

List of dates

Dates	Particulars
<p>8th to 12th century</p>	<p>In the 8th to 12th centuries, as Islam took root in India through traders and rulers settling in regions like Sindh and Gujarat, the concept of <i>Waqf</i>—an Islamic endowment for the greater good—quietly emerged. Mosques, dargahs, and madrasas began to benefit from these early acts of charity, setting the stage for a system that would grow in scope and significance.</p> <p>Introduction of Islam in India: Muslim rulers and traders begin settling in India; early forms of Waqf (Islamic endowment) start being practiced, especially in Sindh and Gujarat. □ Waqf used for mosques, dargahs, and madrasas..</p>
<p>13th–16th Century – Delhi Sultanate</p>	<p>By the 13th to 16th centuries, under the Delhi Sultanate, Waqf found firmer ground. Rulers like Iltutmish and Firoz Shah Tughlaq gave it an institutional shape, dedicating land grants to support religious worship, education, and charity. These endowments became symbols of piety and community welfare, laying a foundation that would endure. □ Waqf gains institutional form under rulers like Iltutmish and Firoz Shah Tughlaq. Land</p>

	grants (waqf) used for religious, educational, and charitable purposes
1526–1857 Mughal Empire	The Mughal Empire (1526–1857) took Waqf to new heights. Emperors formalized its administration, channeling resources into madrasas, hospitals, and shrines.
	The Ain-i-Akbari , penned by Abul Fazl, records these waqf-managed institutions as vital pillars of Mughal society—a testament to their scale and influence.
Early 19th centuries	In the Early nineteenth century , the superintendent of certain endowments , including Islamic endowment in the state of West Of Bengal , Madras and Bombay was vested in the government acting in its executive capacity through authority like the board of Revenue or the collector , pursuant to regulation issued in the said presidencies in 1810, 1817 and 1827 respectively
1857 - End of Mughal Rule	The fall of Mughal rule in 1857 marked a turning point. British annexation brought legal uncertainty, casting shadows over waqf properties. In 1863 , the Religious Endowments Act sought to regulate non-personal religious endowments, including mosques and temples, but it fell short of addressing Waqf’s unique needs.
1863 Religious Endowments Act	British introduce this Act to regulate non-personal religious endowments (including temples and mosques), but not exclusively waqf. The religious Endowment act 1963 was enacted in response to a growing demand in England for the colonial government in India to adopt a strict policy of non-intervention in religious matter this act divested the government of direct control

	over the religious endowment in the presidency of Bengal . Madras and Bombay , transferring the powers previously exercised by it to district or division level local committees.
1894 – Waqf Validity Questioned	Privy Council questions validity of family waqfs (waqf alal aulad), calling them " illusory ".
1913	The earliest legislation concerning waqfs in India was the Mussalman Waqf Validating Act, 1913 (Act VI of 1913), which affirmed the right of Muslims to create waqfs for the benefit of their families, children, and descendants. The Act expressly provided that a waqf shall not be deemed invalid merely because the religious or charitable purposes specified therein are postponed until after the extinction of the waqif's (founder's) family line. This enactment was specifically introduced to override the effect of the decision of the Hon'ble Privy Council in <i>Abdul Fata Mahomed Ishak v. Russomoy Dhur Chowdhury</i> , (1894) 22 IA 76, wherein it was held that a waqf primarily benefiting the founder's family, with only a contingent charitable or religious purpose, was invalid. Subsequently, the Mussalman Waqf Validating Act, 1930 (Act XXXII of 1930) was enacted to confer retrospective effect upon the 1913 Act, thereby validating waqfs created prior to its enactment that would otherwise have been

	<p>rendered void under the law as laid down in <i>Abdul Fata</i> (supra).</p>
<p>1923</p>	<p>The Mussalman Waqf Act, 1923 – A Foundational Regulatory Framework The Mussalman Waqf Act, 1923 (Act XLII of 1923) marked a significant milestone in the evolution of waqf legislation in India, laying the foundational framework for the regulation of the creation, maintenance, and administration of waqfs and waqf properties.</p> <p>The 1923 Act conferred a pivotal role upon the Civil Courts in matters relating to the recognition and registration of waqfs, the protection of waqf properties, and the supervision of waqf administration. It imposed a statutory obligation on every mutawalli to submit a statement of particulars to the Civil Court having jurisdiction over the area in which the waqf property was situated.</p> <p>Furthermore, the Act required the mutawalli to furnish a full and accurate statement of accounts, duly audited, to the said Court.</p> <p>The Act also mandated the preparation and maintenance of a Register of Waqfs, with the Civil Court being empowered to record entries therein. Additionally, the jurisdictional Court was vested with wide-ranging powers to</p>

conduct inquiries for the purposes of determining:

- (i) the existence of a waqf;
- (ii) whether a particular property qualifies as waqf property; and
- (iii) the identity of the mutawalli administering the waqf.

This Hon'ble Court, in *Rashid Wali Beg v. Farid Pindari*, (2022) 4 SCC 414, observed that, under the 1923 Act, the Civil Courts were vested with "enormous powers," including the power to direct a special audit in appropriate cases.

Subsequently, several Provincial Governments enacted modifications to the 1923 Act. Notably:

- The Province of Bengal enacted the *Bengal Waqf Act, 1934*;
- The Province of Bombay introduced the *Mussalman Waqf (Bombay Amendment) Act, 1935*; and
- The United Provinces legislated the *United Provinces Muslim Waqfs Act, 1936*.

These province-specific legislations signified a departure from the centralized approach of the 1923 Act, allowing for localized governance of waqf institutions. Other similar State-specific laws regulating waqf administration also came

	<p>to exist historically, reflecting the diverse and regionally adapted nature of waqf governance in India prior to the post-Independence framework.</p>
<p>1954</p>	<p>Post-Independence Legislative Reform – The Muslim Wakfs Act, 1954</p> <p>Pursuant to India's Independence and in furtherance of the objective to ensure more effective administration and supervision of waqfs, the Parliament enacted the Muslim Wakfs Act, 1954 (hereinafter “the 1954 Act”). The Statement of Objects and Reasons accompanying the 1954 Act expressly acknowledged that the earlier legislation, namely the Mussalman Waqf Act, 1923, had demonstrated limited practical utility in addressing the administrative challenges associated with waqfs across the country.</p> <p>In the aftermath of Partition, with the emergence of complex issues concerning evacuee properties and the fragmented oversight of waqf institutions under various provincial and state laws, the need for a uniform and centralised legal framework became increasingly evident. It was in response to these exigencies that the 1954 Act was promulgated, representing a paradigm shift in the governance of waqf institutions.</p>

	<p>The 1954 Act repealed several pre-existing enactments, including the Mussalman Waqf Act, 1923, and introduced a standardised administrative structure by establishing State Waqf Boards in various states. These Boards were vested with extensive regulatory, supervisory, and quasi-judicial powers to manage waqf properties and ensure compliance with the objects of each waqf.</p> <p>The Act provided that it would come into force in any State on such date as may be notified by the Central Government in the Official Gazette. However, a statutory exception was carved out for the States of Bihar, Delhi, Uttar Pradesh, and West Bengal, wherein the Act could be brought into force only upon the recommendation of the respective State Government. This exception was necessitated by the fact that these States had already enacted their own legislation governing the administration and management of waqfs, and thus operated under distinct legal regimes at the time of the enactment of the 1954 Act.</p>
1984	<p>Amendments to the Muslim Wakfs Act, 1954, and Enactment of the Waqf (Amendment) Act, 1984</p> <p>The Muslim Wakfs Act, 1954 (hereinafter referred to as “the 1954 Act”) underwent amendments in the years 1959, 1964, and 1969.</p>

However, in order to further improve and streamline the administration of waqfs, the Central Government constituted the Waqf Inquiry Committee, which conducted a comprehensive review of the existing framework and made extensive recommendations.

