

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 8 | Issue 2

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2025

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# Waqf Amendment Act 2025 and its Impact on Muslim Endowments in India

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## ABSTRACT

*The Waqf (Amendment) Act, 2025 makes significant changes to the legal and administrative structure that governs Muslim religious endowments in India. While the Act's claimed intent is to enhance transparency and streamline governance, it has sparked major debate because of its possible influence on constitutional rights, federal balance, and religious organizations' autonomy. This study critically evaluates the Act's important elements, such as the inclusion of non-Muslim members on Waqf Boards, limitations on civil court jurisdiction, and increased state control over waqf lands. By examining the constitutional consequences through the lenses of Articles 14, 21, 26, 29, and 30, the study demonstrates how the Act may jeopardize minority rights and the secular structure of the Indian Constitution. The study also looks at judicial precedents, policy studies, and comparative viewpoints to determine the likelihood of legal challenges. Finally, the study makes specific reform recommendations aimed at striking a balance between transparency and minority rights.*

**Keywords:** *Waqf Amendment Act 2025, Muslim Endowments, Religious Autonomy, Article 26, Minority Rights, Article 29 and 30, Federalism, Basic Structure Doctrine, Judicial Review, Constitutional Law, India.*

## I. INTRODUCTION

According to Islamic law, a Waqf (plural: Awqaf) is a permanent, charitable endowment in which a Muslim donates real estate or real estate for humanitarian, religious, or pious reasons. Once established, God becomes the owner of the waqf property, and its proceeds are used to help the impoverished, mosques, schools, and cemeteries, among other community welfare projects. The idea has traditionally been crucial to the socioeconomic advancement of Muslim civilizations and has its roots in Shariah, namely in the Hanafi school.<sup>2</sup>

In order to establish a thorough framework for the management of waqf properties, The Government of India passed the Waqf Act, 1954, which was later superseded by the Waqf Act,

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<sup>2</sup> M. Hidayatullah & Arshad Hidayatullah, *Mulla's Principles of Mahomedan Law*, 20th ed. (LexisNexis, 2016), p. 152.

1995, and most recently, further modified through the introduction of the Waqf Amendment Act, 2025, aiming to bring significant changes to the governance and regulation of waqf properties. The institution of waqf was established and regulated in India during the Mughal era and subsequently recognized under British colonial legal systems.<sup>3</sup> In order to supervise the registration, preservation, and use of waqf properties, the Act creates Waqf Boards in every state. Nevertheless, despite legal safeguards, problems including poor administration, invasion, and opaque governance have regularly plagued waqf lands.<sup>4</sup>

## II. OVERVIEW OF THE WAQF AMENDMENT ACT 2025

The Government of India introduced the Waqf Amendment Act 2025 with the stated goals of improving transparency, preventing encroachment or misuse, and simplifying the management of waqf holdings. The Waqf Act, 1995, which has long regulated the management of Muslim religious endowments nationwide, is to be amended in part by the Act. The Ministry of Minority Affairs claims that the change was required to fix flaws in the current framework and guarantee that waqf assets were shielded from unlawful transfers and misappropriation.<sup>5</sup>

Stricter regulatory controls over the lease, transfer, or alienation of waqf properties are one of the proposed amendment's main aspects. In order to manage waqf land and buildings throughout the states, the Act suggests requiring the digitization of waqf documents, centralizing the registration of waqf assets, and establishing a National Waqf Property Management System.<sup>6</sup> These modifications are intended to lessen instances of fraudulent transactions and encroachments, which have been frequently brought to light in reports by the Sachar Committee and the Central Waqf Council.<sup>7</sup>

The Act's increased central government engagement in issues that are typically handled by State Waqf Boards is another important element. Given that property and religious endowments are included in the State List under the Indian Constitution, this has sparked worries about possible violations of state autonomy.<sup>8</sup> The increased bureaucratic supervision, according to critics, may weaken Waqf Boards' independence and jeopardize the community-led administration of places of worship.<sup>9</sup> Opponents have voiced concerns about the centralization of waqf governance, the

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<sup>3</sup> Tahir Mahmood, *Muslim Law in India and Abroad*, 2nd ed. (LexisNexis, 2012), pp. 239–245.

<sup>4</sup> Sachar Committee Report, *Social, Economic and Educational Status of the Muslim Community of India* (Government of India, 2006), Chapter 10.

