

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) No._____ OF 2025
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:-

Indian Union Muslim League & Anr. ...Petitioners

Versus

Union of India & Ors. ...Respondents

PAPER BOOK
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I.A. No. _____ of 2025
(Application for Stay)

Advocate for the Petitioner: - Usman Ghani Khan

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SYNOPSIS

The Indian Union Muslim League (IUML), a political entity dedicated to safeguarding Muslim rights, files this Public Interest Litigation under Article 32 to challenge the Waqf (Amendment) Act, 2025 (the "2025 Act"), as an unconstitutional assault on the religious autonomy and personal rights of the Muslim community in India. The 2025 Act, amending the Waqf Act, 1995 ("the Act/ Principal Act/ 1995 Act"), introduces provisions that fundamentally alter the governance, creation, and protection of Waqf properties – Islamic endowments dedicated perpetually to Allah for religious and charitable purposes. These amendments, passed by the Lok Sabha and Rajya Sabha despite widespread opposition, impose arbitrary restrictions, enhance state control, and deviate from the religious essence of Waqf, violating Articles 14, 15, 25, and 26 of the Constitution.

I. Background and Context

Waqf, rooted in Islamic law (Shariah), is a perpetual charitable endowment dedicated to Allah, exemplified by the Prophet Muhammad's (PBUH) designation of Masjid Al-Nabawi and Umar ibn al-Khattab's land dedication in Khaybar (Sahih Bukhari, Vol. 4, Book 51, Hadith 33). The 1995 Act was enacted to protect this institution, vesting management in Muslim-led Waqf Boards and recognizing traditional practices like "Waqf by User" and oral

dedications. The Sachar Committee Report (2006) emphasized Waqfs' religious significance and community control, urging protection from encroachments, including by government agencies (pg. 217-235). However, the 2025 Act reverses these safeguards, prompted by the Waqf (Amendment) Bill, 2024 ("2024 Bill"), which the Petitioner opposed before the Joint Parliamentary Committee (JPC).

II. **Key Challenged Provisions**

The Petitioner challenges the following provisions of the 2025 Act as arbitrary and unconstitutional:

Section 2: Replaces "Waqf" with "Unified Waqf Management, Empowerment, Efficiency and Development," diluting its religious identity.

Section 2A: Introduces a new proviso exempting trusts established by Muslims for purposes similar to Waqf, whether statutorily regulated or not, from the Act's purview, notwithstanding any court judgment, decree, or order, a provision absent in the Waqf Act, 1995.

Section 3 (ix) (a): Substitutes Section 3 (r) of the 1995 Act by adding arbitrary restrictions to the right of persons creating a Waqf to only Muslims who shall be "showing or demonstrating that he is practicing Islam for at least five years" and also excluding new converts and non-Muslims from creating Wakf in complete

contravention of Islamic Law and practice. This amendment further adds another arbitrary condition that only those properties can be dedicated to Wakf where "there is no contrivance involved in the dedication of such property" as mandatory for creation of a Wakf.

Section 3(ix)(b): Omits the practice of "Waqf by User," as provided under Section 3 (i) of the 1995 Act negating centuries-old undocumented Waqfs.

Section 4: Adds Section 3C to the 1995 Act which declares government-claimed properties as non-Waqf property, empowering Collectors to decide the disputes in an arbitrary manner without providing any provision of appeal against the said decision.

Further, the section adds Section 3B to the Principal Act which is an unnecessary imposition and arbitrary condition of filing of Wakf details already registered as Wakf within an extremely short period of six months. The said condition has the potential to remove Wakfs already registered under the Act.

Sections 9 & 11: Mandates non-Muslim members in Waqf Council and Wakf Boards, infringing autonomy of Muslims to administer their religious affairs and properties. This is prima facie a grave violation of Articles 25 and 26 of the Constitution. Further, Wakf being an Islamic concept and it being a property dedicated to Allah and for the purpose of charity or religious purposes is

now going to be managed by non-Muslims as per the Amendment Act. This is a clear violation of rights to practice religion by Muslims and administer their affairs as guaranteed under Articles 25 and 26 of the Constitution.

Section 14: Omits Section 20A of the 1995 Act removing the provision which gives the right to move a no-confidence motion against the Chairperson.

Section 18(a): Mandates written deeds, abolishing oral Waqfs. This is against the Islamic Law and principles which give right to persons to create Oral Wakfs and further in violation of Articles 14, 15, 25 and 26 of the Constitution.