Following detailed consultations with stakeholders, the recommendations of the Waqf Inquiry Committee culminated in the enactment of the Waqf (Amendment) Act, 1984 (hereinafter referred to as "the 1984 Amendment Act"). The 1984 Amendment Act introduced significant reforms to the legislative framework governing waqfs in India.

One of the most notable amendments under the 1984 Amendment Act was the substitution of Section 55 of the principal Act with a new provision. The newly substituted Section 55(1) provided for the establishment of Special Tribunals to adjudicate disputes, questions, or any other matters concerning waqfs and waqf properties, thereby creating a specialised mechanism for the resolution of such disputes.

However, despite the introduction of the 1984 Amendment Act, the legislation faced strong opposition, which resulted in only a limited implementation of its provisions. Consequently, only the following two provisions were enforced:

	<ol style="list-style-type: none"> 1. The extension of the period of limitation for filing suits for the recovery of waqf property in cases of adverse possession from 12 years to 30 years. 2. The deeming provision stating that evacuee waqf property was deemed to have always been vested with the Waqf Board, thus clarifying the ownership and control of such properties.
1995	<p>The Waqf Act, 1995 – Enactment and Reforms</p> <ol style="list-style-type: none"> 1. Enactment of the Waqf Act, 1995 The Waqf Act, 1995 (Act XLIII of 1995) was enacted as a comprehensive overhaul of the administration of waqf properties in India. This legislative reform consolidated the provisions of the Muslim Wakfs Act, 1954, and selectively incorporated certain provisions from the Waqf (Amendment) Act, 1984, which had achieved broad consensus. The primary objective of the 1995 Act was to modernise and streamline the governance of waqfs across the country, address existing inefficiencies, and ensure better management and regulation of waqf properties. 2. Key Reforms Introduced by the 1995 Act The Waqf Act, 1995 introduced several significant reforms, which include, but are not limited to, the following:

	<ul style="list-style-type: none">○ Strengthened Powers of State Waqf Boards: The Act conferred enhanced powers upon the State Waqf Boards, thereby empowering them to take more decisive and effective actions in regulating, managing, and administering waqf properties across their respective jurisdictions. This reform aimed to ensure better oversight and control over waqf assets.○ Maintenance of Property Records and Digitisation: The Act established stringent provisions for the accurate and comprehensive maintenance of waqf property records and mandated the digitisation of waqf data. This initiative was a significant step towards the modernisation of waqf administration and aimed at improving administrative efficiency and transparency.○ Transparency and Accountability: The 1995 Act sought to improve transparency and accountability in the management of waqf properties. This was achieved by incorporating recommendations from various committees that had previously
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	<p>identified systemic issues and inefficiencies in the administration of waqf assets.</p> <ul style="list-style-type: none">○ Establishment of Specialised Waqf Tribunals: One of the key provisions of the 1995 Act was the creation of specialised waqf tribunals tasked with adjudicating disputes and matters related to waqf properties. This measure was aimed at enhancing the efficiency and effectiveness of the dispute resolution process, ensuring that waqf-related issues were resolved expeditiously and in a specialised forum. <p>3. Applicability and Territorial Jurisdiction Unlike the Waqf Act of 1954, which had limited applicability in certain states, the Waqf Act, 1995 extended its jurisdiction across the entire territory of India, with the sole exception of Jammu and Kashmir. In Jammu and Kashmir, the administration of waqfs had been governed by separate legislation, namely:</p> <ul style="list-style-type: none">○ The Jammu and Kashmir Wakafs Act, 2001, and○ The Jammu and Kashmir Muslim Specified Wakafs and Specified
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	<p style="text-align: center;">Wakaf Properties (Management and Regulation) Act, 2004.</p> <p>However, with the abrogation of Article 370 of the Constitution and the subsequent reorganisation of the erstwhile State of Jammu and Kashmir into the Union Territories of Jammu and Kashmir and Ladakh, these Acts were repealed. Consequently, the Waqf Act, 1995 now applies uniformly across India, including the newly reorganised Union Territories of Jammu and Kashmir and Ladakh</p>
2006	<p>Inefficiencies in Waqf Management and Encroachment by State Governments</p> <ol style="list-style-type: none"> 1. Under the esteemed leadership of Justice (Retired) Rajinder Sachar, the Prime Minister's High-Level Committee was tasked with preparing the Report on the Social, Economic, and Educational Status of the Muslim Community of India (hereinafter referred to as the "Sachar Committee Report"). The Sachar Committee Report, after a detailed and comprehensive review, highlighted significant inefficiencies in the administration and management of waqf properties across the country. 2. One of the most concerning findings of the Sachar Committee Report was the

	<p>identification of State governments and their agencies as some of the largest encroachers on waqf land. The Report specifically referenced 584 properties that were subject to encroachment in six states, namely:</p> <ul style="list-style-type: none">○ Delhi (316 properties),○ Rajasthan (60 properties),○ Karnataka (42 properties),○ Madhya Pradesh (53 properties),○ Uttar Pradesh (60 properties), and○ Odisha (53 properties). <p>3. The Sachar Committee Report further clarified that the aforementioned figures are not exhaustive and do not fully represent the extent of encroachment on waqf properties by State agencies, even in the six states mentioned.</p> <p>4. In light of these findings, the Sachar Committee emphasized the urgent need for the proper implementation of existing waqf laws to ensure that waqf properties are more effectively utilized for the benefit of the Muslim community. This, the Report states, is essential in addressing the social and educational backwardness that the community faces.</p> <p>5. The Sachar Committee's recommendations call for immediate action to prevent further encroachment,</p>
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	<p>ensure the protection of waqf properties, and empower the waqf administration so that these properties can be used to their fullest potential for the welfare of the community.</p>
2008	<p>In its Third Report, the Joint Parliamentary Committee on Waqf reaffirmed the concerns raised by the Sachar Committee regarding the widespread encroachment on waqf properties. The Committee recommended the extension of the summary procedure for the eviction of encroachers under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, to cover waqf properties.</p> <p>This recommendation led to the introduction of the Waqf Properties (Eviction of Unauthorized Occupants) Bill in the Rajya Sabha, with the objective of establishing a streamlined and efficient mechanism to address the encroachment of waqf properties.</p> <p>However, prior to the introduction of the Waqf Amendment Bill, 2024, the aforementioned Bill was withdrawn.</p>
2013	<p>The Waqf (Amendment) Act, 2013 was duly notified in the Official Gazette of India. The amendments incorporated therein were derived from the recommendations of the relevant committees and were designed to introduce</p>

