup>4</sup> Government of India. (2006). 'Sachar Committee Report'. Ministry of Minority Affairs.

<sup>5</sup> Parliament of India. (2009). 'Report of the Joint Parliamentary Committee on Waqf'.

among officials and mutawallis. The governance structure built by the 1995 Act did not meet the demands of a rapidly evolving administrative environment in India.

Thus, to safeguard religious endowments and restore public confidence, the government acknowledged the need for strong systemic reform. The introduction of the Waqf (Amendment) Act, 2025 renamed the UMEED Act, 1995 is rooted in this pressing requirement to bring transparency, accountability, and technological advancement into waqf administration.

## **V. WAQF ACT, 1995**

### **A. Purpose of the Act**

The Waqf Act, 1995 was enacted to provide a comprehensive statutory framework for the administration, regulation, and protection of Waqf properties in India. Its primary aim was to ensure that properties dedicated as Waqf were used strictly for religious, charitable, or educational purposes, in accordance with Islamic law. The Act sought to prevent mismanagement, encroachments, and unauthorized transfers, thereby safeguarding the socio-religious and economic interests of the Muslim community<sup>6</sup>.

### **B. Governance Structure**

The Act established a dual governance system comprising the Central Waqf Council at the national level and State Waqf Boards in individual states. These boards were exclusively Muslim, with representatives from Sunni, Shia, and other Muslim communities. They were entrusted with supervising, managing, and protecting Waqf properties, as well as advising the government on Waqf-related issues. While this structure ensured community autonomy, it often lacked professional administrative expertise, limiting effective oversight and accountability.

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<sup>6</sup> Garg, R. (2022) 'Overview on the concept of Waqf', iPleaders. Available at: <https://blog.ipleaders.in/overview-on-the-concept-of-waqf/> (Accessed: 16 Nov 2025).

### **C. Registration and Documentation**

Under the Act, all Waqf properties were required to be registered with the respective State Waqf Board. Each Waqf had to have a formal deed detailing its purpose, management, and beneficiaries. This was intended to create a comprehensive record of Waqf properties, thereby reducing disputes. However, implementation was uneven, with many properties remaining unregistered or improperly documented, which contributed to disputes and encroachments.

### **D. Waqf by User**

The doctrine of "Waqf by User" recognized properties that had been historically used for religious purposes as Waqf, even in the absence of formal documentation. While this provision aimed to protect mosques, graveyards, and other religious sites, it often created ambiguity in ownership, complicating legal adjudication and dispute resolution.

### **E. Survey and Property Management**

State Waqf Boards were responsible for surveying and identifying Waqf properties. In practice, surveys were often incomplete, delayed, and inconsistent with state land records, which facilitated encroachments and disputes. This inefficiency contributed to significant underutilization of Waqf assets, preventing them from serving their intended socio-economic purposes effectively.

### **F. Financial Management and Audit**

The Act allowed Waqf Boards to audit properties, but oversight mechanisms were weak. Boards often relied on mutawallis (property managers) from the community, many of whom lacked administrative training. This limited financial transparency and accountability, leaving room for mismanagement and corruption.

### **G. Legal Provisions and Dispute Resolution**

The Waqf Act, 1995 established Waqf Tribunals to adjudicate disputes related to Waqf properties. However, legal procedures were typically slow, leading to prolonged

litigation. Sections related to inheritance, registration, and property transfers were sometimes ambiguous, resulting in interpretational challenges and unresolved conflicts.

### **H. Limitations of the Act**

Despite its comprehensive framework, the Waqf Act, 1995, had several limitations. Governance was exclusively Muslim, restricting inclusivity and accountability. Lack of digitization hindered transparency, and survey processes were inefficient. Financial oversight was weak, and doctrines such as "Waqf by User" created legal ambiguities. Collectively, these challenges limit the effective utilization of Waqf assets.

### **I. Amendments and the Path to UMEED Act, 2025**

The 2013 amendment aimed to improve transparency, registration, and financial oversight but did not resolve structural governance issues or prevent encroachments effectively. Persistent challenges in property management, accountability, and legal clarity ultimately led to the enactment of the Waqf (Amendment) Act, 2025, also known as the UMEED Act, which introduced digitization, inclusion of non-Muslims and women in Waqf Boards, centralized survey powers, and stricter audits to modernize Waqf governance.

## **VI. KEY REFORMS UNDER THE UMEED ACT, 2025**

### **A. Alterations in Definitions**

- 1. Redefinition of "Waqf" (Section 3(r)):** to mean permanent dedication of property by individuals practicing Islam for at least five years for pious, religious, or charitable purposes.
- 2. Clarification of Waqf-alal-aulad:** if succession ends, waqf income is directed toward welfare of women, orphans, widows, and other purposes prescribed by the Central Government.
- 3. Introduction of the role of Collector (Section 3(da)):** to assume some powers previously held by the Auqaf Board.

