

The Resurgent India

A Monthly National Review

April 2025



“Let us all work for the Greatness of India.”

– The Mother

Year 16

Issue 1

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email: sadlecjnn@gmail.com, info@resurgentindia.org, URL :
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Editor : Ms. Garima Sharma, B-45, Batra Colony, Village Bharatpur, P.O. Kaushal Ganj, Bilaspur Distt. Rampur (U.P)

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SUCCESSFUL FUTURE

(Full of Promise and Joyful Surprises)

Botanical name: Gaillardia Pulchella

Common name: Indian blanket, Blanket flower, Fire-wheels

Year 16

Issue 1

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A Declaration

We do not fight against any creed, any religion.

We do not fight against any form of government.

We do not fight against any social class.

We do not fight against any nation or civilisation.

We are fighting division, unconsciousness, ignorance, inertia and falsehood.

We are endeavouring to establish upon earth union, knowledge, consciousness, Truth, and we fight whatever opposes the advent of this new creation of Light, Peace, Truth and Love.

– The Mother

(Collected works of the Mother, Vol. 13, pp. 124-25)

HIGHLIGHTS

DEVELOPMENTS IN RUSSIA-UKRAINE WAR

The US-Ukraine Minerals Deal:

The minerals deal finally signed between Ukraine and the United States has been a significant development which has widened the gulf between the US and Russia and heralded closer US-Ukraine relations. Its key provisions are as follows:

- The **United States-Ukraine Reconstruction Investment Fund** is a 50-50 partnership managed equally by both nations. Contributions include 50% of revenues from future natural resource projects and future US military aid, which counts as a capital contribution. Ukraine will retain full ownership of its resources and infrastructure, determining extraction locations and method.

- The US will gain priority rights to invest in or purchase Ukrainian minerals on competitive terms, though not exclusive access. The deal covers 55+ critical minerals essential for clean energy, defense, and tech industries, aligning with US goals to reduce reliance on China, which dominates 69% of global rare earth production.

- Ukraine secured a major concession: **no repayment for past US military aid**. Earlier drafts demanded \$ 500 billion in mineral revenues as compensation, which Kyiv rejected as exploitative.

- While explicit security guarantees (e.g., NATO membership) are absent, the deal emphasizes US commitment to Ukraine's sovereignty and "long-term strategic alignment."

While the fund aims to attract private investment for Ukraine's reconstruction, returns may take 10–20 years due to wartime destruction and outdated Soviet-era geological data. Further, the deal may serve as an impetus to bring the war to a close, as Russia controls 63% of Ukraine's coal and 50% of its manganese deposits in occupied regions, which the US would be keen to liberate.

The present deal reflects the Trump administration's preference for prioritizing US economic gains over traditional alliances. Similar frameworks are being pursued with mineral-rich nations like the Democratic Republic of Congo and the Ukraine deal is expected to become a template for those as well.

PAHALGAM TERROR ATTACK

The calculated and targeted terror attack leading to the massacre of 26 tourists in Pahalgam in Kashmir has come at a time of great geopolitical importance. There are several facets to this attack:

The twin challenges:

First, India's emergence and successful de-hyphenation from Pakistan: Under the Modi government, there has been a successful delinking between India and Pakistan. Despite the surgical strikes in Uri in 2016 and the airstrikes in Balakot in 2019, the distance between India and Pakistan has grown irreversibly. The revocation of Article 370 cemented this. That India could successfully mobilize international public opinion on its unilateral changes in Kashmir, with minimum resistance from China, further cemented Pakistan's decline. Pakistan's listing on the Financial Action Taskforce and the resultant loss of

funds further compromised Pakistan's financial capabilities. Coupled with the American withdrawal from Afghanistan in 2021, the situation for Pakistan became much less favourable. It was no longer needed by America to fight the war on terror.

The fact that the world – and India, unlike in the past – had dismissed Pakistan, and the country became the subject of indifference from India and the international community, was worse than treating it as a perpetrator of terrorism. At least, being an aggressor was better than being treated with indifference. Thus, despite being a nuclear weapons state, Pakistan was facing a mounting identity crisis. Since its formation, terrorism against India, especially in Kashmir, had provided the oxygen with which Pakistan has sustained its national identity. This has been under threat for the last few years. Unlike the previous Congress government in India which treated terrorism from Pakistan as an insurmountable bogey, the Modi government had dismissed Pakistan from India's security calculus in a way that was never done in the past, enabling India to rise beyond Pakistan. This has been an anathema to Pakistan.

Second, Pakistan's increasing internal security challenges: These geopolitical shifts over the last few years have been accompanied by a marked rise in Pakistan's internal security challenges.

First, the country found itself in dire economic straits, with rising inflation and damage caused by the increasing incidence of environmental disasters.