	<p>substantial reforms in the administration of waqf properties. The primary objective of these amendments was to address long-standing issues, most notably the pervasive problem of encroachment on waqf properties, thereby strengthening the management and protection of such assets</p>
<p>08/08/2024</p>	<p>The Waqf (Amendment) Bill, 2024 was introduced in the Lok Sabha on August 8, 2024, proposing the repeal of the Musselman Waqf Act, 1923 and introducing a series of significant amendments to the Waqf Act, 1995. These amendments were proposed amidst substantial opposition.</p> <p>A motion was moved in the Lok Sabha by the Hon'ble Minister of Minority Affairs, to refer the Waqf (Amendment) Bill, 2024 to a Joint Working Committee of both Houses of Parliament ("JPC") for further examination. On the same day, the Bill was referred to the JPC, chaired by Member of Parliament Jagdambika Pal, for detailed scrutiny and report.</p> <p>In accordance with the motion adopted in the Lok Sabha, the JPC was initially tasked with submitting its report by the last day of the first week of the Winter Session, 2024. The Petitioner herein is a member of the JPC</p>
<p>29/01/2025</p>	<p>In its 38th sitting held on January 29, 2025, the Joint Parliamentary Committee (JPC)</p>

	considered and adopted the 655-page draft report by a majority vote, notwithstanding strong objections raised by Opposition members. Eight dissenting notes, comprising hundreds of pages, were submitted by twelve members of the Committee, articulating substantial objections to the findings and recommendations of the report. The Petitioner herein also filed a dissent note, which was duly included as part of the final JPC Report
13/02/2025	The JPC report on the Waqf (Amendment) Bill, 2024 was tabled in Parliament.
2-3/4/ 2025	The Hon'ble Minister of Minority Affairs introduced the updated Waqf (Amendment) Bill, 2025 in the Lok Sabha for consideration and the Bill was passed.
3-4/04/ 2025	The Waqf (Amendment) Bill, 2025 was introduced for consideration in the Rajya Sabha and was passed.
	Hence petitioner filed petition

PIL

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

PETITION UNDER ARTICLE 32 OF CONSTITUTION OF INDIA

Read With Order XXXIII Of The Supreme Court **Rules , 2013**

Writ Petition (Civil)

.....of 2025

Public Interest Litigation

IN THE MATTER OF:

1. Arif Masood ,



Also : Member Of Legislative Assembly
Madhya Pradesh Bhopal.
At Bhopal

..... PETITIONER

Verses

Union of India

Through its Secretary

Minister of Minority Affairs

....RESPONDENT

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR INFRINGEMENT OF HIS FUNDAMENTAL RIGHT GUARANTEED UNDER THE INDIAN CONSTITUTION TO EXERCISE Articles 14, 15, 21, 25, 26, 29, 30 of the Constitution of India

TO,

THE HON'BLE CHIEF JUSTICE
OF INDIA AND HIS COMPANION
JUDGES OF
THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITIONERS
OF THE PETITIONERS
ABOVE-NAMED

MOST RESPECTFULLY SHEWETH:

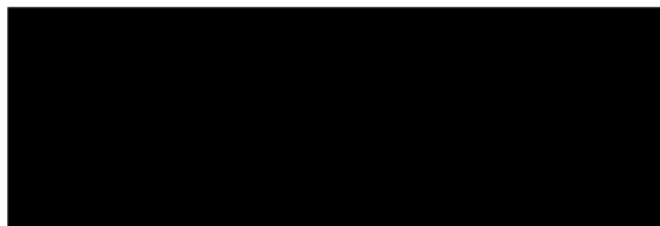
1. That the petitioners are citizen of India and law binding citizen of India and has interest in protection of democratic rights of citizen of country as per constitution of INDIA seeking to challenge the validity of the classed of the of the Waqf (Amended) Act 2025

Petitioner : Arif Masood ,



Petitioner is citizen of India and notational speaker of congress party.

- a.
- b.
- c.
- d.
- e.



2. The Petitioner, Arif Masood MLA of the Madhya Pradesh Legislative counsel is constrained to invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, to challenge the constitutional validity of Clauses 2A, 3(v), 3(vii), 3(ix), 4, 5(a), 5(b), 5(c), 5(d), 5(f), 6(a), 6(c), 6(d), 7(a)(ii), 7(a)(iii), 7(a)(iv), 7(b), 8(ii), 8(iii), 8(iv), 9, 11, 12(i), 14, 15, 16, 17(a), 17(b), 18, 19, 20, 21(b), 22, 23, 25, 26, 27, 28(a), 28(b), 29, 31, 32, 33, 34, 35, 38, 39(a), 40, 40A, 41, 42,

43(a), 43(b), and 44 of the Waqf (Amendment) Act, 2025 (“Amendment Act”). The instant Petition has been necessitated by the enactment of the Waqf (Amendment) Act, 2025 , which signed by the presidents of India.

3. The petitioners have filed the instant Public Interest Litigation under Article 32 of the Constitution of India to ensure that democratic process is not subverted by The amendments undermine property rights protected under Article 300A. By expanding state control over waqf assets, limiting the ability of individuals to dedicate property for religious purposes, and subjecting Waqf properties to heightened scrutiny, the Act goes against the Supreme Court’s judgment that transferring control of religious property to secular authorities is an infringement of religious and property rights,” they have contended
4. That the Petitioner respectfully **submits** that this Public Interest Litigation has been instituted solely in the interest of justice and public good, without any intent to derive personal benefit, advance private or oblique interests, or pursue ulterior motives. The Petition is filed purely in the public interest, with the objective of safeguarding the constitutional and religious freedoms of the Muslim community—of which the Petitioner is a member—while upholding the secular ethos and communal harmony fundamental to our nation.
5. That the Petitioner is constrained **to approach this Hon’ble** Court to protect and uphold cherished constitutional rights and foundational principles integral to our secular democracy. A conspectus of the concept of *waqf*, along with a chronological account of legislative and procedural developments culminating in the impugned amendments, is set forth hereinbelow to provide necessary context.
6. Islam is a religion in which charity is not merely a prescription but a foundational pillar of faith. The institution of *waqf* traces its origins to

the earliest days of Islam, established by the Prophet (PBUH) as a means for Muslims to dedicate property for the benefit of the larger Muslim community. It is universally acknowledged across Islamic sects that the first *waqf* was created by Hazrat Umar bin Al-Khattab (RA) on the instructions of the Prophet (PBUH), wherein ownership was vested in the Almighty, with the usufruct to be distributed among the poor and needy.