## B. New Provisions for Regulating Waqf Properties

1. **Section 3A:** Only lawful owners competent to transfer property can create a waqf; creation must not infringe inheritance rights, including female heirs.
2. **Section 3B:** All registered waqfs before 2025 must be uploaded to an online portal within six months with details like waqif name, deed, and pending cases.
3. **Section 3C:** Government property is not automatically a waqf; officers above collector rank oversee disputed properties.

## C. Transfer of Survey and Property Authority

1. **Section 4:** Survey responsibility transferred from Survey Commissioner to District Collector.
2. Classification of waqfs broadened to include Aghakhani and Bohra waqfs.

## D. Legal Disputes and Challenges

1. **Section 6:** Waqf Tribunal decisions appealable within two years of publication.
2. **Section 40 removed:** Waqf Boards can no longer unilaterally declare properties as waqf.

## E. Governance and Composition

1. **Amendments to Central Waqf Council (Section 9) and Auqaf Board (Section 14):** Inclusion of 2 non-Muslim members and 2 women members.
2. Representation from Shia, Sunni, and other Muslim communities; Bohra/Aghakhani members where applicable.

## F. Registration and Audit

1. **Section 36:** Mandatory official deed; registration via **online portal**; disputed or government-owned properties registration suspended until resolution.
2. **Section 47:** Audits by state government appointed auditors or Comptroller and Auditor General.

## **G. Inclusion of Non-Muslims and Women**

1. **Inclusion of non-Muslims:** up to 2 non-Muslim members in Central Council; at least 2 non-Muslims in each State Board.
2. **Inclusion of 2 Muslim women:** in every Central and State Waqf Board.

## **H. Restrictions and Disqualifications**

1. Abolition of Waqf by User.
2. Restriction: Only individuals practicing Islam  $\geq 5$  years can create waqfs.
3. Mutawallis disqualified if under 21, unsound mind, insolvent, convicted of moral crimes, or encroaching on waqf property.

## **I. Financial and Audit Reforms**

1. Mandatory digital registration within six months.
2. Contribution to Waqf Boards reduced from 7% to 5%.
3. Waqfs generating income  $>\text{₹}1$  lakh subject to government-mandated audits.
4. Central Government empowered to direct audits; reports submitted directly.

## **J. Development and Social Welfare**

1. Creation of Waqf Development Authority (WDA) for development projects on Waqf lands (commercial, educational, healthcare).
2. Waqf properties can be acquired/leased for public purpose projects.
3. Mandatory training for mutawallis and board officials in administration and legal compliance.

## **K. Transparency and Public Access**

1. Waqf Boards must publish waqf asset details and audit summaries on a central online portal.
2. Interlinking of waqf property data with national land records (DILRMP).

## **L. Legal Safeguards and Protections**

1. Distinction established between trusts and waqfs.

2. Protection of inheritance rights of women and children before property declared waqf.
3. Application of Limitation Act, 1963 to reduce legal disputes.
4. Protection of tribal lands: waqf cannot be established on Schedule V and VI lands.
5. Legal immunity granted to government actions taken in good faith.

#### **M. Dispute Resolution**

1. Senior government officials now determine disputed waqf vs government properties, replacing Waqf Tribunal role.
2. Appeals against Waqf Tribunal decisions allowed in High Court.
3. Six-month timeline for dispute resolution by Waqf Tribunal, with possible extensions.

#### **N. Enhanced Penalties**

1. Higher fines and possible imprisonment for mismanagement or misuse of waqf properties by mutawallis or board members.

### **VII. COMPARATIVE ANALYSIS: WAQF ACT, 1995 VS UMEED ACT, 2025**

Aspect	Waqf Act, 1995	UMEED Act, 2025 (Waqf Amendment Act)	Significance of Reform
Definition of Waqf	“Waqf” broadly included property dedicated for religious or charitable purposes; “Waqf by User” allowed properties to be	Redefined: permanent dedication by individuals practicing Islam ≥5 years; abolishes “Waqf by User”; clarifies Waqf-al-aulad income use	Provides legal clarity; prevents arbitrary claims; ensures formal documentation.