Second, Pakistan itself became besieged with massive and regular terrorist attacks inside the country. These became worse with the Afghan takeover by Taliban, which has become as

much of an enemy of the Pakistani state as the previous democratic Afghan regimes of Ghani and Karzai before it. The rise of Taliban not only worsened the border issues at the Durand Line but also increased the power of Pakistan's internal terrorists like Tehreek-i-Taliban Pakistan (TTP). Simultaneously, the sudden rise of Baloch revolutionary terrorism and the scale and effectiveness of their attacks went beyond what Pakistani security forces could handle.

Finally, the political situation in Pakistan – with the arrest of the highly popular former Prime Minister, Imran Khan – widely turned the public against the Pakistani state, leading to rising questions over the military's capabilities. The widespread and violent protests in which Khan's supporters sought to capture the government led to great uprising within Pakistan.

Thus, Pakistan was already at the rock-bottom when the Pahalgam attack took place.

Kashmir as India's Achilles' heel:

The way the Pahalgam attack was executed has successfully brought the Kashmir issue to the forefront of India-Pakistan dynamic. It would be a misinterpretation to assume that the Pahalgam attack was only about Pakistan-sponsored terrorism. It was also about challenging India in Kashmir. In the process, it has revived the long-dead relations between the two countries beyond mere formal contact at the military level and brought the Kashmir issue to the forefront, after many years. It has enabled Pakistan to emerge from the wilderness in which it was lost, providing it the much needed national identity revival and international relevance that it had lost.

The attack was the first terrorist attack of such scale that

was perpetrated in Kashmir in the aftermath of the revocation of Article 370. The terrorists' choice of the Baisaran meadow of Pahalgam – also regarded as a 'mini-Switzerland' – as their target area, shows that the pattern of normalcy and the rise of tourism in Kashmir in the aftermath of abrogation of Article 370 had to be challenged. The attack challenged the idea of a new Kashmir that had gained credence after 2019.

Further, segregating tourists and killing them based on their Hindu identity and killing only men, while sparing the women, drew directly from the Pakistan Army Chief, Asim Munir's speech few days before the attack, in which he re-affirmed the religious basis of the two-nation theory that led to the creation of Pakistan, and applied this rationale to Kashmir by asserting that based on this irreconcilable religious distinction, Kashmir is Pakistan's 'jugular vein.' This is important

Getting India's House in Order:

While India was expected to give a hard military response to this terrorist attack, the security forces cannot evade the massive intelligence failure – albeit not as big as Kargil – that led to this attack in the first place. Something similar had happened on a larger scale when a group of Hamas terrorists brutally attacked and took hostage Israeli civilians at a tourist festival. Not only was Israel's response belated due to the shock caused by the brutality and planning of the attack, but it was also touted as a major security lapse on the part of Israeli intelligence agencies. No amount of hard Israeli action against Hamas in the months following the attack could compensate for the security gaps that caused it in the first place.

The manner of deliberately targeting tourists has been

repeated in the Kashmir attack as well. It also raises hard questions which the government needs to answer to itself and to the public to prepare for the future. Since Pahalgam – and especially Baisaran – is a well-known tourist destination and is also a gateway to the Amarnath shrine, it should have had greater security presence, better connectivity to quickly mobilize forces, and more alertness especially in the aftermath of Munir's provocative speech. On all these counts, the failure was conspicuous. The security presence was lacking, and despite the popularity of Pahalgam and its importance as a transit route to the Amarnath, the connectivity is extremely poor, making it difficult for vehicles to easily reach there. That is why the security forces took some time to reach despite being immediately informed of the attack. By the time they reached the massacre had been complete and the terrorists had already escaped.

Furthermore, this intelligence failure and the corrective measures to be taken as a result should not stop at Pahalgam, it should lead to a review of how terrorism in the Valley has assumed new forms that have evaded the traditional methods deployed by the security forces. Here two aspects should be noted:

First, the emergence of hybrid terrorism since 2019 and the effective use of undetectable technology by terrorists have continued to pose a challenge to the security forces. It is notable that the Pahalgam terrorists were able to upload videos of the massacre in the public domain through encrypted, self-destructing communication devices which the security forces could not track. This use of technology and social media has added a new sensational dynamic to terrorism bringing it closer to people's lives. Even in the case of Israel, the Hamas terrorists

were able to evade Israel's formidable technological infrastructure at the borders to carry out their attack and return.

Second, the attack raises questions on the terrorist outfit that has claimed responsibility – The Resistance Front (TRF). TRF is an amalgamation of several terrorist organizations – particularly the Lashkar-e-Taiba (LeT) and the Jaish-e-Muhammad (JeM) – under the aegis of al-Qaeda. This outfit has been growing in Kashmir since before 2019, but did not carry out any overt attack till now. It was on the radar of the security forces, but was not perceived, till a few years back, as a major threat. However, the Pahalgam attack will lead to a new look at TRF. What is of special concern is the fact that it has enhanced the operational capabilities of Pakistan-based terror outfits like LeT and JeM by bringing them under the larger infrastructure and capabilities offered by al-Qaeda. What should also concern the security forces is the role of al-Qaeda in Kashmir. Historically, al-Qaeda, being a Gulf terrorist organization, has waged jihad against the United States and the West in general. It has increasingly become more sophisticated and contributed to the decimation of the Islamic State in Iraq and Syria. But it has never joined hands in the Kashmir cause. India needs to probe the politics behind this. If Pahalgam is a harbinger of the arrival of al-Qaeda in Kashmir, then India should anticipate a huge security challenge. Till now the al-Qaeda has not had an active presence in the Indian subcontinent. However, it has continued to operate through Pakistan-based terror outfits. TRF is a product of this new, transnational terrorist alliance.