7. In the early nineteenth century, the superintendence of certain endowments, including Islamic *waqfs*, in the presidencies of Bengal, Madras, and Bombay was vested in the colonial government through authorities such as the Board of Revenue or the Collector, pursuant to regulations issued in 1810, 1817, and 1827, respectively.
8. The Religious Endowments Act, 1863 was enacted in response to demands in England for non-intervention in religious matters. This Act divested the government of direct control over religious endowments, transferring powers to district or division-level Local Committees.
9. The Charitable Endowments Act, 1890 provided a legal framework for managing charitable endowments, ensuring that properties dedicated to charitable purposes were properly administered in accordance with donor intentions.
10. One of the earliest judicial pronouncements on *waqf* was the Privy Council's decision in *Abdul Fata Mohammad Ishak v. Russomoy Dhur Choudhary* (1894) 22 IA 76, which invalidated family *waqfs* with contingent charitable benefits. This ruling was later nullified by the Mussalman Waqf Validating Act, 1913, which affirmed the validity of such endowments. **As ANNEXUED P1, Paged No :**

Definitions.

In this Act, unless there is anything repugnant in the subject or context,-

(I) "Wakf" means the permanent dedication by a person professing the Mussalman faith of any property for any purpose

recognized by the Mussalman law as religious, pious or charitable.

(II) "Hanafi Mussalman" means a follower of the Mussalman faith who conforms to the tenets and doctrines of the Hanafi school of Mussalman law.

26th December, 1949

III. Power of Mussalmans to create certain wakfs. It shall be lawful for any person professing the Mussalman faith to create a wakf which in all other respects is in accordance with the provisions of Mussalman law, for the following among other purposes:-

(a) For the maintenance and support wholly or partially of his family, children or descendants, and

(b) Where the person creating a wakf is a Hanafi Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated:

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognized by the Mussalman law is a religious, pious or charitable purpose of a permanent character.

4. Wakfs not to be invalid by reason of remoteness of benefit to poor, etc..
5. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf.
6. Saving of local and sectarian custom. Nothing in this Act shall affect any custom or usage whether local or prevalent among Mussalman's of any particular class or sect.

11. 11. Subsequent legislation, including the **Mussalman Waqf Act, 1923** and the Muslim Wakfs Act, 1954, progressively centralized *waqf* administration, culminating in the comprehensive Waqf Act, 1995, which introduced reforms for transparency, accountability, and specialized tribunals for dispute resolution. As **Annexure P2 Paged No :**

1. Obligation to furnish particulars relating to wakf.—(1) Within six months from the commencement of this Act every mutwalli shall furnish to the Court within the local limits of whose jurisdiction the property of the wakf of which he is the mutwalli is situated or to any one of two more such Courts, a statement containing the following particulars, namely—

- (a) a description of the wakf property sufficient for the identification thereof;
- (b) the gross annual income from such property;
- (c) the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or of the period which has elapsed since the creation of the wakf, whichever period is shorter;
- (d) the amount of Government revenue and cesses, and of all rents, annually payable in respect of the wakf property;
- (e) an estimate of the expenses annually incurred in the realisation of the income of the wakf property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (c) relate;
- (f) the amount set apart under the wakf for—

i) the salary of the mutwalli and allowances to individuals; (ii) purely religious purposes; (iii) charitable purposes; (iv) any other purposes; and

- 12.** Further, an amendment to the composition of the Waqf Board and the Central Waqf Council has mandated inclusion of non-Muslim members in waqf administrative bodies. The petitioners have said this was an unwarranted interference in religious governance unlike Hindu religious endowments, which remain exclusively managed by Hindus under various State enactments.
- 13.** That the government has passed the Arbitrary Restriction on Who May Create a Waqf under Clauses 3(ix)(a) and 3(ix)(d) amend Section 3(r) of the 1995 Act to impose a requirement that a *waqif* must have practised Islam for at least five years prior to creating a *waqf*. This is patently discriminatory against recent converts and violative of Articles 14, 15, 25, and 300A. It introduces a religious test and penalises sincere expressions of faith by new adherents—an intrusion that is absent in the laws governing endowments of other faiths.
- 14.** That the WAKF ACT 1954 An Act to provide for the better administration and supervision of wakfs. BE it enacted by Parliament in the Fifth Year of the Republic of India as follows **as Annexed P3**

CHAP CENTRAL WAKF COUNCIL 1*[CHAPTER IIA CENTRAL WAKF COUNCIL 8A. Establishment and constitution of the Central Wakf Council.

8A. Establishment and constitution of the Central Wakf Council. (1) For the purpose of advising it, on matters concerning the working of Boards and the due administration of wakfs, the Central Government may, by notification in the Official Gazette, establish a Council to be called the Central Wakf Council.

(2) The Council shall consist of a Chairman, who shall be the Union Minister in charge of wakfs, and such other members not exceeding twenty in number, as may be appointed by the Central Government.

(3) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, members of the Council shall be such as may be prescribed by rules made by the Central Government. The ter 8B. Finances of the Council.

8B. Finances of the Council. (1) Every Board shall pay from its Wakf Fund annually to the Council such contribution as is equivalent to one per cent. of the aggregate of the net annual income 2* of the wakfs in respect of which contribution is payable under sub- section

(1) of section 46: Provided that where the Board in the case of any particular wakf has remitted under sub-section (2) of section 46 the whole of the contribution payable to it under sub-section (1) of that section, then for calculating the contribution payable to the Council under this section, the net annual income 2* of the wakf in respect of which such remission has been granted shall not be taken into account. -----

----- 1 Ins. by Act 34 of 1964, s. 4. 2 Certain words omitted by Act 38 of 1969, s. 8. 109

(2) All monies received by the Council under sub-section (1) and all other monies received by it as donations, benefactions and grants shall form a fund to be called the Central Wakf Fund.

(3) Subject to any rules that may be made by the Central Government in this behalf, the Central Wakf Fund shall be

under the control of the Council and may be applied for such purposes as the Council may deem fit. 8C. Accounts and audit.

8C. Accounts and audit. (1) The Council shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed by rules made by the Central Government.

(2) The accounts of the Council shall be audited and examined annually by such auditor as may be appointed by the Central Government.

(3) The costs of the audit shall be paid from the Central Wakf Fund. 8D. Power of Central Government to make rules.

8D. Power of Central Government to make rules. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :- (a) the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, the members of the Council ; (b) control over and application of the Central Wakf Fund ; (c) the form and manner in which accounts of the Council may be maintained.

(3) Every rule made by the Central Government under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one

session or 1*[in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,"] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1 Subs. by Act 4 of 1986, s. 2 and sch. (w.e.f. 15.5.1986)
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CHAP ESTABLISHMENT OF BOARDS AND THEIR FUNCTIONS
CHAPTER II ESTABLISHMENT OF BOARDS AND THEIR
FUNCTIONS Incorporation.

9. Incorporation (1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Board of Wakfs under such name as may be specified in the notification.

1*[(1A) Notwithstanding anything contained in sub-section (1), if the Shia wakfs in any State constitute in number more than fifteen per cent. of all the wakfs in the State or if the income of the properties of the Shia wakfs in the State constitutes more than fifteen per cent. of the total income of the properties of all the wakfs in the State, the State Government may, by notification in the Official Gazette, establish a Board of Wakfs each for Sunni Wakfs and for Shia Wakfs under such names as may be specified in the notification and in such a case, the provisions of this Act shall, in their application to the State, have effect as if the amendments specified in the Schedule had been made.]