Section 18(d): Grants unfettered power to the Collector on whether a property can be registered as a Wakf without any mechanism or provision of appeal against such decision of the Collector. This is extremely bias and in clear violation of the basic principles of law including the principles of natural justice and the basic structure of the Constitution.

Section 18(f): Imposes an embargo of 6 months on filing of suits, appeals or other legal proceedings for the enforcement of any right on behalf of any wakf which has not been registered as per the Amendment Act. This amendment is arbitrary and imposes unnecessary restrictions and an extremely short period of 6 months

on the rights of persons to file legal proceedings before the competent courts.

Section 20: Omits Section 40 of the 1995 Act, stripping Boards of power to determine Waqf status. The same is arbitrary and discriminatory since other religious endowments enjoy finality of order which has been taken away in a discriminatory manner from Wakf Board.

Section 40A: Applies the Limitation Act to Section 107 of the 1995 Act, threatening perpetual status of Wakf as mandated in Islamic Law and encouraging encroachers upon Wakf properties.

Section 41: Omits Sections 108 (good-faith protection) and 108A (overriding effect) from the 1995 Act.

III. Implications and Comparative Analysis

Section	Key Amendment (Compared to 1995 Act)	Constitutional Ultraviresness (Articles 14, 25, 26, etc.)	Religious Ultraviresness (Shari'ah Compliance)	Proposed Solution
2	Renames to UMEED Act, secularizing title	Violates Art. 25 (religious identity), Art. 26 (autonomy), Art. 14 (discrimination)	Contravenes Shari'ah's religious essence	Retain "Waqf Act, 1995"
3	New definitions, five-year practice rule	Violates Art. 25 (excludes converts), Art. 14 (discriminatory), Art. 26 (limits creation)	No five-year rule in Shari'ah, contradicts inclusivity	Remove five-year rule, limit Collector role
3A	Requires ownership, no denial of inheritance	May violate Art. 21 (access barriers), aligns with Art. 15 (gender)	May conflict with Waqf-alal-aulad intent under Shari'ah	Relax ownership, ensure Shari'ah compliance

3B	Portal filing within six months	Violates Art. 21 (impractical for rural), Art. 14 (unequal burden)	No direct conflict, may hinder traditions	Extend to 12 months with support
3C	Government property exclusion, Collector decides	Violates Art. 26 (state overreach), Art. 14 (arbitrary), Art. 21 (no due process)	Undermines Shari'ah-based claims	Delete, refer to Tribunal
4	Survey by Collector instead of Commissioner	Violates Art. 26 (expertise loss), Art. 14 (arbitrary shift)	Risks errors in religious property ID	Retain Survey Commissioner
9, 14	Non-Muslim, women members in Boards	Violates Art. 26 (non-Muslim inclusion), aligns with Art. 15 (women), Art. 14 issue	Shari'ah restricts to Muslims; non-Muslim role ultravires	Limit non-Muslims to advisory roles
18(1A)	Mandatory Waqf deed, no oral Waqfs	Violates Art. 25 (oral Waqfs Shari'ah-compliant), Art. 14 (unequal burden)	Contravenes oral dedication tradition	Allow oral with witnesses
20	Omits Section 40, Board's determination power	Violates Art. 26 (autonomy loss), Art. 14 (arbitrary shift to Collector)	Undermines Muslim control over property	Restore Section 40
40A	Applies Limitation Act to Waqf claims	Violates Art. 26 (threatens perpetual status), Art. 300A (property rights)	Contradicts Shari'ah's perpetual nature	Exclude Limitation Act for Waqf
41	Omits Sections 108, 108A (overriding effect, good-faith)	Violates Art. 26 (weakens Waqf), Art. 21 (exposes Board members)	Hinders effective Shari'ah-based management	Restore Sections 108, 108A

IV. Legal and Constitutional Grounds

Article 25: The Amendment Act restricts established religious practices (e.g., Oral Waqfs, Waqf by User) and imposes arbitrary and humiliating conditions

(demonstrating five-year practice of Islam) not mandated by Shari'ah, violating freedom of religion. This Hon'ble Court in **Church of God v. K.K.R. Majestic [(2000) 7 SCC 282]**, has clearly held that faith-based acts need no duration test.

Article 26: The Amendment Act arbitrarily enhances state control by granting powers regarding registration of Wakfs to officers above the rank of Collector i.e., Designated Officers, Collectors. It further calls for addition of non-Muslim members to Wakf Boards and Council. These amendments clearly usurp the Fundamental Rights of management of religious affairs away from the Muslim Community. These amendments are in sharp contrast to autonomy enjoyed by every other community to manage their affairs as mandated under Article 26 of the Constitution e.g. Hindus (Guruvayoor Devaswom Act), Sikh (Shiromani Gurudwara Parbandhak Committee) endowments among others. These amendments also contradict the Sachar Committee Report's call for management to rest within the community.