<sup>5</sup> Ministry of Minority Affairs, *Press Release on Introduction of the Waqf Amendment Act 2025*, Government of India, January 2025.

<sup>6</sup> The Hindu, "Waqf Properties to be Digitized under New Act: Minority Affairs Ministry," January 14, 2025.

<sup>7</sup> Government of India, *Report of the Sachar Committee: Social, Economic and Educational Status of the Muslim Community of India*, 2006, Chapter 10.

<sup>8</sup> Constitution of India, Seventh Schedule, List II – State List, Entry 18

<sup>9</sup> Indian Express, "Experts Raise Alarm over Centralization in Waqf Amendment Act," February 2025.

lack of community involvement, and the potential for arbitrary property purchase, while supporters contend that the Amendment guarantees improved protection of Muslim endowments. As a result, the Act has sparked discussion on the fine line that must be drawn between regulatory supervision and the defense of minority rights as stipulated in Article 26 of the Indian Constitution.<sup>10</sup>

The Act aims to enhance transparency, inclusivity, and efficiency in waqf management. Key provisions include:

1. **Renaming of the Act:** The Act proposes renaming the Waqf Act, 1995, to the Unified Waqf Management, Empowerment, Efficiency, and Development (UMEED) Act, 1995, reflecting its broader objectives.
2. **Definition and Creation of Waqf:**
  - *Section 3(b):* Defines "waqf" as a dedication by any person practicing Islam for at least five years and having ownership of the property.
  - *Section 3(c):* Ensures that the creation of waqf-alal-aulad does not deny inheritance rights to women.
  - *Section 3(d):* Omits provisions related to "waqf by user," requiring formal documentation for waqf creation.
3. **Inclusion of Non-Muslim and Muslim Women Members:** The Waqf (Amendment) Act, 2025, introduces provisions to include non-Muslim members and Muslim women in the governance of waqf institutions. Specifically, the amendments to *Section 9* and *Section 14* address these inclusions:
  - **Central Waqf Council:** The Council will now include two non-Muslim members. Additionally, it mandates the inclusion of at least two Muslim women, promoting gender inclusivity.
  - **State Waqf Boards:** State governments are required to nominate members from various backgrounds, including non-Muslims, ensuring representation from Shia, Sunni, and Backward Muslim classes, with at least two Muslim women members.
4. **Authority of District Collectors:** The Act amends *Section 40* of the Waqf Act, 1995, to empower District Collectors with the authority to determine the status of disputed

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<sup>10</sup> Constitution of India, Article 26: "Freedom to manage religious affairs."

properties. This amendment transfers the power from the Waqf Boards to the District Collectors, aiming to ensure impartial resolution of ownership disputes. The Act replaces the Survey Commissioner's prior position by designating District Collectors to supervise surveys of waqf properties. The District Collector will decide the status in cases of contested ownership, especially when it comes to government property, with the goal of clearing up any confusion and preventing unapproved claims.

5. **Establishment of Separate Waqf Boards:** *Section 13A* Provides for the establishment of separate Waqf Boards for Bohra and Agakhani communities. Provisions have been made for the creation of separate Waqf Boards for specific Muslim sects, such as the Bohras and Aghakhani, to address their unique needs and ensure more tailored management of their waqf properties.

6. **Registration and Documentation**

- **No Oral Waqf:** Oral waqf and waqf by user are prohibited. Waqf can now only be created with a valid waqf-nama (legal deed) and supporting property documents.
- **Mandatory Documentation:** Every waqf must be supported by:
  - (a) Ownership documents
  - (b) Purpose-specific waqf-nama
  - (c) Identity of the waqif (founder) who must be a practicing Muslim for 5+ years.

7. **Centralized Digital Portal and Land Records and Mutation (*Section 37*):**

- **Mandatory online registration** of waqf properties and waqf deeds via a central portal.
- **Revenue authorities must Issue public notice for 90 days before mutating any property as waqf:** Allow objections from the public, including state agencies. Entries in revenue records will only be made after due verification and cannot be based merely on oral claims or implied usage.
- **Verification by District Collector:** In case of disputes over whether land is government or private, the **District Collector** has the authority to make a determination (*Section 40*).