(2) 2*[The Board] shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and to transfer any such property subject to such conditions and restrictions as may be prescribed and shall by the said name sue and be sued.

Composition of the Board.

10. Composition of the Board

[(1) The Board shall consist of-- (a) eleven members, in the case of a State and the Union territory of Delhi ; and (b) five members, in the case of any other Union territory.]

(2) There shall be a Chairman of the Board who shall be elected by the members from amongst themselves.

Appointment of members.

11. Appointment of members. The members of the Board shall be appointed by the State Government, by notification in the Official Gazette, from any one or more of the following categories of persons, namely :-

(a) members of the State Legislature and members of Parliament representing the State ;

(b) persons having 1* knowledge of Muslim law and representing associations such as State Jamiat-ul- Ulama

(c) persons having 1*** knowledge of administration, finance or law ;

(d) mutawallis of wakfs situate within the State : Provided that in no case more than one mutawalli shall be appointed to the Board : Provided further that in determining the number of Sunni members or Shia members in the Board,

the State Government shall have regard to the number and value of Sunni wakfs and Shia wakfs to be administered by the Board.

Term of office.

- 1.** Term of office. The members of the Board shall hold office for five years : Provided that a member shall, notwithstanding the expiration of his term of office, continue to hold office until the appointment of his successor is notified in the Official Gazette.

Disqualifications for being appointed, or for continuing as, a member of the Board.

13. Disqualifications for being appointed, or for continuing as, a member of the Board. A person shall be disqualified for being appointed, or for continuing as, a member of the Board—(a) if he is not a Muslim and is less than twenty-one years of age ; (b) if he is found to be a person of unsound mind ; (c) if he is an undischarged insolvent ;(d) if he has been convicted of an offence involving moral turpitude ;(e) if he has, on any previous occasion, been removed from the office of a member or has been removed by order of a competent court from any position of trust either for mis-management or corruption.

- 14.** That the Meetings of the Board as per act 1954 :

Meetings of the Board. (1) The Board shall meet for the transaction of business at such times and places as may be prescribed. (2) The Chairman, or in his absence, any member chosen by the members from amongst themselves, shall preside at a meeting of the (3) Subject to the provisions of this Act, all questions which come before any meeting of the Board shall be decided by a majority of votes of the members present, and in the case of equality of votes, -----

----- 1 The word "special" omitted by Act 34 of 1964, s. 6. 112 the chairman or, in his absence, any other person presiding shall have a second or casting vote. Functions of the Board.

15 (1) Functions of the Board. Subject to any rules that may be made under this Act, the general superintendence of all wakfs in a State shall vest in the Board established for the State ; and it shall be the duty of the Board so to exercise its powers under this Act as to ensure that the wakfs under its superintendence are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which such wakfs were created or intended : Provided that in exercising its powers under this Act in respect of any wakf, the Board shall act in conformity with the directions of the wakif, the purposes of the wakf and any usage or custom of the wakf sanctioned by the Muslim law.

(2) Without prejudice to the generality of the foregoing power, the functions of the Board shall be—

(a) to maintain a record containing information relating to the origin, income, object and beneficiaries of every wakf ;

(b) to ensure that the income and other property of wakfs are applied to the objects and for the purposes for which such wakfs were created or intended ;

(c) to give directions for the administration of wakfs ;

(d) to settle schemes of management for a wakf : Provided that no such settlement shall be made without giving the parties affected an opportunity of being heard ;

(e) 1*[to direct—

(i) the utilization of the surplus income of a wakf consistently with the objects of the wakf ;

(ii) in what manner the income of a wakf, the objects of which are not evident from any written instrument, shall be utilized ;

(iii) in any case where any object of a wakf has ceased to exist or has become incapable of achievement, that so much of the income of the wakf as was previously applied to that object shall be applied to any other object which shall be similar, or as nearly as practicable similar, to the original object : Provided that no direction shall be given under this clause without giving the parties affected an opportunity of being heard.] -----

----- 1 Subs. by Act 34 of 1964, s. 7, for certain words. 113 Explanation.-- For the purposes of this clause, the powers of the Board shall be exercised,-

(i) in the case of a Sunni wakf, by the Sunni members of the Board only ; and

(ii) in the case of a Shia wakf, by the Shia members of the Board only : Provided that where having regard to the number of the Sunni or Shia members in the Board and other circumstances, it appears to the Board that its power should not be exercised by such members only, it may co-opt such other Muslims being Sunnis or Shias, as the case may be, as it thinks fit, to be temporary

members of the Board for exercising its powers under this clause ;

(f) to scrutinise and approve the budgets submitted by mutawallis and to arrange for the auditing of accounts of wakfs ;

(g) to appoint and remove mutawallis in accordance with the provisions of this Act ;

(h) to take measures for the recovery of lost properties of any wakf ;

(i) to institute and defend suits and proceedings in a court of law relating to wakfs

(j) to sanction in accordance with the Muslim law, any transfer of immovable property of a wakf by way of sale, gift, mortgage, exchange or lease, as required by section 36A : Provided that no such sanction shall be given unless at least two-thirds of the members of the Board vote in favour of such transaction

(k) to administer the Wakf Fund ;

(l) to call for such returns, statistics, accounts and other information from the mutawallis with respect to the wakf property as the Board may, from time to time, require ;

(m) to inspect, or cause inspection of, wakf properties, accounts or records or deeds and documents relating thereto ;

(n) to investigate and determine the nature and extent of wakfs and wakf property ; and to

cause, whenever necessary, a survey of the wakf properties ; -----
----- 1 Subs. by Act 34 of 1964, s. 7, for cl. (j). 114 (o) generally do all such acts may be necessary for the due control, maintenance and administration of wakfs. (3) Where the Board has settled any scheme of management under

15. The Waqf Act, 1995 – Enactment and Reforms 1.

Enactment of the Waqf Act, 1995 The Waqf Act, 1995 (Act XLIII of 1995) was enacted as a comprehensive overhaul of the administration of waqf properties in India. **As annexed P4 Paged No :**

This legislative reform consolidated the provisions of the Muslim Wakfs Act, 1954, and selectively incorporated certain provisions from the Waqf (Amendment) Act, 1984, which had achieved broad consensus.

A. The primary objective of the 1995 Act was to modernise and streamline the governance of waqfs across the country, address existing inefficiencies, and ensure better management and regulation of waqf properties.