This Hon'ble Court in **Ratilal Panachand Ganghi v. State of Bombay [(1954) 1 SCC 487]** has held: "16... A law which takes away the right of administration altogether from the religious denomination and vests it in any other or secular authority, would amount to

violation of the right which is guaranteed under Article 26(d).” The said principle has also been reiterated and relied upon in **Tilkayat ShriGovindlalji Maharaj v. State of Rajasthan [(1964) 2 SCC 715]**

Article 14 and 15: Arbitrary distinctions (e.g., inclusion of non-Muslims in the management of Wakf but not the same for any other faith regarding the management of their religious affairs) and impractical provisions (e.g., six-month digitization, Collector expertise) lack rational basis, rendering them discriminatory and are prima facie discriminatory against Muslims.

The Amendment Act further adds arbitrary, humiliating and derogatory conditions such as “showing or demonstrating” that they are a practicing Muslim on persons seeking to create Wakfs. These conditions are extremely dangerous as they shall pave the way for further discrimination and segregation against Muslims and prima facie violate Articles 14 and 15.

Shari’ah and Judicial Precedents: the provisions of the Amendment Act conflict with Islamic principles (Imam Abu Hanifa’s definition) and judicial affirmations (e.g., **M Siddiq v. Mahant Suresh Das, (2020) 1 SCC 1**, on Waqf by User).

V. Religious Endowments Autonomy

The Guruvayoor Temple in Kerala, a revered Hindu shrine, is governed by the Guruvayoor Devaswom Act, 1978, which establishes the Guruvayoor Devaswom Managing Committee as an autonomous body exclusively comprising practicing Hindus. Section 4 of the said Act mandates that all committee members be Hindus, ensuring that only adherents of the faith manage its rituals, properties, and administration. The District Collector of Thrissur, serving as the ex officio Managing Trustee, must also be a practicing Hindu, a requirement rooted in the temple's strict adherence to Vedic traditions and purity laws. A notable incident during K. Karunakaran's tenure as Chief Minister exemplifies this: when a Muslim IAS officer was appointed Collector, Hindu community protests led to his replacement with a Hindu officer, underscoring the temple's faith-specific autonomy. Funds from temple offerings and properties are managed solely by this Hindu body, with no state or non-Hindu oversight, aligning with Article 26's protection of religious affairs.

Shiromani Gurdwara Parbandhak Committee (SGPC) Framework: The SGPC, established under the Sikh Gurdwaras Act, 1925, governs Sikh gurdwaras in Punjab, Haryana, and Himachal Pradesh with absolute faith-based autonomy. Section 3 of the said Act mandates that all SGPC members be baptized Sikhs (Amritdhari), ensuring exclusive control by practitioners of Sikhism.

The SGPC manages gurdwara properties, rituals, and charitable activities (e.g., langars), with its 170-member General House elected solely by Sikh voters, free from non-Sikh influence. The SGPC's financial independence—derived from gurdwara offerings—and its exclusion of non-Sikhs from governance ensure that no outsider hands interfere, preserving Sikh traditions like the Akal Takht's authority. This framework contrasts sharply with the 2025 Act's non-Muslim inclusion, highlighting discriminatory treatment.

Other Religious Endowments' Autonomy: Similar faith-based autonomy governs other endowments.

1. The Tirumala Tirupati Devasthanams (TTD), managing the Tirupati temple under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, restricts its Board to practicing Hindus (Section 96), with no non-Hindu involvement in its rituals or vast property management.
2. The Shwetambar and Digambar Jain Trusts, under state-specific Jain endowment laws (e.g., Bombay Public Trusts Act, 1950), limit governance to Jains, ensuring temple and charitable activities align with Jain tenets.
3. The Parsi Anjuman Trusts, managing fire temples and community assets, operate under trust deeds

restricting control to Parsis, with courts affirming this under Article 26.

These endowments, insulated from external hands, manage properties worth billions (e.g., TTD's Rs. 14,000 crore annual budget) without state or outsider interference, relying solely on faith-based regulations. In contrast, the 2025 Act's imposition of non-Muslims and Collectors on Waqf governance singles out Muslims, violating equality under Article 14 equality and religious autonomy under Article 26 autonomy, setting a dangerous precedent for other faiths.