Waqf Amendment Act: A Step Towards Corrective Justice

The passage of the Waqf Amendment Act, 2025, marks a landmark step towards correcting the deep-rooted historical injustice meted out to the country in the name of secularism. Waqf refers to a permanent dedication of movable or immovable properties for religious, pious, or charitable purposes as recognised under Islamic Law. Waqf properties are donated by Islamic followers and managed by community members through the medium of the Waqf board, with the principles of perpetuity, irrevocability and inalienability characterizing the nature of waqf holdings under Indian law.

It is through the waqf board – a legal organization created in each state – that such holdings can be acquired and managed. Presently, the all-India level Waqf Board manages 9.4 lakh acres of land spanning 8.7 lakh properties, with an estimated value of Rs. 1.2 lakh crore. Of the total Waqf properties, approximately 4.02 lakh are waqf-by-user properties, that is, properties which are not donated or dedicated but come to be designated as ‘waqf’ due to their use as such over a sustained period (Organiser, 2025). The combined land holdings under all the Waqf boards including the state and the All-India Waqf Boards amounted to 39 lakh acres. This makes the Waqf Board the third largest landowner in India, after the Indian Railways and the armed forces (Bhushan, 2025).

Controversially, a diverse set of properties can come under the ambit of Waqf, since it may include any property dedicated by a follower for religious or charitable purposes. These include agricultural land, buildings, dargahs and graveyards, Idgahs,

madrasas, mosques, plots, ponds, schools, shops, and other institutions and infrastructural bodies. Over the years, the Waqf provisions have been manipulated and misused for political gains by successive governments in the name of religious freedom. This raises questions about the limits to the Fundamental Right to religious freedom under the Indian Constitution and the brand of selective secularism that has been practiced in the country since Independence.

THE WAQF AND ITS HISTORICAL BACKGROUND

Types of Waqf in India:

Waqf by user: If a land/ building or any portion of it is permanently being used for religious or pious purposes with the knowledge of the owner of the property.

Waqf mashrat-ul khidmat: It is a public Waqf wherein the wakifs (the creators of Waqf) has devoted the property for the general benefit of the Muslim community.

Waqfal-al-aulad: It means a Waqf created for the Waqif family and children.

‘Waqf’ derives from the Arabic term ‘Waqufa’, meaning to hold. From this concept, the idea of waqf has come to mean, “a permanent dedication by a person professing Islam, of movable or immovable property for any purpose recognized by the Muslim law as pious, religious or charitable” (Organiser, 2025). It implies that the property has been dedicated to God and not to any human entity. It is also a perpetual endowment, meaning that once a property is dedicated as Waqf, it cannot be sold, inherited, or otherwise transferred. The income generated from Waqf properties is to be used in accordance

with the donor's intention, and is usually allocated to fund mosques, religious education, healthcare, and other social welfare activities (Yashawardhana, 2024).

Although this concept does not have any antecedents in Islamic text, it came to be followed because of convention due to connotative reference that links the meaning of Waqf to the sayings of the Prophet Muhammad. According to one particular oral tradition, when Omer sought the advice of the Prophet for the pious use of a piece of land in Khaybar, the Prophet said: "Tie up the property and devote the usufruct to human beings and it is not to be sold or made the subject of gift or inheritance; devote its produce to your children, your kindred and the poor in the way of God" (Anurag, 2024). In this way, the Prophet dedicated a piece of land that he acquired in Khaybar for the use of travelers. Similarly, Abu Bakr dedicated a waqf to the welfare of his children (Anurag, 2024). Thus, the symbolic meaning of waqf implies its dedication to activities concerning human welfare.

Waqf During Islamic Rule in India:

The idea of Waqf came to India with the advent of Islamic rule, dating back to the Delhi Sultanate. The waqfs were not only property-holding institutions but also exercised considerable social and religious power, acting as centers for facilitating religious conversions to Islam and the development of Islamic education. They served a dual political and religious purpose during the time of Muslim rule in India. During the Sultanate period, waqfs were used to support religious scholars, Sufi saints, public works, and educational institutions, with rulers like Iltutmish, Alauddin Khilji, and Firoz Shah Tughlaq making extensive waqf dedications.