B. Key Reforms Introduced by the 1995 Act The Waqf Act, 1995 introduced several significant reforms, which include, but are not limited to, the following:

16. **15.** That The Waqf (Amendment) Act, 2013 amended the original Waqf Act of 1995, primarily focusing on reforms related to Waqf Boards, tribunals, and property management. Key

changes included the creation of three-member Waqf Tribunals, requiring two women members on each State Waqf Board, and prohibiting the sale or gifting of Waqf properties **AS Annexure P5 , Paged No :**

- I. Waqf Tribunals: The Act established Waqf Tribunals to resolve disputes related to Waqf properties. These tribunals consist of a judge, a state officer, and a Muslim law expert.
- II. Central Waqf Council: The Act expanded the role of the Central Waqf Council, including advising the central and state governments on Waqf matters and implementing various schemes related to Waqf properties.
- III. State Waqf Boards: The Act mandated that each State Waqf Board have at least two women members. It also altered the composition of the Central Waqf Council, requiring two non-Muslim members.
- IV. Property Management: The Act prohibited the sale, gift, exchange, mortgage, or transfer of Waqf property without the prior approval of the Board.
- V. Other amendments: The Act also made changes to sections 1, 3, 4, 5, 6, 7, 8, 9, 13, and 14 of the Waqf Act, 1995, according to National Portal of India. For example, Section 16 was amended to specify a disqualification for being a member of the board. Section 17 was amended to require the board to meet at least once a month.
- VI. In essence, the Waqf (Amendment) Act, 2013, aimed to strengthen Waqf governance, improve property management, and ensure

greater representation on Waqf Boards and Tribunals, particularly in terms of gender diversity and the inclusion of non-Muslims.

17. **16.**that government has published amended short notes on waqf bill : as **Annexure P6** , Paged No :

18. These restrictions also contravene **Sections 3 and 4 of the Muslim Personal Law (Shariat) Application Act, 1937**, which affirm the application of Muslim personal law to matters of waqf. In *Shayara Bano v. Union of India* [(2017) 9 SCC 1], this Hon'ble Court recognised that the 1937 Act aimed to preserve Muslim personal law, and that its provisions were binding. The impugned clauses of the Amendment Act impose conditions alien to Muslim personal law and thus offend both legislative intent and constitutional safeguards.

19. That the motion adopted in the Lok Sabha, the JPC was initially tasked with submitting its report by the last day of the first week of the Winter Session, 2024. The Petitioner herein is a member of the JPC In its 38th sitting held on January 29, 2025, the Joint Parliamentary Committee (JPC) considered and adopted the 655-page draft report by a majority vote, notwithstanding strong objections raised by Opposition members. Eight dissenting notes, comprising hundreds of pages, were submitted by twelve members of the Committee, articulating substantial objections to the findings and recommendations of the report. The Petitioner herein also filed a dissent note, which was duly included as part of the final JPC Report The JPC report on the Waqf (Amendment) Bill, 2024 was tabled in Parliament. The Hon'ble Minister of Minority Affairs introduced the updated Waqf (Amendment) Bill,

2025 in the Lok Sabha for consideration and the Bill was passed. The Waqf (Amendment) Bill, 2025 was introduced for consideration in the Rajya Sabha and was passed..That the Waqf Act , 2025 was passed by the president of India **As Annexure P7**

Paged No:

20. That the present petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.

21. Question of laws:

- I. Whether Clauses 3(ix)(a) and 3(ix)(d) of the Waqf (Amendment) Act, 2025, which impose a five-year prior adherence to Islam as a prerequisite for creating a waqf, violate Articles 14, 15, 25, and 300A of the Constitution by introducing an arbitrary and discriminatory religious test, thereby penalizing new converts to Islam?
- II. Whether the deletion of the inclusive language introduced by the 2013 amendment—permitting any person to create a waqf—and the omission of Section 104 by Clause 40 of the Amendment Act reintroduce religious barriers in violation of the fundamental rights to equality and freedom of religion under Articles 14 and 25?
- III. Whether Clause 3(ix)(b) of the Amendment Act, which derecognizes ‘waqf by user’ and oral dedications, constitutes an arbitrary curtailment of vested rights

protected under Articles 14, 25, and 300A, and violates the principle of non-retrogression?

- IV. Whether the exclusion of oral declarations and the imposition of mandatory written instruments for waqf creation contravenes Muslim Personal Law and established judicial precedent, thereby infringing Articles 14, 25, and the Muslim Personal Law (Shariat) Application Act, 1937?
- V. Whether the inclusion of non-Muslim members in the composition of the Central and State Waqf Boards under the amended Sections 9 and 14 violates Articles 14, 15, 25, and 26 by undermining the autonomy of the Muslim community in managing its religious and charitable endowments?
- VI. Whether the exclusion of Scheduled Tribe members from creating waqfs under Section 3E of the Amendment Act amounts to discrimination on grounds of religion and tribal identity, thereby violating Articles 14, 15, 25, 26, and 300A of the Constitution?
- VII. Whether Section 3D of the Amendment Act, which retrospectively cancels waqf declarations pertaining to 'protected monuments,' is unconstitutional and conflicts with the Places of Worship (Special Provisions) Act, 1991 and the judgment in *M. Siddiq v. Mahant Suresh Das* [(2020) 1 SCC 1]?
- VIII. Whether the Amendment Act violates the basic structure of the Constitution by undermining the principles of

secularism, federalism, and minority rights, particularly those enshrined under Articles 29 and 30?

- IX. Whether the transfer of powers from democratically constituted Waqf Boards to executive authorities under the Amendment Act violates the federal structure and institutional autonomy envisaged under the Waqf Act, 1995, and principles laid down in *S.R. Bommai v. Union of India* [(1994) 3 SCC 1]
- X. Whether the cumulative effect of the Waqf (Amendment) Act, 2025, in disproportionately targeting Muslim religious endowments while sparing analogous institutions of other religions, constitutes hostile discrimination and violates the secular character of the State?
- XI. Whether post-independence legislative reforms effectively strengthened waqf governance, or whether systemic issues continue to persist?
- XII. Whether the Waqf (Amendment) Act, 2025 fails to address long-standing issues of encroachment, mismanagement, and lack of transparency, despite multiple recommendations by expert committees?
- XIII. Whether the Waqf (Amendment) Act, 2025 is ultra vires the Constitution for failing to safeguard the rights of religious minorities under Articles 25 to 30?
- XIV. Whether the Amendment Act violates Article 14 by failing to address or prevent state encroachment upon waqf properties?

- XV. Whether the Act fails the test of reasonableness under Article 19(1)(c) read with Article 19(4), by impairing the collective rights of Muslims to form associations for the management of waqf institutions?
- XVI. Whether waqf was historically recognized as a legal institution in early medieval India and whether British colonial laws provided for effective regulation of waqf properties?
- XVII. Whether the Waqf (Amendment) Act, 2025 suffers from legislative incompetence or procedural irregularities, including failure to consult stakeholders?
- XVIII. Whether the provisions of the Amendment Act are consistent with the recommendations of the Sachar Committee and the Joint Parliamentary Committee on Waqf?
- XIX. Whether the repeal of the Waqf Act, 1923 without adequate legislative substitution violates the doctrine of legitimate expectation?
- XX. Whether the withdrawal of the Waqf Properties (Eviction of Unauthorized Occupants) Bill, 2014, without providing an alternative mechanism, reflects legislative arbitrariness and undermines the objective of protecting waqf properties?
- XXI. **Whether** the imposition of eligibility criteria such as being a “practicing Muslim” for 5 years or appearing/behaving as a Muslim is violative of Articles 14 and 25 of the Constitution?