The Guruvayoor Devaswom, SGPC, and other endowments exemplify a consistent Indian legal tradition and uphold the principles of the Constitution and the Fundamental Rights provided under it: religious institutions are governed exclusively by their adherents, free from outsider interference, as mandated by their faith-specific laws and upheld by judicial precedent. This ensures alignment with religious tenets, community trust, and efficient management. The 2025 Act's deviations such as-

- 1) non-Muslim inclusion,
- 2) Designated Officer adjudication, and
- 3) secular restrictions,

discriminately burdens Waqf, lacking parallels with the frameworks for other religions, thus rendering it discriminatory and unconstitutional. Restoring Muslim-only governance and judicial oversight would align Waqf with this equitable standard.

VI. Urgency and Relief Sought

The 2025 Act's immediate enforcement, post-assent, risks immense and irreparable loss of Waqf properties throughout the length and breadth of the country, erosion of religious rights and severe legal uncertainty. The Petitioner seeks for the Striking down the challenged provisions of the Amendment Act as unconstitutional and the complete Restoration of the 1995 Act's corresponding safeguards and Interim stay of the Amendment Act to prevent implementation pending adjudication.

VII. The Munambam Issue and Petitioner's Stance

The Hon'ble Minister for Minority Affairs while introducing the Waqf Bill in the Parliament, referred to land issue in Munambam, Kerala and said that he had received lot of representations regarding the said land from community leaders. The Petitioner is of the firm view that any persons purchased the said land in Munambam should not be disturbed or evicted. For the said purpose, the Petitioner through its president, Sayyid Sadiq Ali Shihab

Thangal convened meeting of community leaders in Calicut on several dates and again on 1.11.2024 met the Community leaders, including the Hon'ble Bishops, in Kochi and conveyed their sentiments to them. The Petitioner will continue its effort to see that the persons who are residing in said land will not face any issue of eviction and will continue to proactively involve till final resolution is attained in the said issue. Although the Petitioner has its doubts as to whether the present Bill will give any solution to the Munambam Land issue, the Petitioner believes that a via media will have to find by the State Government considering all the factual scenarios. The Petitioner will be extending its wholehearted support to the efforts made by the concerned in this issue.

VIII. Public Interest

This PIL protects the Muslim community's constitutional rights, ensuring Waqf properties—serving mosques, schools, and the poor—remain under religious control, not state overreach. It upholds India's secular fabric and legal pluralism, preventing a precedent that could threaten other religious endowments.

Hence, the present writ petition

LIST OF DATES

Date	Event
Circa 622 CE	The concept of Waqf originates with the Prophet Muhammad designating land for Masjid Al-Nabawi in Medina, establishing one of the earliest Islamic endowments.
Circa 637 CE	Umar ibn al-Khattab dedicates land in Khaybar as Waqf for charitable purposes, following the Prophet's guidance, as recorded in Sahih Bukhari (Vol. 4, Book 51, Hadith 33).
29.11.1913	The Mussalman Wakf Validating Act, 1913, is enacted by the British Indian legislature, legally recognizing Waqf-al-aulad (family Waqfs) in India.
15.08.1947	India achieves independence, subsequently adopting its Constitution on January 26, 1950, which includes Articles 14, 15, 25 and 26, safeguarding fundamental rights related to religious endowments.
31.03.1950	The Administration of Evacuee Property Act, 1950, comes into effect, enabling Waqf properties to be vested in Waqf Boards under Section 11.
27.11.1995	The Waqf Act, 1995, receives Presidential assent, strengthening Waqf administration under Muslim-led Boards and recognizing practices such as "Waqf by User" and oral dedications.
2005	The Sachar Committee was constituted by the Government of India in 2005 under the leadership of Prime Minister Dr. Manmohan Singh. The primary objective was to study the social, economic, and educational status of the Muslim community in India and recommend measures for their upliftment.