During the Sultanate period, there also began to develop an institutionalized arrangement for management of waqf properties. This included the development of the office of *Mutanwalli* or the manager of waqf properties, and the expansion of the role of *Qazis* or Islamic judges to settle disputes related to waqf properties. This role of waqfs further expanded during the Mughal rule, with rulers like Akbar, Shah Jahan, and Aurangzeb widely patronizing mosques, dargahs, and madrasas through waqf endowments, thereby increasing their political and social power. Further, the integration of waqf properties with the imperial bureaucracy increased their deepening institutionalization.

During the Islamic rule, the institution of waqf served the purpose of reinforcement of Shariat law and Islamic proselytization and imperialism. This was visible through two key aspects:

First, the ranks of the Qazis and Sadr were taken usually from the religious Ullama, committed to enforcement of the Shariat law. This had a significant impact, for, as Gupta (2023) describes, “If a non-Muslim would plead proprietary or other interest in a property sought to be declared a waqf, the Qazi would balance the public policy imperative of waqf as a measure to spread of Islamic ideology, against the limited rights available to the dhimmi...and would have to decide in favour of the former. This logic would have operated with special force when the waqf land in question belonged to a former temple or religious establishment.”

Second, as Gupta (2023) points out, historical evidence shows that Sufis – at the receiving end of generous Waqf grants, sometimes in the form of whole villages – performed

the role of converting the indigenous Hindu population to Islam. Often under the garb of syncretic traditions, these Muslim Pirs would initially adopt some Hindu customs and integrate with the local society. This would facilitate the intermingling and conversion of local Hindus to the Islamic religion and their eventual total transformation into foot soldiers of the *ummah*. It was the income from waqfs, generously granted to the Sufis, that aided in their proselytization endeavour, enabling them to reach places as far as Chittagong and Sylhet in Bengal.

Waqf During the Colonial Rule:

During the colonial rule, attempts were made by the British from the 19th century onwards to regulate Indian society and customs. This was part of the larger British attempt to establish an elaborate legal system for India. While initially, the British desisted from interfering with the religious customs of Hindus and Muslims, as evident from the Orientalist approach of Warren Hastings, from the 19th century onwards, under Lord Cornwallis, the British began to initiate a greater anglicisation of the Indian legal and administrative system.

As part of this push, the British introduced the Bengal Regulation XIX of 1810, also known as the Bengal Code. This was the first regulation to formally address the management of religious endowments, including waqf, under the British. It aimed to regulate the revenue generated from lands granted for religious purposes, like mosques, temples, and public buildings, ensuring it was used for its intended purpose. The regulation applied equally to Hindu and Muslim endowments, allowing the British government to oversee their administration. This was further strengthened by the Religious Endowments Act of 1863, which extended state control over

religious properties and allowed the government to appoint trustees for their management. While it was not specific to waqf properties, it did apply to the latter as well and led to protests among the Muslims.

It was during the colonial times that waqf properties became a subject of contention, highlighting the uneasy relationship between the religious laws and the secular legal discourse. For, the waqf properties were not only religious, but were also land endowment systems which created a distinct idea of property rights, with a wide variety of public spaces being dedicated to waqf. Thus, the British, committed to the enforcement of property regime across India for revenue-raising purposes, could not let a parallel property system like waqf flourish in the name of Muslim personal/religious laws. Thus, a systematic effort to regulate waqf properties during the colonial times began.

During this time, a key tenet of the waqf regime, which came under challenge, was the contention between social welfare and personal/family welfare. Under Islamic doctrines, the charity given to one's relatives or family members is regarded as the highest form of charity. The British scholars and rulers highlighted this idea as evidence of the early corruption inherent within the waqf dedication system, masquerading as public and social welfare. It came under early colonial litigation, where British courts often regarded family waqfs as being illegal. This endangered many institutions and public places.

It was to reconcile this challenge that the Waqf Validating Act, 1913 was passed. It declared all existing family waqfs, or Waqf-alal-aulad, to be valid waqfs, by legally recognizing that a waqf could have a primary private benefit (support of the

founder's descendants) and a secondary public charitable object. This applied retrospectively as well. In the process, it also empowered the colonial courts to register, supervise, and enforce these waqfs, thereby bringing them under the colonial legal and administrative regime.

Due to corruption and mismanagement of waqf properties by the mutawallis for their personal benefit, the colonial authorities further introduced the Mussalman Waqf Act of 1923. Prior to the passage of this Act, there was no effective mechanism to supervise or audit waqf properties, with the courts being empowered to intervene only when a dispute was brought before them. With the passage of this Act, external oversight over waqf property and the accountability of the mutawallis was established.

S. No.	Case Name	Year	Court	Key Issue	Outcome & Significance
1	Abdul Fata v. Russomoy Dhur	1894	Privy Council	Validity of family waqf (<i>waqf alal aulad</i>)	Declared family waqf invalid if private benefit dominated; led to the Waqf Validating Act of 1913.
2	Fatima Bibi v. Advocate General	1871	Calcutta High Court	Charity vs private benefit in waqf	Held waqf invalid where charity was secondary; reinforced strict interpretation of Islamic charity principles.
3	Shibessouree Debia v. Mothooranath Acharjo	1869	Privy Council	Governance of religious endowments	Allowed judicial oversight of endowments; although a Hindu case, it influenced Muslim waqf management regulation.