## 8. Dispute Resolution and Appeals:

- *Section 6*: Empowers the District Collector to determine disputes regarding whether a property is waqf or government property.
- *Section 83*: Reforms the Waqf Tribunal structure to consist of two members and allows for appeals against Tribunal decisions to the High Court within 90 days.

9. **Disqualification Criteria for Mutawalli (Custodian):** *Section 50A*: Introduces disqualification criteria for appointment as a mutawalli, including age, mental soundness, insolvency, criminal conviction, encroachment on waqf property, or previous removal for mismanagement or corruption.

## III. CONSTITUTIONAL AND LEGAL IMPLICATIONS OF THE WAQF (AMENDMENT) ACT, 2025

The Waqf (Amendment) Act, 2025, introduced by the Government of India, intends to alter the legislative framework governing waqf properties with the intention of improving transparency, inclusion, and administrative efficiency in waqf governance.<sup>11</sup> While the Act proposes several progressive reforms—such as the digitization of waqf records, protection of inheritance rights, and the inclusion of diverse representation on waqf boards—it has also raised serious constitutional and legal concerns. Among the most debated aspects are the inclusion of non-Muslim members in waqf boards, the abolition of the concept of waqf by user, and the empowerment of executive authorities in resolving waqf-related disputes. These changes potentially implicate fundamental rights and constitutional principles, including freedom of religion and religious denomination autonomy under Article 26, minority rights under Articles 29 and 30, right to property under Article 300A, and judicial independence as part of the basic structure doctrine.<sup>12</sup>

Moreover, the centralization of waqf administration raises problems about legislative competence and federalism, because religious endowments and land are subjects within the State List under Schedule VII of the Constitution.<sup>13</sup> The constitutional validity of these provisions, therefore, invites scrutiny in light of landmark judgments such as *S.A. Azeez Basha v. Union of India*,<sup>14</sup> *L. Chandra Kumar v. Union of India*,<sup>15</sup> and *State of West Bengal v. Union*

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<sup>11</sup> *Cabinet approves Waqf Amendment Act, 2025*, PIB Release, 3 April 2025, available at: <https://pib.gov.in/PressReleasePage.aspx?PRID=2118799>

<sup>12</sup> The Constitution of India, 1950.

<sup>13</sup> Constitution of India, Seventh Schedule, List II (State List), Entries 18 and 28.

<sup>14</sup> *S.A. Azeez Basha v. Union of India*, AIR 1968 SC 662.

<sup>15</sup> *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125.

of India.<sup>16</sup>

### 1. Federalism and Legislative Competence

Under the Indian Constitution, legislative powers are distributed between the Union and States through the **Union List (List I)**, the **State List (List II)**, and the **Concurrent List (List III)** of **Schedule VII**. The following entries are particularly relevant to the Waqf Act:

- **Entry 28, State List:** “Charities and charitable institutions, charitable and religious endowments and religious institutions.”
- **Entry 18, State List:** “Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant...These entries plainly indicate that waqf properties—religious endowments including immovable land—fall under the legislative jurisdiction of the states.

In India, the idea of federal supremacy gives Parliament priority in the event of a conflict between Union and State law on Concurrent List issues (Article 254). However, where issues are solely on the State List, Parliament cannot legislate without a constitutional amendment or a presidential proclamation under Article 252. The increase of Central control through the Waqf Amendment Act 2025, particularly on matters of land management and local religious administration, may be interpreted as infringing the States' exclusive domain and disturbing the federal balance established by the Constitution.

The Supreme Court, in this landmark case, held that Parliament cannot legislate on subjects exclusively within the State List unless expressly authorized by the Constitution. The case reinforced the federal character of the Constitution, particularly in regard to property and land.<sup>17</sup> The Court also held that federalism is a part of the basic structure of the Constitution, and that States are not mere agents of the Centre. Legislation undermining the role of States could be challenged for violating this basic structure.<sup>18</sup>

### 2. Autonomy of Religious Institutions under Article 26

Article 26 of the Indian Constitution allows every religious denomination the ability to administer its own religious affairs, which is an important component of India's secular and pluralistic framework. In this backdrop, the Waqf (Amendment) Act of 2025, which makes significant structural changes to the administration and management of Muslim religious endowments (waqf), poses critical constitutional problems. One of the most contentious issues

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<sup>16</sup> *State of West Bengal v. Union of India*, AIR 1963 SC 1241.