30.11.2006	<p>The Sachar Committee submits its report, advocating for Muslim community control over Waqf properties and highlighting issues of state encroachment.</p> <p>The Sachar Committee examined the status of Waqf properties in India, as they are one of the major financial resources for the socio-economic upliftment of the Muslim community.</p> <p>It was also highlighted that Waqf properties could be a major financial asset for Muslim welfare but were severely underutilized due to corruption, encroachments, and lack of autonomy.</p>
08.08.2013	The Waqf (Amendment) Act, 2013, amends the 1995 Act, introducing survey timelines and enhancing Waqf Tribunal powers, further reinforcing Muslim governance.
08.08.2024	The Waqf (Amendment) Bill, 2024, is introduced in the Lok Sabha, proposing significant reforms, including secularizing the title and empowering District Collectors.
October, 2024	The 2024 Bill is referred to a Joint Parliamentary Committee (JPC) amid public opposition, including objections from the Petitioner, the Indian Union Muslim League (IUML).
22.10.2024	Petitioner filed their detailed statement of objections before the JPC.
13.02.2025	The JPC submits its report on the 2024 Bill, retaining contentious amendments despite IUML's objections.
25.02.2025	Incorporating the amendments as suggested in the report of JPC, the Waqf (Amendment) Bill 2025 was published.
02.04.2024	The Waqf (Amendment) Bill, 2025, is introduced in the Lok Sabha, carrying

	forward the core changes proposed in the 2024 Bill.
02.04.2025	The Lok Sabha debates and passes the 2025 Bill, despite resistance from the Petitioner and allied groups.
03.04.2025	The Rajya Sabha approves the 2025 Bill, with the government utilizing its majority to secure passage.
04.04.2024	The President grants assent to the 2025 Bill, enacting the UMEED (Unified Management Empowerment Efficiency and Development) Act 2025, which takes effect immediately.
04.04.2025	The Petitioner files the present Writ Petition under Article 32 before this Hon'ble Court, challenging specific provisions of the Waqf (Amendment) Act, 2025, as unconstitutional.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) No._____ OF 2025

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:

1. Indian Union of Muslim League
Quaid-e-Millath Manzil, 36
Marayikayar Lebbai Street,
Chennai, Tamilnadu, India
Through its General Secretary
Shri P.K. Kunhalikutty.
2. E.T Mohammed Basheer
Member of Parliament (Lok Sabha)
"Soumyam" Mapram,
P.O. Cheruvanyur, Vazhakkad,
Malappuram, Kerala-673645
3. P.V. Abdul Wahab
Member of Parliament (Rajya Sabha)
Peevees Mirage, Nilambur P.O.,
Malappuram, Kerala-679329
4. M.P Abdussamad Samadani
Member of Parliament (Lok Sabha)
Empee House P O Kottakkal
Kottakal Kerala 676503
5. K. Navas Kani
Member of Parliament (Lok Sabha)

2061-B, 9th Street, Nehru Nagar,
Ramanathapuram, Tamil Nadu ... Petitioners

Versus

1. Union of India
Through Cabinet Secretary
Rashtrapati Bhawan,
New Delhi-110004
2. Union of India
Through its Secretary,
Ministry of Minority Affairs,
Government of India,
New Delhi - 110001
3. Union of India
Through its Secretary,
Ministry of Law and Justice
Shastri Bhawan
New Delhi-110001

... Respondents

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA**

To
The Hon'ble Chief Justice of India
And His companion Justices of the
Supreme Court of India

The Humble petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:

1. The Petitioners are filing the present writ petition under Article 32 of the Constitution of India in public interest to enforce their Fundamental Rights enshrined under Article 14, 15, 25 & 26 of the Constitution as the Petitioners are aggrieved by the passing of the present Waqf (Amendment) Act 2025. The 2025 Act is an unconstitutional assault on the religious autonomy and personal rights of the Muslim community in India. The 2025 Act, amending the 1995 Act, introduces provisions that fundamentally alter the governance, creation, and protection of Waqf properties—Islamic endowments dedicated perpetually to Allah for religious and charitable purposes. These amendments, passed by the Lok Sabha and Rajya Sabha despite widespread opposition, impose arbitrary restrictions, enhance state control, and deviate from the religious

essence of Waqf, violating Articles 14, 25, and 26 of the Constitution.

1A. The details of the Petitioner filing the present Public Interest Litigation are as follows:

- a) The First Petitioner is a Political Party in the name and style of "Indian Union Muslim League" Registered and recognized by the Election Commission of India, Represented by its General Secretary P.K. Kunalikutty. The First Petitioner has got its representatives in the Parliament as well as the State Legislative Assemblies. The General Secretary of the Petitioner is authorised to file the present Petition. The registered address/ Headquarters of the Petitioner is at Quaid-e-Millath Manzil, 36 Marayikayar Lebbai Street, Chennai, Tamilnadu, India and phone no. is 044-28345097. The Annual Income of the Petitioner is Rs. 1353520/- and PAN Card no/Aadhar card no of the Petitioner is 499719348070. Petitioner No.1 has among its objectives to strive to preserve and promote and honour the religious and cultural

identity of Muslims and other minorities and backward communities of India, enriching national life and strengthening its secular and democratic foundations. Petitioner No.2-6 are the members of the Parliament.