4	Tagore v. Tagore	1872	Privy Council	Inheritance rules and perpetuity	Applied English legal doctrine of perpetuity; created tension with Islamic law which permits perpetual waqfs.
5	Kowmira Bibi v. Golam Hossein	1883	Calcutta High Court	Ambiguity in charitable purpose	Emphasized need for clear charitable object in waqf; unclear or vague purposes could invalidate the waqf.
6	Waqf of Syed Shah Khairuddin	1917	Madras High Court	Mismanagement by trustee (<i>mutawalli</i>)	Court supported intervention in waqf affairs to prevent fraud or negligence; helped justify the 1923 Mussalman Waqf Act.

Despite the existence of a legal framework to govern waqfs, the colonial authorities had to also pass a clarificatory Act viz. the Mussalman Waqf Validating Act, 1930. This Act made the provisions of the 1913 Act more explicit, as judicial disputes around the charitable role of waqfs continued to arise for waqf properties which were declared as void prior to 1913. In particular, in a major Privy Council case – *Abdul Fata Mohammed Isbak v. Russomoy Dhur Chowdhury*, 1894 – the court held the view that family waqfs did not have a charitable character and thus were invalid, stating that, waqf is “a perpetuity of the worst and the most pernicious kind...Waqf made for the aggrandisement of the family and the gift to charity is illusory, whether from small amount, uncertainty or remoteness is invalid” (Pareek, 2024).

To remove these ambiguities, the 1930 Act explicitly extended the provisions of the 1913 Act to waqfs made before 1913. This gave full legal validity to family waqfs created at any time, past or present, provided they had:

- A permanent character.
- A provision for charity (even if residual).

It must be noted here that the 1930 Act was passed after the Montague-Chelmsford Reforms (Government of India Act) of 1919, after which a great degree of communal polarization was witnessed in the Indian society. As a result of the emergent caste and communal fault lines due to the Government of India Act 1919, there emerged concerted efforts on the part of the British government and the Indian National Congress to compete in appeasing the Muslim community. The development of Gandhian brand of secularism began to dominate the Congress organization and the British too made attempts to

enlist the support of the Muslim League. Thus, the period of 1920s and 1930s saw the passage of a spate of waqf laws designed to appease the Muslim community. These included laws such as the Bihar & Orissa Mussalman Waqf Act 1926, the Bengal Waqf Act 1934, the Bombay Mussalman Waqf Act 1935, the United Provinces Muslim Waqfs Act 1936 and others (Gupta, 2023). While the post-Independence Waqf Act abrogated and subsumed these British era laws, the intent to appease the Muslim community through the instrument of waqf continued to be reflected through the Nehruvian brand of secularism.

WAQF IN THE POST-INDEPENDENCE PERIOD: COMMITTING A SECULAR FRAUD

After Independence, there was a renewed push by the government to address the challenges of management, and the lack of transparency associated with the waqf properties.

Waqf Act, 1954

The first significant legislation to be passed in this regard was the Waqf Act of 1954. The Act sought to centralise the administration of Waqf properties by:

- Bringing them under the control of the state waqf boards, which were to be established in each state.
- Mandating the registration and maintenance of waqf properties with the state waqf boards.
- Ensuring annual auditing of accounts of waqf properties.

The purpose of the Act was to ensure that the waqf properties were used for their intended religious and charitable purposes. However, despite the attempts to ensure transparency

in the functioning and management of waqf properties, the Act failed to meet its required objectives. This was due to multiple reasons:

First, there were inherent weaknesses in the system envisaged by the Act. This was visible in the weak adjudication system for waqf disputes. Such disputes did not fall under the jurisdiction of secular civil courts. There were special waqf tribunals created for adjudicating such disputes. These were weak and limited in their scope. There were also weak penal provisions to deal with the illegal appropriation of waqf properties.

Second, due to these inherent weaknesses, the implementation of the Act was considerably hobbled, plagued by local politics where powerful groups dominated processes like the appointment of mutawallis, and by rampant corruption and mismanagement of waqf properties.

Third, the most important reason for the failure of the government's efforts to effectively exercise oversight over waqf properties centred around the twisted notions of secularism which dominated the landscape of Indian politics in the post-Independence period, and for many decades after that. It is for this reason that the systems to regulate waqf became dens of non-transparency and political and religious power. It was not just that mismanagement of waqf properties was compromising the objective of charity and human welfare, but the fact that, in the name of waqf, public resources and infrastructure were being rampantly cornered under the garb of waqf properties.