- XXII. **Whether** granting sweeping powers to the Government to acquire or take over Waqf properties violates the fundamental right to manage religious affairs under Article 26?
- XXIII. **Whether** the removal of exemption against adverse possession claims on Waqf properties defeats the protective intent of religious endowment laws?
- XXIV. **Whether** the arbitrary and unlimited taxation on Waqf properties amounts to discriminatory treatment in violation of Article 14?
- XXV. **Whether** the extension of the objection period from 1 year to 2 years results in unreasonable delay and legal uncertainty, infringing on the right to property?

22. GROUNDS:

- I. Because** the historical legislative intent behind waqf law, from the Mussalman Waqf Validating Acts (1913, 1930) through the 1954 and 1995 Acts, has consistently aimed to secure community autonomy and protect religious endowments from arbitrary state control.
- II. Because** the findings of the Sachar Committee and the Joint Parliamentary Committee on Waqf highlight persistent state encroachment, which remains insufficiently redressed despite prior amendments and policy reports.
- III. Because** the procedural deficiencies in the passage of the Waqf (Amendment) Bill, 2025, including the disregard for multiple dissent notes and the lack of consensus in the JPC Report, raise serious concerns regarding legislative fairness and representational integrity.
- IV. Because** the repeal of the Mussalman Waqf Act, 1923, without adequate transitional safeguards or statutory

clarity, jeopardizes the foundational legal framework upon which waqf property administration rests.

- V. Because** the Waqf (Amendment) Act, 2025, does not incorporate or sufficiently address the core recommendations of the Sachar Committee and the Joint Parliamentary Committee on Waqf, particularly those relating to encroachment by state actors and the need for stronger protective mechanisms
- VI. Because** the failure to implement effective measures for digitisation, transparency, and accountability in the administration of waqf properties—despite being highlighted as urgent in multiple reports—continues to undermine the object and purpose of the Waqf Act, 1995.
- VII. Because** the withdrawal of the Waqf Properties (Eviction of Unauthorized Occupants) Bill, despite its specific aim to provide a streamlined mechanism for eviction, reflects legislative inaction on a pressing issue identified by multiple state and central agencies.
- VIII. Because** the 1984 and 1995 legislative reforms, though well-intentioned, have failed in implementation due to lack of political will, administrative resistance, and structural inefficiencies, which the 2025 amendment does not adequately resolve.
- IX. Because** the petitioner, being a member of the Joint Parliamentary Committee, filed a detailed dissent note highlighting procedural and substantive flaws in the adoption of the JPC report, which were not given due consideration before the enactment of the Waqf (Amendment) Act, 2025.

- X. Because** the constitutional guarantee of minority rights under Articles 25 to 30 is diluted by systemic encroachment and mismanagement of waqf properties, which the current amendment fails to remedy, thereby affecting the community's right to manage its religious endowments.
- XI. Because** the Waqf (Amendment) Bill, 2025, directly violates Articles 14, 25, 26, and 300A of the Constitution, along with the preambular values that constitute the bedrock of India's democratic and secular framework.
- XII. Because** Islamic rulers and traders introduced the concept of waqf as a religious and charitable endowment, which evolved through historical phases:
- a. **8th–12th centuries:** Early practices in Sindh and Gujarat;
 - b. **Delhi Sultanate:** Institutionalisation under Iltutmish and Firoz Shah;
 - c. **Mughal era:** Mughal Era: Waqf became part of the imperial legal-administrative structure. Legal implication: Pre-colonial Waqf operated under Islamic jurisprudence but lacked statutory codification
- XIII.** Because colonial interventions disrupted traditional Waqf governance:
- I. Early regulations placed Waqf under revenue law.
 - II. The 1863 Act treated Waqf like Hindu trusts.
 - III. Judicial backlash: Abdul Fata case (1894) invalidated family waqf. Legislative response:
 - IV. 1913 & 1930 Acts validated family waqf.
- A. 1923 Act introduced structured governance.

wakf has been created or by a Court of competent jurisdiction to be the mutwalli of a wakf, and includes a naib-mutwalli or other person appointed by a mutwalli to perform the duties of the mutwalli, and, save as otherwise provided in this Act, any person who is for the time being administering any wakf property; (d) “prescribed” means prescribed by rules made under this Act; and

(e) “wakf” means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognised by the Mussalman law as religious, pious or charitable, but does not include any wakf, such as is described in section 3 of the Mussalman Wakf Validating Act, 1913 (6 of 1913), under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any of his family or descendants. Statements of Particulars 3. Obligation to furnish particulars relating to wakf.—

(1) Within six months from the commencement of this Act every mutwalli shall furnish to the Court within the local limits of whose jurisdiction the property of the wakf of which he is the mutwalli is situated or to any one of two more such Courts, a statement containing the following particulars, namely—

(a) a description of the wakf property sufficient for the identification thereof;

(b) the gross annual income from such property;

(c) the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or of the period which has elapsed since the creation of the wakf, whichever period is shorter;

(d) the amount of Government revenue and cesses, and of all rents, annually payable in respect of the wakf property;

(e) an estimate of the expenses annually incurred in the realisation of the income of the wakf property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (c) relate;

(f) the amount set apart under the wakf for—

(i) the salary of the mutwalli and allowances to individuals;

(ii) purely religious purposes;

(iii) charitable purposes;

(iv) any other purposes; and

(g) any other particulars which may be prescribed. person entitled to such benefit as aforesaid, or of the last survivor of any such persons, as the case may be. 4.Publication of particulars and requisition of further particulars.—(1) When

any statement has been furnished under section 3, the court shall cause notice of the furnishing thereof to be affixed in some conspicuous place in the Court-house and to be published in such other manner, if any, as may be prescribed, and thereafter any person may apply to the Court by a petition in writing, accompanied by the prescribed fee, for the issue of an order requiring the mutwalli to furnish further particulars or documents. (2) On such application being made, the Court may, after making such inquiry, if any, as it thinks fit, if it is of opinion that any further particulars or documents are necessary in order that full information may be obtained regarding the origin, nature or objects of the wakf or the condition or management of the wakf property, cause to be served on the mutwalli an order requiring him to furnish such particulars or documents within such time as the Court may direct in the order.

XIV. Because post-Partition complexities and encroachment necessitated central regulation: Because, 1954 Act created State Boards but left key states outside its ambit. 1984 amendment was limited in effect. 1995 Act mandated digitization and tribunals but failed in implementation. Judicial endorsement: Rashid Wali Beg case (2022) upheld the efficacy of 1923 Act's civil court jurisdiction.

XV. Because , Sachar Committee and JPC reports identified deep systemic failures.

Because , State governments noted as primary encroachers. Because , 2025 Act omits robust anti-encroachment mechanisms, independent oversight, or digitization mandates.

Because , Dissenting JPC members raised substantial objections ignored in final enactment.

Because Key reforms introduced by the Act include the separation of trusts from Waqf. Under this provision, trusts created by Muslims under any law will no longer be considered Waqf, ensuring that individuals retain full control over their trusts and the management of their assets. Another significant change is the introduction of technology to modernize the management of Waqf properties. The use of technology aims to make the process more scientific, efficient, and transparent, improving overall ..