- b) The facts that lead to the cause of action for filing the present petition pertains to the passing of the Waqf (Amendment) Act, 2025, enacted on 04.04.2025 as a grave violation of fundamental rights under Articles 14, 15, 25, and 26, affecting millions of Muslims dependent on Waqf properties for religious and charitable purposes.
- c) Waqf, an Islamic endowment rooted in Quranic charity (2:261) and Hadith (Sahih Muslim 1631), is a perpetual dedication to Allah, managed by Muslims under Shari'ah. The 1995 Act safeguarded this through Muslim-led governance, which the 2025 Act dismantles.
- d) The Petitioners have no personal interest whatsoever in filing the present petition.

- e) The Petitioners are not involved in any civil, criminal, revenue or other litigation that has any legal nexus with the issues involved in the present public interest litigation.
- f) This PIL seeks to protect public interest, as no other remedy exists to redress this constitutional infringement post-legislative assent.
- g) The present public interest writ petition raises a seminal important question related to the promulgation of Waqf Amendment, Act 2025, wherein its provisions violate Articles 14, 15, 25, and 26 by imposing arbitrary state control and restricting religious practices. Further the Amendment Act itself is ultra vires Islamic Shari'ah Law, this Hon'ble Court's precedents and the 1995 Act's intent. Lastly the Amendment Act discriminates against Muslims vis-à-vis other faiths' endowments and tends to create enmity and hatred towards muslim community.

1B. The Petitioners have no other equally efficacious remedy except to approach this Hon'ble Court by

way of present Writ Petition. All annexures annexed to the Writ Petition are true copies of their respective originals.

- 1C.** The Petitioner has not filed any other Petition either before this Hon'ble Court or any other court High Court for seeking same or similar relief.
- 2.** With regard to Waqf in India, it is pertinent to mention here that in 2005 the Sachar Committee was constituted by the Government of India in 2005 under the leadership of Prime Minister Dr. Manmohan Singh. The primary objective was to study the social, economic, and educational status of the Muslim community in India and recommend measures for their upliftment.
- 3.** On 30.11.2006, The Sachar Committee submitted its report, advocating for Muslim community control over Waqf properties and highlighting issues of state encroachment. The Sachar Committee examined the status of Waqf properties in India, as they are one of the major financial resources for the socio-economic upliftment of the Muslim

community. It was also highlighted that Waqf properties could be a major financial asset for Muslim welfare but were severely underutilized due to corruption, encroachments, and lack of autonomy. A true copy of the relevant pages of the Sachar Committee report dated 30.11.2006 is annexed herewith and marked as **Annexure P1**
(Pages

FACTS OF THE CASE

- 4.** On 8.8.2024, the Waqf (Amendment) Bill, 2024, was introduced in the Lok Sabha by the Union Government. The Bill proposed significant amendments to the Waqf Act, 1995, aiming to alter the governance, creation, and management of Waqf properties, Islamic endowments dedicated for religious and charitable purposes. Its introduction sparked immediate concerns regarding its potential impact on the religious autonomy of the Muslim community. A true copy of the Waqf Amendment Bill 2024 issued by the Union Government is

annexed herewith and marked as **Annexure P2**

(Pages

- 5.** Shortly after its introduction, the Bill was referred to a Joint Parliamentary Committee (JPC) for detailed examination. The JPC was tasked with reviewing the Bill's provisions, soliciting stakeholder feedback, and proposing necessary amendments, reflecting the contentious nature of the proposed changes.
- 6.** The Petitioner, Indian Union Muslim League (IUML), a recognized political party advocating for Muslim and minority rights, submitted detailed objections to the JPC prior to the tabling of its report on 13.02.2025. These submissions highlighted constitutional concerns, asserting that the Bill's provisions, such as the inclusion of non-Muslims in Waqf governance and restrictive conditions on Waqf creation violated fundamental rights under Articles 14, 15, 25, and 26. It is submitted that these changes threatened the Muslim community's right to manage its religious affairs. A true copy of the

objections filed by the Petitioner before the JPC dated 22.10.2024 is annexed herewith and marked as **Annexure P3 (Pages**

