



KAMARAJ IAS ACADEMY
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Misuse of Waqf law led to amendments, Centre informs SC

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Context

- The Union government has told the Supreme Court that the “shocking” misuse of waqf provisions enabled “**rampant encroachments**” into **private and government properties**, leading to a 116% rise in waqf lands between 2013 and 2024, a phenomenal high unmatched even in the Mughal period. This was part of the Centre’s response to petitioners challenging the constitutionality of the Waqf (Amendment) Act, 2025.
- **Waqf refers to an endowment made by a Muslim for charitable or religious purposes**, such as building mosques, schools, hospitals, or other public institutions. It is **inalienable i.e., it cannot be sold, gifted, inherited or encumbered**.
- **Section 40 of the original Waqf Act (1995) has been removed, preventing Waqf Boards from arbitrarily declaring properties as Waqf.**
- Section 40 of the Waqf Act (1995) gives the **Waqf Board the authority to decide whether a property is a Waqf property or not.**

Id vs New law

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Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477** / Whatsapp : **09710729833**

Key differences between old and new law

S.No.	Old law of the Waqf Board	Waqf Board's new proposed bill
1.	Section 40 of the Waqf Act, 1995, empowers the Waqf Board to claim any property and the claimant of that land can only appeal to the Tribunal.	The proposed Waqf (Amendment) Bill allows claimants to appeal in Revenue Court, Civil Court, High Court, in addition to the Tribunal.
2.	The decision of the Waqf Tribunal is deemed final and cannot be challenged in any other court.	The amendment allows an appeal in the High Court against the Waqf Tribunal decision.
3.	If any land has a mosque on it or is used for Islamic religious purposes, it is automatically considered Waqf property.	The amendment states that land will not be considered Waqf property unless it has been donated to Waqf.
4.	Women and people of other religions are not allowed to become members of the Waqf Board.	The new amendment provides for the inclusion of two women and two members from other religions in the Waqf Board.