<sup>17</sup> *State of West Bengal v. Union of India*, AIR 1963 SC 1241

<sup>18</sup> *S.R. Bommai v. Union of India*, (1994) 3 SCC 1

surrounding the Act is whether it breaches the constitutionally protected autonomy of Muslim religious institutions, particularly waqf boards and waqf properties, under Article 26.

Article 26 of the Constitution of India provides:

“Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.”

This provision ensures institutional autonomy to religious communities over the management of their religious and charitable institutions. It is a collective right, unlike Article 25 which protects individual religious freedom. However, this autonomy is not absolute, and is subject to “public order, morality, health, and other laws”.

In the landmark case of *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt (1954)*, the Supreme Court ruled that the term "religion" under Articles 25 and 26 includes not only beliefs and doctrines, but also rituals, observances, ceremonies, and modes of worship, and that religious denominations have the right to manage their own religious affairs. This decision proved unequivocally that the administration of religious organizations, when fundamentally tied to religious practices, is protected by Article 26(b). Establishing on this, the Court reiterated in *Ratilal Panachand Gandhi v. State of Bombay (1954)* that, while the State may regulate secular religious activities, it cannot take over or substantially interfere with the management of religious properties or the decision-making autonomy of religious bodies unless such interference is justified by public order, morality, or health concerns. In *S.A. Azeez Basha v. Union of India (1968)*, the Court stated that while Parliament has the jurisdiction to act about the secular management of religious institutions, it cannot override or eliminate the denominational rights recognized under Article 26. These verdicts establish the notion that state regulation is permitted only if it does not interfere with the denomination's essential religious and administrative authority. Given these precedents, the Waqf (Amendment) Act, 2025—which allows non-Muslim participation in waqf boards, centralises authority over waqf disputes, and abolishes the doctrine of 'waqf by user'—may be interpreted as a constitutional overreach, infringing on the Muslim community's right to manage religious endowments in accordance with their faith and tradition.



### 3. Judicial Independence and Access to Justice

Judicial independence requires that the judiciary be free of interference from the executive and legislative branches of government. *In S.P. Gupta v. Union of India 1981*, the Supreme Court emphasised that judicial independence is not only required for fair adjudication, but it is also an essential component of the basic structural concept. The Waqf (Amendment) Act, 2025, proposes establishing or expanding quasi-judicial authorities, such as Waqf Tribunals, and making their decisions final with limited scope for judicial review. Such laws may jeopardize judicial independence by replacing constitutionally created courts with executive-controlled organizations. Although tribunals are not inherently unconstitutional, the Supreme Court in *L. Chandra Kumar v. Union of India*<sup>19</sup> held that judicial review under Articles 226 and 32 is a part of the basic structure, and any law that seeks to eliminate or limit such review would be unconstitutional.

### 4. Minority Rights under Articles 29 and 30

Minority rights are founded on Articles 29 and 30 of the Indian Constitution, which protect minority communities' cultural, educational, and religious identities. The Waqf (Amendment) Act, 2025, which proposes extensive structural reforms to the administration of Muslim endowments, has prompted debate about its impact on minority rights, particularly those of the Muslim community. This section determines whether the Act's provisions are consistent with the constitutional guarantees afforded by Articles 29 and 30.

*“Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.”*<sup>20</sup>

*“All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.”*<sup>21</sup>

The Waqf system is inherently religious and culturally significant for Muslims, involving endowments dedicated to religious, charitable, and educational purposes. The 2025 Amendment Act brings about significant changes that raise constitutional questions under Articles 29 and 30:

- **Inclusion of Non-Muslims in Waqf Boards**

One of the most controversial aspects of the Act is the provision allowing **non-Muslim members** to be appointed to the **State and Central Waqf Boards**. Waqf, being a religious trust

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<sup>19</sup> (1997) 3 SCC 261

<sup>20</sup> Article 29(1), Constitution of India

<sup>21</sup> Article 30(1), Constitution of India.

under Islamic law, is rooted in **Muslim theology and jurisprudence**. The inclusion of individuals who may not be versed in Islamic principles could be viewed as a **dilution of the Muslim community's autonomy**, potentially infringing Article 29(1), which guarantees minorities the right to conserve their **religious and cultural practices**. *In Re The Kerala Education Act*<sup>22</sup> the Supreme Court held that **State regulation cannot destroy the essential character of a minority institution or community body**.