- 7.** On 13.02.2025, the JPC tabled its report in both Houses of Parliament, incorporating inputs from stakeholders, including the Petitioner's objections. The report recommended 14 amendments to the Bill, addressing certain procedural aspects but retaining key controversial provisions. On 27.02.2025, the JPC cleared these amendments, finalizing the revised Bill for parliamentary debate. The Petitioner contends that the retained provisions continued to infringe upon constitutional guarantees.
- 8.** Based on the JPC report, certain changes were made to the bill and the Union Government brought the Waqf (Amendment) Bill 2025.
- 9.** On 2.4.2025, the Waqf (Amendment) Bill, 2025, was debated in the Lok Sabha. The Petitioner, through its representatives, objected to specific provisions—such as Section 2A (exempting certain

Muslim trusts from Waqf regulation), Section 3(ix)(a) (imposing a five-year practice requirement), and Sections 9 and 14 (mandating non-Muslim inclusion in Waqf governance), arguing that they violated Articles 14, 15, 25, and 26 by imposing arbitrary restrictions and encroaching on religious autonomy. Despite these objections, the Bill passed the Lok Sabha on the same day, supported by the NDA's majority.

- 10.** On 03.04.2025, the Waqf (Amendment) Bill, 2025, was debated in the Rajya Sabha. The Petitioner, through its representatives, objected to specific provisions—such as Section 2A (exempting certain Muslim trusts from Waqf regulation), Section 3(ix)(a) (imposing a five-year practice requirement), and Sections 9 and 14 (mandating non-Muslim inclusion in Waqf governance), arguing that they violated Articles 14, 15, 25, and 26 by imposing arbitrary restrictions and encroaching on religious autonomy. Despite these objections, the Bill passed the Raj Sabha on the same day,

supported by the NDA's majority. The Petitioner reiterated its constitutional objections during the debate, but the Bill proceeded to the next stage unimpeded.

11. On 4.4.2025, the Waqf (Amendment) Bill, 2025, received Presidential assent, becoming the UWMEED Act, 2025. The Amendment Act was published in the Official Gazette, with its provisions slated to take effect upon notification by the Central Government. A true copy of the Waqf (Amendment) Act 2025 is annexed herewith and marked as

Annexure P4 (Pages

12. Below is a chart summarizing the key amendments, their constitutional and religious ultraviresness, and proposed solutions, based on recent legislative changes and stakeholder concerns.

Section	Key Amendment (Compared to 1995 Act)	Constitutional Ultraviresness (Articles 14, 25, 26, etc.)	Religious Ultraviresness (Shari'ah Compliance)	Proposed Solution
2	Renames to UMEED Act, secularizing title	Violates Art. 25 (religious identity), Art. 26 (autonomy), Art. 14 (discrimination)	Contravenes Shari'ah's religious essence	Retain "Waqf Act, 1995"

3	New definitions, five-year practice rule	Violates Art. 25 (excludes converts), Art. 14 (discriminatory), Art. 26 (limits creation)	No five-year rule in Shari'ah, contradicts inclusivity	Remove five-year rule, limit Collector role
3A	Requires ownership, no denial of inheritance	May violate Art. 21 (access barriers), aligns with Art. 15 (gender)	May conflict with Waqf-alal-aulad intent under Shari'ah	Relax ownership, ensure Shari'ah compliance
3B	Portal filing within six months	Violates Art. 21 (impractical for rural), Art. 14 (unequal burden)	No direct conflict, may hinder traditions	Extend to 12 months with support
3C	Government property exclusion, Collector decides	Violates Art. 26 (state overreach), Art. 14 (arbitrary), Art. 21 (no due process)	Undermines Shari'ah-based claims	Delete, refer to Tribunal
4	Survey by Collector instead of Commissioner	Violates Art. 26 (expertise loss), Art. 14 (arbitrary shift)	Risks errors in religious property ID	Retain Survey Commissioner
9, 14	Non-Muslim, women members in Boards	Violates Art. 26 (non-Muslim inclusion), aligns with Art. 15 (women), Art. 14 issue	Shari'ah restricts to Muslims; non-Muslim role ultravires	Limit non-Muslims to advisory roles
18(1A)	Mandatory Waqf deed, no oral Waqfs	Violates Art. 25 (oral Waqfs Shari'ah-compliant), Art. 14 (unequal burden)	Contravenes oral dedication tradition	Allow oral with witnesses
20	Omits Section 40, Board's determination power	Violates Art. 26 (autonomy loss), Art. 14 (arbitrary shift to Collector)	Undermines Muslim control over property	Restore Section 40
40A	Applies Limitation Act to Waqf claims	Violates Art. 26 (threatens perpetual status), Art. 300A (property rights)	Contradicts Shari'ah's perpetual nature	Exclude Limitation Act for Waqf
41	Omits Sections 108, 108A (overriding	Violates Art. 26 (weakens Waqf), Art. 21 (exposes Board members)	Hinders effective Shari'ah-based management	Restore Sections 108, 108A

	effect, good-faith)			
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13. The Waqf (Amendment) Act, 2025, established several operational timelines also, including:

A six-month period from commencement for existing Waqfs to file details on a designated portal (Section 3B(1)).

