

# A Critique of the UMEED Rules, 2025

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## State Control and Digital Dispossession: A Critique of the UMEED Rules, 2025

### I. Introduction

It is undisputed that, for long, we carried the weight of colonial legislations, such as the criminal law trio, namely the [Indian Penal Code, 1860](#) (now replaced by the [Bhartiya Nyaya Sanhita, 2023](#)). [The Code of Criminal Procedure, 1973](#) (now replaced by the [Bhartiya Nagarik Suraksha Sanhita, 2023](#)) and the [Indian Evidence Act, 1872](#) (now replaced by the [Bhartiya Sakshya Adhiniyam, 2023](#)). While the move was celebrated and

welcomed as a positive step towards replacing the colonial era laws and introducing a more victim-centric approach and technological integration, it equally received criticism on the potential for state surveillance, with the increased digitisation.

In India, state surveillance is allowed, under the [Indian Telegraph Act, 1885](#), [Post Office Act, 2023](#) and [Information Technology Act, 2000](#), along with the relevant [Rules](#). The situations concerned in which such surveillance is permissible are where the 'sovereignty, and integrity of India', 'security of the state', 'maintenance of public order', 'friendly relations with foreign actors', and 'prevention of incitement to an offence' are at stake. However, in recent years, there have been criticisms against a rise of state surveillance in the country, involving advanced technologies such as Artificial Intelligence as well. Notably, international human rights organisations such as [Amnesty International](#) have reported these actions to have disproportionately impacted marginalised communities, particularly Muslims. Another report by India's [Housing and Land Rights Network](#) mentions the demolition of over 150, 000 homes and a resultant eviction of over 740, 000 people, between January 2022 and December 2023. Most of these homes were owned by Muslims. This has, concerningly, raised serious concerns about profiling and discrimination. Resultantly, the [Supreme Court](#), in [Re Manoj Tibrewal Akash](#) in 2024, held that bulldozer justice is unacceptable under the rule of law. Furthermore, in [Re: Directions in the Matter of Demolition of Structures](#), the Apex Court issued guidelines to ensure that the demolition(s) of illegal constructions must adhere to legal procedures and constitutional safeguards. More importantly, the court sternly warned against the misuse of state power for selective targeting. However, the guidelines seem far from being implemented. For instance, the anti-encroachment drive in Ahmedabad, in April 2025, relied on [drones](#), signalling a broader expansion of state surveillance, utilising digital technology. However, as of now, there is no publicly reported contempt of court notice issued to any state or union government specifically for violating the Supreme Court's guidelines on bulldozer justice.

A similar discussion regarding selective targeting has been doing the rounds lately with the enactment of the Waqf Amendment Act, 2025. Among many other concerns, the issue of state surveillance and profiling has been raised with the recent [Unified Waqf Management, Empowerment, Efficiency and Development Rules, 2025](#) ("**UMEED Rules**") that lay out the framework for a nationwide digital system to register Islamic charitable endowments. This presents an apt ground for reviewing the potential use of digital platforms for targeted profiling and surveillance of the land owned by Muslims under the now-repealed Waqf Act, 1995.

## II. Legal framework governing Waqf in India

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*Waqf*, according to Mulla, under the Islamic law means the irrevocable devoting of property by an individual for religious, charitable, or other objectives. In India, [the Waqf Act, 1995](#) ('Act of 1995'), regulated the administration and management of *waqf* estates by the State Waqf Board ("**SWB**") and Central Waqf Council ("**CWC**"). However, earlier this year, the Parliament passed an Amendment Bill, now called the [Waqf Amendment](#)

[Act, 2025](#) (“**Act of 2025**”), which aims to limit the Waqf Boards’ powers over property administration while at the same time claiming to promote increased governmental oversight and regulation for the larger public good. The Act of 2025 seeks to embark on a full-scale reform of property management at *waqf* institutions. However, the authors note that at the implementational level, such an amendment is also laced with a likelihood of predictive policing by the state in relation to data analysis of properties held by the Waqf Board. [Predictive policing](#), by definition, uses data analytics to forecast crime-prone areas or individuals. However, when the data or algorithms are biased, intentionally or structurally, it can lead to [selective profiling](#), where certain communities, castes, religions, or socio-economic groups are disproportionately targeted. This is the relation the authors refer to in this piece.