For instance, the 1954 Act provided that state governments would conduct surveys of all waqf properties, and the waqf survey commissioners would compile reports listing all waqfs

and their nature, income, usage, and administration. This was rampantly misused by the waqf boards – with the blessings of the impotent, secular state governments – to identify several properties across the country as waqf properties through the use of elaborate surveys. These were claimed based on vague historical records, often based on oral waqf declarations, dating back centuries. The use of forged records could also go scot-free, due to the overwhelming discretion given to the waqf board. This resulted in waqf boards even claiming lands held by private individuals and the government, spanning properties as diverse as temples, lakes, schools, railway land and graveyards.

Further, the Act had enhanced the financial, executive and quasi-judicial powers of the Waqf Board (and later the Central Waqf Council which was created through an amendment in 1969) to such an extent that it became almost equivalent to the Mughal Sadr. The Waqf Board could exercise centralized control over all resources. By allowing the Board to lease, mortgage or even sell waqf property, the Act enhanced the economic value of waqf assets under the control of the Board, which was governed purely through uncontested Islamic strictures (Gupta, 2023). This enhanced the consolidated power of the Muslim community, centred around the collective power of community property and collective interest. In spirit, it was no different from the Mughal times.

Waqf Act, 1995

This secular fraud worsened with the passage of the next landmark legislation on waqf, that is, the Waqf Act of 1995. The Act, with the ostentatious purpose of improving the regulatory management of waqf, espoused the following new changes:

- Making the registration of all Waqf properties mandatory, through a centralized survey and record-keeping of waqf properties.
- Establishing Waqf Tribunals to adjudicate disputes related to Waqf properties. The Waqf tribunal was a new and dangerous innovation designed to further the appeasement politics under the garb of secularism by India's political parties.
- Monitoring the functioning of the state Waqf Boards.

The effect of the Act was – contrary to the professed intent of making waqf management more transparent – to further consolidate the political and religious power of the waqf boards and further segregate them into dens of non-accountability. The extensive survey responsibilities of the waqf survey commissioners created a situation where waqf property claims could be reinforced, while the Central Waqf Council became a powerful body to prevent direct government intervention in waqf functioning.

Two immediate facets of the 1995 Act stand out:

First, the Act provided presumptive authority to entries in the Waqf Board's register (Section 40). This means that in case of any dispute over properties claimed under the name of waqf, automatic presumptive claims of the waqf would be held as final.

Second, the Act gave exclusive jurisdiction to Waqf Tribunals for resolving waqf-related disputes. Furthermore, controversially, the decision of the Waqf Tribunal is final, with no provision of appeal provided against it. Moreover, there could be no interference by a civil court on matters that were being considered by the Waqf Tribunal.

Together, these provisions created a situation where once a property is listed as waqf, the burden often fell on the opposing party to prove otherwise. The Act also enabled the transfer of many of the evacuee properties that were purportedly waqfs to Waqf Boards, thereby depriving many Sikh and Hindu refugees who had taken shelter there since partition (Gupta, 2023).

As if this was not enough, the then Congress-led United Progressive Alliance (UPA) government commissioned a committee to look into the issue of Muslim backwardness. The Sachar Committee report finally circulated its findings in 2006 and painted a bleak picture of Muslim backwardness and deprivation in India. Many readers would recall that it led the former Prime Minister Manmohan Singh – in a flagrant violation of secular charade – to issue a statement declaring that Muslims had the first right to the country’s resources. The Sachar Committee report deviously declared that the total area under Waqf properties all over India is estimated at about 6 lakh acres with the book value of about Rs 6,000 crore (Sachar Committee, 2006), leading the Committee to argue that these massive waqf resources could aid in Muslim “community development” to ameliorate their backward status.

Waqf (Amendment) Act, 2013:

With this communally motivated background having been set, and with the Lok Sabha elections soon to be held, the Congress-led central government in 2013 introduced draconian amendments to the 1995 Act, thereby further strengthening the power of the waqf boards. The amended Act continued to allow the waqf boards the authority to declare properties as waqf, even if not previously listed, and shifted the burden of

proof to property owners. Further, in a bid to appease the Muslim vote-bank of several political parties, stringent provisions were introduced to ensure that parties would desist from ‘encroaching’ upon ‘waqf properties.’ Many parties like Lalu Yadav’s Rashtriya Janata Dal (RJD), while supporting the Act, further wanted even more strict provisions, such as making the alienation of waqf properties a cognizable offence.

These include:

- Section 52 of the Act provided for a two-year jail sentence for illegally occupying or purchasing Waqf properties.
- The right of the Waqf board to sell and gift the Waqf’s property has been done away with.
- The Act also introduced Section 108A to give the Waqf Act “overriding effect” if there were conflicts with any other law.
- The Act further only recognised Shia and Sunni Waqfs, and did not include other Muslim sects.

Besides its draconian nature, a major fallout of this Act, as Gupta (2023) points out, was to “ring-fence the waqf properties from any claim of national development. Waqf lands cannot be acquired except under very onerous and unviable circumstances...Considering most of the waqf land is in urban areas, this has created a structural impediment for urban development in India.”