XVI. Because: The Composition of Central and State Waqf Boards

Undermines Muslim Representation : In the 22-member Central Waqf Committee, only 10 members are Muslims, while 12 are non-Muslims, thereby reducing Muslim representation to a minority in a Board that is meant to administer Muslim religious endowments. All members are nominated, and their appointment is subject solely to the discretion of the Central Government. Similarly, in the 11-member State Committee, Muslims again constitute a minority, which fundamentally undermines the very purpose and character of the Waqf institution.

XVII. Because: Charitable Trusts Cannot be Converted into Waqf

A property that is legally recognized as a Charitable Trust cannot be arbitrarily declared or converted into Waqf property. However, the amended provisions attempt to blur this distinction by linking age-old Waqf principles with the legal mechanism of Trusts, thereby creating ambiguity in ownership, purpose, and regulation of such properties.

XVIII. Because: Waqf Declarations Must Undergo Rigorous Scrutiny

Any declaration of property as Waqf must be subject to detailed scrutiny:

- a. Why is the property being declared as Waqf?
- b. Was such declaration ever made by the ancestors?

- c. What is the purpose behind the current or future declaration?
- d. What has actually been done with the property to fulfill the stated religious or charitable intentions?

XIX. Islamic jurisprudence clearly prohibits the dedication of more than one-third of one's property to Waqf. Hence, any such declaration must be preceded by:

- Family clearance,
- Assurance that all legal heirs have received their due share,
- Opportunity for objections by family members or close relatives.

If any such objection is raised, the property cannot be declared as Waqf.

XX. Because: Government Has Excessive Control Over Waqf Properties

The amended law grants the Central and State Governments sweeping powers to take over Waqf properties for public purposes, including those that are under dispute. Such a provision violates the sanctity of religious endowments and is susceptible to gross misuse, leading to expropriation without adequate remedy.

XXI. Because: Waqf Declarations are Restricted in Certain States

The amendment imposes unreasonable restrictions on declaring Waqf properties in certain states—particularly in North-Eastern and Hindi-speaking regions. This selective prohibition violates the principle of equality and uniform applicability of religious rights across the country.

XXII. Because: Arbitrary Taxation on Waqf Properties

The amendment authorizes the Central Government to impose unlimited taxation on income derived from Waqf properties. There is no upper limit prescribed, nor any rational basis laid out for the imposition of such tax. This opens the door to arbitrary fiscal control over religious endowments.

XXIII. Because: The Rule of Adverse Possession is Unfairly Applied

Earlier exemptions that protected Waqf properties from claims of adverse

possession (after 12 years of unauthorized occupation) have now been removed. This exposes Waqf lands to legal challenges from squatters or encroachers, without affording Waqf Boards any special protection traditionally granted to religious properties.

XXIV. Because: Objection Period Against Waqf Declarations has been Increased

The time period to file objections against Waqf declarations has been extended from 1 year to 2 years. While seemingly beneficial for transparency, this extended window allows prolonged uncertainty over property titles and could be used to harass genuine donors or administrators.

XXV. Because: Arbitrary Eligibility Conditions for Declaring Waqf

The amendment imposes vague and undefined eligibility conditions for any Muslim intending to declare property as Waqf:

- The person must be a "practicing Muslim" for at least 5 years,
- Must "appear and behave as a Muslim"—terms that are highly subjective and undefined,
- No clear mechanism is prescribed for verification or enforcement.

Such provisions are violative of personal liberty and religious autonomy under Articles 25 and 26 of the Constitution of India.

Legal Concerns and Violations of Public Rights:

23. DECLARATION IN TERMS OF RULE 2(2)

- I. The Petitioner states that no other petition seeking to filed filed by him/her against the same ground and judgment in any High Court and Supreme Court.
- II. The petitioner has disclosed assurance as per the PIL guidelines in the Supreme Court of India. The

petitioner(s) is/are required to file an affidavit stating that there is no personal gain, private motive, or oblique reason in filing the PIL.

- III. The Government of India did not consider the, the constitutional validity of Clauses 2A, 3(v), 3(vii), 3(ix), 4, 5(a), 5(b), 5(c), 5(d), 5(f), 6(a), 6(c), 6(d), 7(a)(ii), 7(a)(iii), 7(a)(iv), 7(b), 8(ii), 8(iii), 8(iv), 9, 11, 12(i), 14, 15, 16, 17(a), 17(b), 18, 19, 20, 21(b), 22, 23, 25, 26, 27, 28(a), 28(b), 29, 31, 32, 33, 34, 35, 38, 39(a), 40, 40A, 41, 42, 43(a), 43(b), and 44 of the Waqf (Amendment) Act, 2025 (“Amendment Act”). The instant Petition has been necessitated by the enactment of the Waqf (Amendment) Act, 2025 , which signed by the presidents of India which prompted the petitioner to file the writ petition (civil).
- IV. There is no criminal or civil or revenue litigation involving the petitioner or any of the petitioners that has or could have any legal nexus with the matter.
- V. There is no personal interest in filing the civil writ case on behalf of the petitioner. The aim is to secure the legal rights of 20 PERCENT citizens. The nature of injury caused, or likely to be caused, to the public is also a key concern.
- VI. There are no civil or criminal cases pending against the petitioner, nor any details regarding any civil, criminal, or revenue litigation involving the petitioner or any of the petitioners that has or could have a legal nexus with the issues involved in the PIL.
- VII. There has been a violation, and there is a high possibility of malpractices.

- VIII. This writ petition (civil) is concerned with the nature of injury caused or likely to be caused to the public, not for the personal benefits of the petitioner. Therefore, there is no personal interest in this petition. The petition seeks to ensure that petitioner is a MLA of Madhya Pradesh in Bhopal Consistency whether after passed of government Waqf (Amendment) Bill many religious right are violated by passed ACT so that Muslims communities are suffering to repeal this Waqf Bill (amendment) ACT 2025. The nature and extent of the petitioner's personal interest and any necessary prayer are clearly mentioned in this petition.
- IX. The petitioner has not filed any other matter with the same prayer before any High Court or the Supreme Court.
- X. The present petition has been filed in the interest of justice.
- XI. The present petition has been filed in the interest of justice.

PRAYER

In view of the facts and circumstances stated hereinabove, and the grounds urged, it is most respectfully prayed that this Hon'ble Court may be pleased to:

1. Issue a appropriate writ, order or direction declaring that Waqf (Amendment) Bill 2025 as unconstitutional and violative of Articles 14, 15,19 ,21 25, 26, 28, 29 and 300A of the Constitution,

2. Issued a write mandamus restraining the respondents from enforcing or operationalising the provisional of Waqf (Amendment) Bill 2025 ,
3. Issue any other appropriate writ(s), order(s), or direction(s) as this Hon'ble Court may deem just and proper in the interest of justice, equity, and good conscience.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL,
AS IN DUTY BOUND, EVER PRAY**

Drafted by	Petitioner(s) Counsel ADV NARENDRA MISHRA AK Sen Block Supreme Court Of India
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