- **Interference in Waqf Educational Institutions**

Many waqf properties are used to run madrassas, schools, and colleges established by the Muslim community. The Act's enhanced executive control over waqf property management could indirectly affect the autonomy of these institutions, particularly if:

- a. They face restrictions on using waqf funds.
- b. They are subjected to non-consultative decision-making regarding endowment use.
- c. Administrative control is transferred to persons outside the religious community.

Such interference may violate Article 30(1), as the right to administer educational institutions includes control over property and finance necessary for the institution's function. *T.M.A. Pai Foundation v. State of Karnataka*<sup>23</sup>, where the Supreme Court reaffirmed that administrative autonomy is essential for minority institutions.

- **Removal of Waqf by User Doctrine**

The Act seeks to abolish the doctrine of "waqf by user", a concept under which properties used for religious purposes over time are presumed to be waqf, even if not formally declared. This may affect cultural and customary practices, which are part of the right to conserve culture under Article 29(1). In communities where waqf endowments evolve through usage and oral history, this reform may undermine traditional religious arrangements.

## **10. Impact of the Waqf (Amendment) Act, 2025 on the Muslim Community**

The Waqf (Amendment) Act, 2025, which seeks to improve the governance and management of waqf properties in India, has far-reaching legal, socioeconomic, and cultural ramifications for the Muslim population. While the government claims that the Act promotes openness and efficiency, academicians, religious leaders, and civil society members have expressed concerns about its influence on religious autonomy, community welfare, and constitutional rights.

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<sup>22</sup> AIR 1958 SC 956.

<sup>23</sup> (2002) 8 SCC 481

## **IV. KEY AREAS OF IMPACT**

### **1. Diminished Autonomy Over Religious Institutions**

One of the most contested aspects of the Act is the **inclusion of non-Muslim members** in the composition of Waqf Boards. This is seen as a direct interference in the **internal administration of a religious minority**, which historically had the right to manage its own endowments and institutions under **Islamic principles of waqf**.

#### **Example:**

Under the current system, Muslim jurists (ulema), mutawallis, and community members decide how a waqf is created, managed, or transferred. With non-Muslim representation, there may arise conflicts in interpreting Sharia-based waqf laws, leading to decisions that do not reflect the religious intentions of the donors (waqifs).

This can be seen as an infringement of Article 26(b) of the Constitution, which guarantees every religious denomination the right to manage its own religious affairs.

### **2. Weakened Role of Civil Courts and Judicial Oversight**

The Act gives exclusive powers to Waqf Tribunals, limiting the jurisdiction of civil courts and curbing the scope of judicial review. This affects access to justice for the community, especially in cases of property encroachments or mismanagement by waqf boards.

#### **Example:**

If a waqf property is wrongly sold or encroached upon, the aggrieved mutawalli or beneficiary may not be able to directly approach a civil court. Instead, they would need to go through tribunals that might not offer the same procedural safeguards or judicial independence.

This could be especially problematic in rural areas where legal awareness is low, and people traditionally rely on civil courts to assert their property rights.

### **3. Abolition of Waqf by User Doctrine**

The abolition of the "waqf by user" notion has significant cultural and practical implications. According to this philosophy, a property that has been consistently used for religious purposes (such as a dargah or mosque) is believed to be waqf, even if it has not been officially declared. Its elimination could leave several undocumented but historically significant waqf properties open to acquisition or demolition.

#### **Example:**

In small towns or villages, there are many mosques or graveyards that were never formally

registered as waqf but have existed for generations. Without the protection of "waqf by user", such places could now be challenged, repurposed, or reclaimed by private or government entities, especially in real estate-sensitive zones. This would directly affect religious practice and historical continuity in Muslim communities.

#### **4. Limited Community Participation and Transparency**

The centralization of waqf administration under state and central governments limits the possibilities of community-led governance. Local mutawallis and community organizations may have less said in how waqf income is spent, potentially leading to alienation and mismanagement.

##### **Example:**

A waqf established in a local area for the specific purpose of supporting madrassa education may now be redirected to state-mandated projects without adequate community consultation. This would conflict with the original niyyah (intention) of the donor and violate the spirit of waqf under Islamic law.

#### **5. Socio-Economic Impact on Beneficiaries**

Waqf properties are historically used to fund education, healthcare, housing, and social welfare for economically weaker sections within the Muslim community. If the income from waqf lands is diverted to administrative expenses or government-led development projects, it can reduce the welfare impact on beneficiaries.