Shifting Goalposts: Distortions of Waqf from 1954 to 2013			
	1954 Act	1995 Act	2013 Amendment Act
Definition of Waqf	Definition of waqf expanded to include even those properties not formally dedicated.	Definition further expanded to include even those properties as waqf whose usage had ceased.	Allowed dedication of property by any person, not necessarily professing Islam.
Judicial proceedings	Disputes were settled by civil courts.	Civil court jurisdiction excluded, and waqf tribunals established.	Exclusive jurisdiction under waqf tribunals.
Cost of survey	Cost borne by mutawallis, derived from waqf property.	Total cost, including publishing the lists, is borne by the state government.	Total cost borne by the state government.
Composition of Waqf Board	Membership was open to non-Muslims.	Membership was exclusively limited to the Muslim community.	Membership was exclusively limited to the Muslim community.
Applicability of Limitation Act of 1963	General application to waqf property.	Applicability of Limitation Act was barred.	Limitation Act was applicable i.e. no lawsuit would be entertained after one year of the publication of the list of properties.

Key Case Laws:

1. **R. M. D. Chamarbaugwalla v. Union of India (1957):**
Emphasized the secular nature of Waqf management under statutory law.
2. **Fazlul Rabbi Pradhan v. State of West Bengal (1965):**
Established that Waqf Tribunals have exclusive jurisdiction over waqf disputes, barring civil courts from intervening.
3. **M. Siddiq (D) Thr. Lrs. v. Mahant Suresh Das (Ayodhya Judgment, 2019):** Supreme Court recognized the concept of “waqf by user” (long-standing religious use of property without formal dedication) as valid under Islamic law.
4. **Rajasthan Waqf Board v. Jindal Saw Limited (2022):**
Supreme Court dismissed the Waqf Board’s appeal, confirming that a dilapidated structure on land leased to Jindal Saw for mining could not be considered a mosque and thus did not preclude mining activities.
5. **Dhanna Ram vs. State of Rajasthan (2022):** The direction to enter land as Waqf property was illegal and without jurisdiction because it was not based on a valid decision of the Waqf Board and was not permissible according to Supreme Court guidelines.
6. **Archaeological Survey of India v. Chief Executive Officer, M.P. Waqf Board & Ors (2024):** Once a property is declared a protected monument under the Ancient Monuments Preservation Act, 1904, it cannot be reclassified as waqf property under the Waqf Act, 1995. The court emphasized that the Ancient Monuments Preservation Act takes precedence over the Waqf Act in such cases.
7. **Kolachi Ram Reddy v. State of Andhra Pradesh (2024):**
The court quashed a 1990 Andhra Pradesh Gazette Notification that declared certain agricultural lands as waqf property. The Waqf Board relied solely on the Gazette notification but provided no register of waqfs, survey reports, or inquiry records as mandated by the Waqf Act, 1954. The court ruled that a mere notification cannot override validly issued Occupancy Rights Certificates (ORCs) under the Inams Act, 1955.

In this way, the brand of selective secularism developed by India after Independence resulted, on the one hand, in oppressive state control over Hindu places of worship and their management, and, on the other hand, it gave further power and autonomy to the Muslim religious institutions and customs. The power and autonomy of the waqf boards should be assessed from this prism of selective secularism.

In the name of waqf, supplemented by an approach of minority appeasement perfected by successive governments, arbitrary claims have assumed increasingly ludicrous proportions, with entire villages, temples, and government properties being claimed as waqf. A report by the Archaeological Survey of India (ASI) revealed that 250 protected monuments in India are currently registered as Waqf properties (Naz, 2025). Furthermore, blatant minority appeasement was on display when, just before the 2014 Lok Sabha elections, the Congress-led United Progressive Alliance (UPA) government gifted 123 prime properties to the Delhi Waqf Board. In 2023, the government posted notices outside these properties saying that they do not belong to the Waqf Board (The Indian Express, 2023).

The claims made under waqf include even notable Hindu places of worship like the Kashi Vishwanath temple in Varanasi, claimed by the UP Sunni Waqf Board. This claim over one of the most sacred Hindu temples has magnified the ongoing dispute over Kashi Vishwanath. In yet another Hindu place of worship, the state Waqf Board has attempted to assert claims over two sites in Bet Dwarka. Notably, seven Hindu-majority villages have been claimed under waqf by the Tamil Nadu Waqf Board.

Such autonomy of waqf boards violates the basic Fundamental Rights (such as right to equality under Article 14, and right against being compelled to pay taxes for the promotion of a particular religion under Article 27), with the state patronage given to these boards resulting in their flourishing and rising, baseless claims to public property in the name of religion.

Thus, waqf became an instrument through which an elaborate secular fraud was being perpetuated upon the country since colonial times. At the heart of the idea of waqf lies the fact that it represents an appropriation of property under the garb of supposedly neutral secular purposes like charity and human welfare, spanning all religions, but has been used as a powerful centre to propagate the Islamic religion. That India's rulers accepted this duplicity at its face value shows how a systematic secular fraud has been committed upon the country.