	declared Waqf without formal deed.	for women, orphans, widows.	
<b>Eligibility for Creating Waqf</b>	No restriction on duration of Islamic practice; any Muslim could create Waqf.	Restricted: only individuals practicing Islam for at least 5 years; lawful property owners; Waqf-alal-aulad creation cannot infringe inheritance rights.	Restricts frivolous or undocumented Waqfs; protects heirs' rights.
<b>Authority to Declare Waqf</b>	Waqf Boards could unilaterally declare property as Waqf (Section 40).	Power transferred to government authorities (District Collector); Section 40 removed.	Reduces arbitrary decisions; centralizes authority; improves legal compliance.
<b>Survey and Administration</b>	Survey Commissioner responsible for property verification; boards had administrative control.	Survey responsibilities transferred to District Collectors; classification expanded (Aghakhani, Bohra Waqfs).	Centralizes oversight; ensures structured administration; recognizes sectarian diversity.
<b>Governance and Composition</b>	Boards composed exclusively of Muslims; limited women representation; mainly Sunni/Shia members.	Inclusion of 2 non-Muslims and 2 women in each board; representation from Sunni, Shia, Bohra,	Promotes gender and community inclusivity; enhances transparency.

		Aghakhani communities.	
<b>Registration</b>	Manual registration of Waqf properties; incomplete records; no mandatory digital platform.	Mandatory digital registration of all Waqf properties within 6 months; suspension of registration for disputed/government-owned properties.	Improves transparency; facilitates monitoring and dispute resolution.
<b>Financial Management</b>	Mandatory contribution to boards: 7% of surplus; audits limited; financial oversight weak.	Contribution reduced to 5%; mandatory audits for institutions with income >₹1 lakh; central government empowered to direct audits.	Strengthens financial accountability; frees funds for development and welfare.
<b>Mutawalli Eligibility</b>	No clear disqualification criteria beyond general law.	Mutawallis disqualified if <21 years, insolvent, of unsound mind, convicted of moral crimes, or involved in encroachment.	Ensures capable, responsible management.
<b>Development and Welfare</b>	Limited scope; mostly religious/charitable activities;	Establishment of Waqf Development Authority; properties can be leased/acquired	Enhances socio-economic use; promotes

	underutilized properties often idle.	for public purposes (education, healthcare, infrastructure).	community development.
<b>Transparency and Public Access</b>	Limited disclosure; audit reports not publicly available.	Mandatory public disclosure of assets, audits on central portal; interlinked with national land records (DILRMP).	Prevents encroachments; strengthens accountability; modernizes administration.
<b>Dispute Resolution</b>	Waqf Tribunal as quasi-judicial body; appeals limited; slow disposal.	Senior government officials empowered for final determination; High Court appeal mechanism introduced; 6-month resolution timeline for tribunals.	Speeds up litigation; improves clarity in property disputes.
<b>Legal Safeguards</b>	Waqfs sometimes conflicted with inheritance or tribal lands; trusts sometimes treated as Waqf.	Legal distinction between trusts and Waqfs; inheritance rights safeguarded; tribal lands protected; Limitation Act, 1963 applied.	Ensures rights of women, children, and tribal communities; reduces litigation.
<b>Penalties</b>	Limited penalties for mismanagement; weak enforcement.	Enhanced penalties for mismanagement, negligence, or misuse;	Strengthens accountability; deters corruption.

		possible imprisonment for mutawallis/board members.	
<b>Training and Professionalization</b>	No mandatory training; boards largely administrative/religious.	Mandatory training for mutawallis and board officials in administration, legal compliance, and governance.	Professional management; reduces administrative lapses.
<b>Inclusion of Minority Groups</b>	No separate boards for sectarian communities; one-size-fits-all.	Allows separate Waqf Boards for Bohra, Aghakhani, and other Muslim sects.	Recognizes community diversity; prevents marginalization.
<b>Public Purpose Projects &amp; Legal Immunity</b>	No explicit provisions.	Properties can be leased for public projects; legal immunity is granted to government actions in good faith.	Encourages development; potential concerns over community rights.

## VIII. RECOMMENDATIONS

Based on the comparative analysis of the Waqf Act, 1995 and the UMEED Act, 2025, several measures are recommended to enhance governance, transparency, and socio-religious acceptability of waqf administration. Firstly, it is imperative to obtain judicial clarification from the Supreme Court regarding the constitutional validity of the UMEED Act, particularly in relation to Articles 25, 26, and 29, to ensure compliance with minority religious and cultural rights. Secondly, the government should establish stakeholder consultative councils at both central and state levels, including representatives of

mutawallis, community leaders, women, and relevant religious authorities, to facilitate participatory decision-making and build trust in the reform process.

Furthermore, the implementation of reforms should be gradual and inclusive, with comprehensive capacity-building programs for mutawallis and Waqf Board officials to strengthen administrative, financial, and legal competencies. The mandatory digital registration of Waqf properties must be supported by robust infrastructure and integration with the Digital India Land Records Modernization Programme (DILRMP) to prevent encroachments and ensure accurate monitoring. Regular audits and independent financial oversight are essential to improve accountability and optimize utilization of Waqf resources.