### III. Controversy around the Waqf Amendment Act, 2025: A legal evaluation

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The Act of 2025 has attracted controversy despite its aim of enhancing transparency and administrative efficiency, because of certain (arguably) controversial provisions in the (amended) statute.

*First*, Section 10 of the Act of 2025 has modified Section 9 of the Act of 1995, altering the composition of the CWC, providing that two of the members shall be non-Muslim. Additionally, Section 12 of the Act of 2025 amends Section 14 of the Act of 1995 to allow the inclusion of non-Muslim members within the SWB. It also mentions that two members of the Board (excluding the *ex-officio* members) shall be non-Muslim. Critics [argue](#) that this undermines the Muslim community’s right under [Article 26](#) of the Indian Constitution to manage its own religious affairs. Importantly, this dilutes the religious character of *waqf* institutions and also [raises concerns](#) about potential state intrusion into religious administration. The CWC has an advisory function, guiding both the Union and the State governments as well as the SWBs on policy matters. The SWBs administer an operational and managerial role, being responsible for the day-to-day administration of *waqf* properties. They also regulate registration and protection of *waqf* properties in their jurisdiction. The CWC enjoys a supervisory role over SWBs in order to ensure compliance with the laws of the land. However, it does not enjoy an overriding status over the decisions taken by the SWBs, which operate independently within their states. Given the roles that CWC and SWB have, it becomes important to have its composition maintained. At least for SWBs, if not CWC, the composition should not have been amended. The constitutionality of the amendment statute is currently being heard by the [Supreme Court](#), in [Re: Waqf \(Amendment\) Act, 2025](#), in which, in one of the hearings, has [asked](#) the Union to explain the underlying rationale behind the inclusion of non-Muslims in the composition of Council and Boards that manage *waqf* property.

*Second*, Section 4 of the Act of 2025 amends the definitions under Section 3, where a significant change is the elimination of the concept of “[waqf by user](#)”. This provision traditionally allowed properties used for religious or charitable purposes over time to be

recognised as *waqf*. Resultantly, this amendment has the potential to displace settled community assets.

*Third*, the Act of 2025 amends Section 3 of the 1995 Act, empowering the District Collector to conduct an inquiry in cases where the dispute is regarding the government ownership of a *waqf* property. This has the potential to diminish community participation in adjudication processes with respect to such disputes, leading to increased chances of governmental claims of ownership over many *waqf* properties. More concerning, Section 3D of the Act of 2025 removes *waqf* status from protected monuments or protected areas under the [Ancient Monuments Preservation Act, 1904](#) or the [Ancient Monuments and Archaeological Sites and Remains Act, 1958](#).

The Act of 2025 does bring some positive changes as well. The Act of 1995 also provides for Waqf Tribunals, which are state-level judicial bodies that hear matters of dispute regarding *waqf* properties. The decisions of the Tribunal are not subject to appeal in a higher court. This raised questions regarding transparency, and the Act of 2025, via Section 8, rightly omits the clause that granted such finality to the Tribunal's decision. The Act of 2025 also allows women's representation in the Council and Board, which is indeed a welcome step.

#### **IV. UMEED Rules, 2025 and the controversy of digital dispossession**

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More recently, the Union government notified official rules for the implementation of the Act of 2025. The UMEED Rules lay out the framework for a nationwide digital system to register Islamic charitable endowments. The rules establish a digital portal, called the [UMEED portal](#), where the details of every existing *waqf* must be uploaded within six months from the commencement of the Act of 2025. This is mandated by Section 5 of the Act of 2025 that amends Section 3B of the Act of 1995. It further provides that a *mutawalli* has an option of requesting an extension of an additional six months, but the grant of the same is subject to the discretion of the Waqf Tribunal. It is important to note that the time frame granted is meagre compared to the large span of the *waqf* properties existing in the country. Additionally, as per the UMEED Rules, it is mandatory for the state governments to publish a list of surveyed *waqf* properties and to upload such a list within 90 days. There is a provision for a further extension of 90 days to be sought by the state government, if need be. However, such a short time frame for uploading a surveyed list of *waqf* properties creates an atmosphere of anxiety, and legitimately so, among the Muslim communities. Logically, under such hurried implementational mandate, the authenticity of the survey conducted in the first place could very well be questioned. So could the intention of the state be questioned: is such hurried implementation intended at dispossessing the community of their ownership rights?