##### **Example:**

According to the Sachar Committee Report (2006), Muslims in India are already among the most socio-economically disadvantaged groups. Weakening the community's control over waqf income may worsen conditions in terms of drop-out rates, poverty, and healthcare access, especially in states with large Muslim populations.

## **V. RECOMMENDATION**

The Waqf (Amendment) Act, 2025, while allegedly intended to promote transparency, accountability, and efficient management of waqf properties, risks eroding the Muslim community's constitutional rights and religious autonomy if passed in its present form. It is consequently proposed that the Act be extensively changed to conform with the spirit of Articles 26, 29, and 30 of the Indian Constitution.

### **(A) Establish a Statutory Waqf Development and Oversight Council (WDOC):**

A dedicated, community-led oversight body should be created with legal autonomy to ensure transparent governance, regular audits, and welfare-oriented use of waqf income, while respecting religious traditions and local needs.

- **Retain the Primacy of Muslim Representation in Religious Affairs:** Non-Muslim members, if appointed to Waqf Boards, should only hold consultative or technical positions without voting rights. Decisions involving religious property and usage must remain within the purview of the Muslim community to uphold Article 26(b).
- **Restore Judicial Access and Strengthen Tribunal Independence:** The Act must allow limited jurisdiction to civil courts or create judicially supervised appellate tribunals to protect the right to access justice. Waqf Tribunals must be restructured with adequate judicial independence and resources.
- **Recognize “Waqf by User” with Safeguards:** A balanced approach should be adopted where longstanding religious usage of land or sites is acknowledged through affidavits, community records, and testimonies, ensuring protection of informal religious spaces.
- **Mandate Public Consultation and Digital Transparency:** A provision for mandatory community consultation before alienation or redevelopment of any waqf property must be included. All waqf assets and financial records should be uploaded to a publicly accessible digital portal to enhance trust and accountability.
- **Create a Dedicated Waqf Welfare Fund:** A particular amount of net annual waqf income should be set aside for education, healthcare, scholarships, and housing assistance for disadvantaged Muslim community members.

### **(B) Grounds for Constitutional Challenge**

The Waqf (Amendment) Act, 2025, might be lawfully challenged on several grounds. First, it violates Article 26(b), which provides every religious group the freedom to administer its own religious affairs; permitting non-Muslim members on Waqf Boards directly undermines this autonomy. Second, it contradicts Articles 29 and 30, which safeguard minorities' rights to preserve their culture and run their own educational and religious organizations, which waqf properties frequently support. Third, the Act may violate Article 14 because of its arbitrary classification and undue interference with the operation of a specific community's religious endowments. Furthermore, by excluding civil courts and delegating judicial powers only to tribunals, it jeopardizes access to justice under Article 21. From a federalist standpoint, the Act intrudes into the State List, where religious endowments are predominantly located, so

disrupting the constitutional balance of power between the Union and the States. Finally, the cumulative effect of these provisions may violate the Constitution's fundamental structure by endangering core principles such as secularism, minority rights, federalism, and judicial review, as articulated in the seminal decision of *Kesavananda Bharati v. State of Kerala*.<sup>24</sup> To guarantee that reforms are inclusive, balanced, and constitutionally valid, the government must reconsider its approach and have genuine consultations with stakeholders.

## **VI. CONCLUSION**

The Waqf (Amendment) Act, 2025, is a watershed point in India's legal and constitutional debate over religious endowments. While the Act's declared goal is to increase transparency and administration of waqf properties, its current form creates significant constitutional, legal, and communal problems.

By attempting to change the composition of Waqf Boards, limit the jurisdiction of civil courts, and override traditional waqf practices by usage, the Act risks undermining the autonomy of Muslim religious institutions, marginalizing community participation, and infringing on fundamental rights guaranteed by the Indian Constitution.

This amendment appears to go against the spirit of a pluralistic constitutional democracy, which protects minorities' rights to freely administer their religious affairs and organizations. Far from being a mere administrative reform, the Act's provisions could have far-reaching socio-legal implications, particularly for grassroots Muslim communities that rely on waqf institutions for education, religious practice, burial grounds, and social welfare.

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<sup>24</sup> AIR 1973 SC 1461.