The Waqf Development Authority (WDA)<sup>7</sup> should be leveraged to implement development and welfare-oriented projects, including educational, healthcare, and public infrastructure initiatives, while ensuring transparency and protection of community rights. Additionally, public disclosure of Waqf assets, income statements, and audit reports should be enforced to enhance transparency and public confidence. Finally, the amendment's penalty provisions should be strictly applied to deter mismanagement, negligence, or corruption among mutawallis and board members.

Collectively, these recommendations aim to achieve a balance between administrative efficiency, legal compliance, and socio-religious legitimacy, thereby enabling Waqf properties to fulfill their intended purpose of community development and welfare.

## IX. CONCLUSION

The comparative study of the Waqf Act, 1995 and the UMEED Act, 2025 reveals a significant transformation in the legal, administrative, and governance framework of Waqf properties in India. The Waqf Act, 1995<sup>8</sup> was a pioneering legislation that aimed to

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<sup>7</sup> Ministry of Minority Affairs, Government of India, WAMSI and GIS Mapping under QWBTS, 2020. Available at: <https://minorityaffairs.gov.in>

<sup>8</sup> Rai, D. (2020) 'Understanding the Essential Provisions of the Waqf Act, 1995', iPleaders. Available at: <https://blog.ipleaders.in/understanding-the-essential-provisions-of-the-waqf-act-1995/>

create statutory mechanisms for the management, protection, and development of Waqf properties through State Waqf Boards and the Central Waqf Council. While the Act successfully established formal oversight structures, its implementation suffered from several critical deficiencies, including weak financial accountability, lack of professional expertise among board members, incomplete and inaccurate property surveys, widespread encroachments, and opaque decision-making processes. Additionally, doctrines like "Waqf by User" created legal ambiguities, complicating ownership disputes and litigation, which further constrained the socio-economic potential of Waqf assets.

The enactment of the Waqf (Amendment) Act, 2025, renamed the UMEED Act, 1995, represents a paradigm shift in Waqf governance. The amendment introduces comprehensive reforms designed to modernize and professionalize Waqf administration while enhancing transparency, accountability, and socio-economic utilization of Waqf properties. Key reforms include mandatory digitization of all Waqf records, inclusion of non-Muslims and women in Waqf Boards, centralized survey and property verification under district authorities, stricter audit mechanisms, enhanced penalties for mismanagement, and the creation of the Waqf Development Authority to oversee productive development projects. Collectively, these reforms aim to address the structural and operational limitations of the 1995 Act and align Waqf management with contemporary governance standards.

Despite these advancements, the UMEED Act also raises significant socio-legal and constitutional considerations. The transfer of authority from Waqf Boards to government officials, abolition of "Waqf by User," and inclusion of non-Muslims and women in decision-making bodies have sparked public dissent and multiple legal challenges. Critics argue that these measures may infringe upon Articles 25, 26, and 29 of the Indian Constitution, which safeguard religious freedoms and minority rights. Therefore, while the Act strengthens administrative efficiency and property protection, its long-term

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(Accessed: 18 Nov 2025).

success hinges on reconciling State oversight with community autonomy, building stakeholder trust, and ensuring judicial clarity.

Moreover, the UMEED Act's emphasis on transparency through digital registration, public disclosure of assets, and interlinking with national land records demonstrates a clear commitment to modern governance practices. Financial reforms, such as reduced mandatory contributions and mandatory audits for higher-income Waqfs, coupled with professional training for mutawallis and board officials, are expected to improve resource management and reduce opportunities for corruption. Additionally, the creation of mechanisms for public-purpose development projects underscores the Act's potential to leverage Waqf assets for broader socio-economic welfare, particularly in education, healthcare, and infrastructure.

In conclusion, the UMEED Act, 2025, represents a progressive and transformative approach to Waqf governance, seeking to balance traditional religious objectives with modern administrative and developmental imperatives. While it significantly enhances legal clarity, operational efficiency, and socio-economic utilization of Waqf properties, its implementation must be sensitive to constitutional safeguards, community sentiments, and religious autonomy. Comparative analysis highlights that legal and administrative reforms alone are insufficient; inclusive stakeholder engagement, transparent governance, and judicial support are critical to achieving sustainable outcomes. By fostering collaboration between State authorities and Muslim communities, and by integrating technological modernization with socio-religious sensitivity, the UMEED Act has the potential to secure Waqf assets, promote community development, and uphold the enduring socio-religious purpose of Waqf in India.

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