Moreover, the Rules provide that each *waqf* will be assigned a unique digital ID, and custodians (*mutawallis*) must enrol on the UMEED portal using an OTP authentication system linked to their mobile numbers and email addresses. This places the details of *mutawallis* at risk of a data breach. There could not be drawn an analogical similarity

with the issue of privacy breach that was raised regarding AADHAR database. AADHAR database does not collect and store details of only a certain community. If there is a data breach, all people are affected, regardless of their religious affiliation. On the other hand, a data breach in the UMEED portal would subject the details of a specific community to critical vulnerability, affecting them selectively. Additionally, this also places the personal data of the *mutawallis* at the disposal of the government. Importantly, the new rules effectively invalidate verbal *waqf* declarations. Widows, divorced women, and orphans can now apply for maintenance from dormant family waqfs (*waqf-alal-aulad*) by providing proof of identity and residence. All payments will be processed electronically. While this provision aims to do good and legalise [traditional Islamic jurisprudence](#), it fails to legally define a 'dormant waqf' and create any grievance redressal mechanism, which under these circumstances would become the burden of the Executive, which might not be well-trained in understanding Islamic law and jurisprudence, unintentionally doing a disservice to the idea of *waqf-alal-aulad*. It also fails to recognise the significant digital poverty of Muslim women when it purports that all payments would be made electronically. As per [GSMA 2023 data](#), Muslim women are 36% less likely than Hindu upper-caste men to own a smartphone in India, a fact that ultimately takes away from the people the safeguards that this provision aims to provide.

These changes bear more consequences when viewed through the digital governance lens. *First*, the Bill encourages digitisation as a tool for transparency, yet it provides access to the *waqf* property data for state surveillance. The crossing of legal reform with algorithmic governance opens up the possibility of a techno-legal framework wherein religious institutions can be regulated and monitored. To mitigate the adverse effects of these provisions, it is recommended that the doctrine of ["waqf by user"](#) be reinstated so it does not displace the provisions of their roots, the long-standing community norms and religious practices, and solidify this doctrine into a more rigorous evidentiary framework. This would effectively resolve the administrative concern of misuse while also respecting the religious heritage of *Waqf*. *Second*, the 90-day and 180-day deadlines for infrastructure surveys and registration are insufficient, considering the complexity and number of waqf holdings and swapping these provisions for a more phased execution strategy would be preferable. This technocratic infrastructural redesign must be cognisant of the demographic it aims to develop, and if it does not recognise the severe disconnect between legislative ambition and infrastructural realities, it will end up disfranchising the same communities that the government aims to develop and uplift. The infrastructural reality that the authors refer to here indicates the lack of technological expertise at the level of the state, where officials at the village, block and district levels would have to draw a list of waqf. In a state like Bihar, for example, where there are more than lakhs of eligible voters' names missing from the voter list in the recent Special Intensive Revision, how do we expect the waqf list (and that too after a survey) to be made within a span of 90 days? We do not have the level of infrastructural competence that the Rules demand for smooth implementation.

## V.Conclusion

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The Waqf Amendment Act, 2025 and the UMEED Rules represent a consequential moment in the transformation of India's waqf governance terrain. While it aims to signify the government's ambitions for administrative reform, efficiency and digitalisation, it also paradoxically reflects the revival of many hallmarks of colonial bureaucratic control over centralisation and disempowerment of religious institutions. At the larger level, the execution of techno-legal tools without vigorous constitutional guardrails has the potential to inflate the state's inspection architecture in ways that dissolve community confidence. The possibility of predictive policing, digital monitoring, and the regression of religious expression under extensive data governance poses a threat to the right to privacy, land ownership rights and the right of minorities to manage their institutions. The law must not only be judged by its express objectives but also by its effects on vulnerable communities, particularly religious minorities. It is pivotal for the government to ensure that the community for which such laws have been made are consulted, not just with respect to drafting the parent Act, but also at the stage of passing secondary legislations that give effect to such laws. Apart from community consultation, phased implementation is optimal for such legislations that aim at an overall change in the existing legal structure. A hurried imposition of the amendments would not only attract resistance from the minority community but also result in a haphazard and fruitless effort at the end of the executive. Needless to say, without due process, any law would actively contribute to the erosion of the very freedoms it claims to protect and the Waqf Amendment Act, 2025, is no exception.

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