WAQF AMENDMENT ACT, 2025: CORRECTING THE SECULAR BALANCE

The Waqf Amendment Act was first sought to be passed by the Modi government in 2024. The barrage of objections it was subjected to resulted in its referral to the Joint Parliamentary Committee. After intensive deliberations over nearly a year, the amendments were incorporated, and the new Waqf Amendment Act was finally passed in 2025 and is presently under litigation at the Supreme Court. During its passage, it received 288 votes in favour and 232 votes against it in Lok Sabha, and in Rajya Sabha it received 128 votes in favour and 95 against.

The name of the Act suggests its intent viz. the Unified Waqf Management, Empowerment, Efficiency, and

Development (UMEED) Act, as it seeks to curb the unchecked near-imperialistic power exercised in the name of waqf and skewed to suit political interests of those catering to the policy of minority appeasement.

Its key provisions – also the most radical and far-reaching – for reform include:

- **Abolition of Section 40:** Under the previous Act, Waqf Boards had unchecked authority to declare any property as Waqf, leading to rampant misuse. The new Act has abolished this provision. This has been the most significant reform.

- **Elimination of Waqf by User:** The amendment removes the controversial practice where any property used for religious purposes over a period of time could automatically be declared Waqf property. Furthermore, donors must be practising Muslims for at least 5 years.

- **Formation of Waqf:** Waqf can only be created by lawful property owners.

- **Protection of Women and Children:** The Act mandates that women and children must receive their rightful inheritance before any property can be declared Waqf. Special safeguards have been put in place for widows, divorced women, and orphans.

- **The following cannot be declared as Waqf property:**
 - o Government property
 - o Protected monuments
 - o Lands in Scheduled/Tribal areas
- Survey and registration rules have been changed as follows:

- o Survey responsibility has been transferred from survey commissioner to Collector. This is significant as the survey stage was rampantly misused to appropriate properties under the name of waqf.

- o Waqf registration now requires a waqf deed and must be verified by the Collector.

- o Digitization of records: Waqf details must be uploaded to the portal within six months of the Act's commencement.

- Management rules have seen sweeping changes as follows:

- o State Governments may establish separate Boards for Bohras and Aghakhani. This is significant as Waqf boards were limited to Sunni and Shia boards only and did not include other Muslim sects.

- o Boards will have diverse representation, including women, non-Muslims, and members from Shia, Sunni, Bohra, and Aghakhani communities, and must meet at least once a month mandatorily.

- Rules for ensuring accountability of Mutawallis have been made stringent to ensure that there is no corruption.

- Legal Separation of Trusts & Waqfs: The amendment clarifies that trusts created by Muslims, whether before or after the Act, will not be considered Waqf properties if they are governed under other statutory provisions for public charities.

- Appeal Mechanism: A major reform allows appeals to the High Court against Waqf Tribunal decisions, addressing a

long-standing grievance that previously restricted legal challenges to the Tribunal's verdicts. Further, the tribunals will be composed of three members, including a District Judge and a Joint Secretary-level officer. The earlier requirement of having a Muslim law expert on the tribunal has been removed. This change is significant as it reduces the application of Islamic law to waqf dispute settlement matters.

- Unlike in the previous law, the Limitation Act, 1963, will apply to waqf-related claims and proceedings.

- **Enhanced Transparency & Accountability:** The Act mandates rigorous audits, digitisation of records and diversification of Waqf boards, as follows:

- o Waqfs with annual incomes exceeding Rs. 1 lakh must undergo audits by government-approved auditors.

- o Publication of audit reports in prescribed format is mandatory.

- o Non-compliance with legal requirements will result in fines and imprisonment.

If implemented well, the amended Act has the potential to bring about substantive changes in the functioning of the Waqf. However, it must be remembered that the Act serves a larger purpose going beyond the apparent organizational issues, such as corruption and mismanagement. It corrects a deep-seated historical injustice arising out of the skewed system of secularism institutionalized in India after Independence. Such a system of secularism has been responsible for many misfortunes we have brought upon ourselves as a society, making the Hindus willing victims of their own emasculation and psychological subjugation. The present Act is merely a

small corrective measure among a host of challenges facing the country, yet the national awareness generated because of this Act serves as yet another opportunity to correct a historical wrong and question the attitude imposed upon the national psyche in the name of skewed national principles.

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Religion – A Central Preoccupation of the Indian Mind

“Religion has been a central preoccupation of the Indian mind; some have told us that too much religion ruined India, precisely because we made the whole of life religion or religion the whole of life, we have failed in life and gone under. I will not answer, adopting the language used by the poet in a slightly different connection, that our fall does not matter and that the dust in which India lies is sacred. The fall, the failure does matter, and to lie in the dust is no sound position for man or nation. But the reason assigned is not the true one. If the majority of Indians had indeed made the whole of their lives religion in the true sense of the word, we should not be where we are now; it was because their public life became most irreligious, egoistic, self-seeking, materialistic that they fell.”

– Sri Aurobindo
(CWSA 20: 38-39)