Ninety days for State Governments to upload lists of auqaf (Section 5(2A)).

Ninety days for filing appeals to Tribunals or High Courts (Sections 67(4), 83(9)).

A one-month period for Collectors to issue orders on property claims (Section 91(4)).

The Petitioner challenges the six-month filing requirement as impractical, arguing it should be extended to 24 months given the complexity of Waqf documentation, further alleging arbitrariness in implementation.

14. With the enactment of the Waqf (Amendment) Act, 2025, and the imminent enforcement of its

provisions, the Petitioner has approached this Hon'ble Court under Article 32, seeking to challenge the Amendment Act's constitutional validity. The Petitioner asserts that the Amendment Act infringes upon fundamental rights under Articles 14, 15, 25, and 26, is arbitrary, and undermines the religious autonomy of the Muslim community. Lacking an alternative remedy, the Petitioner invokes this Court's extraordinary jurisdiction to safeguard constitutional rights on inter-alia the following grounds:-

GROUND

RE: Violation of Constitutional Framework

- A.** The 2025 Act contravenes Articles 14, 15, 25, and 26 of the Constitution by imposing arbitrary restrictions and excessive state control over Waqf properties, which are Islamic endowments dedicated perpetually to Allah for religious and charitable purposes. Article 25 guarantees freedom of conscience and the right to practice religion, while Article 26 ensures religious denominations' autonomy to manage their affairs. The Amendment Act's provisions collectively undermine these rights by secularizing Waqf's identity, restricting its creation, and diluting Muslim governance, contrary to the Constitution's secular and pluralistic ethos.
- B.** The amendments violate the rights granted under Article 14 and 15 of equality before law and non-discrimination on grounds of religion by singling out Waqf properties for discriminatory treatment, unlike Hindu, Sikh, or Jain endowments, which

retain faith-specific autonomy (e.g., Guruvayoor Devaswom Act, 1978; SGPC framework). This selective interference lacks a rational nexus to any legitimate state objective.

RE: Arbitrariness and Lack of Reasonable Basis

- C.** The 2025 Act is arbitrary, lacking intelligible differentia or reasonable classification. It imposes impractical conditions (e.g., five-year practice requirement, mandatory deeds) and delegates adjudicatory powers to Collectors—administrative officers without Islamic law expertise—without justification. Such measures contradict the 1995 Act’s intent to protect Waqf through specialized Muslim-led governance, as affirmed by the Sachar Committee Report (pg. 217-235).
- D.** The removal of established safeguards (e.g., “Waqf by User,” Tribunal finality) and introduction of non-Muslim oversight are whimsical, ignoring historical

practices and community needs, rendering the Act capricious and ultra vires.

RE: Encroachment on Religious Freedom and Autonomy

- E.** Waqf, rooted in Shari'ah (Qur'an 2:261; Hadith, Sahih Bukhari Vol. 4, Book 51, Hadith 33), is a religious institution managed by Muslims under Islamic principles (Imam Abu Hanifa: "confinement of property for charitable use"). The 2025 Act encroaches on this freedom by:
- Secularizing Waqf's identity (Section 2).
 - Prohibiting oral dedications (Section 36(1A)), a Shari'ah-compliant practice.
 - Mandating non-Muslim inclusion (Sections 9, 14), violating autonomy upheld in *Church of God v. K.K.R. Majestic* (2000) 7 SCC 282.
- F.** This state overreach contravenes Article 26, as it parallels no similar intrusion into Hindu or Sikh endowments, undermining Muslims' right to manage their religious affairs.

RE: Singling Out Muslims and Discriminatory Impact

- G.** The 2025 Act disproportionately targets Muslims, imposing burdens not placed on other religious communities. Non-Muslim inclusion in Waqf governance, Collector authority over disputes, and application of the Limitation Act (Section 40A) are unique to Waqf, unlike Hindu temple boards (e.g., Tirupati) or SGPC, which remain faith-exclusive. This singles out Muslims, creating a chilling effect on Waqf creation and management, potentially driving charitable acts toward secular trusts, thus eroding Shari'ah-based rights.
- H.** The discriminatory treatment fosters a perception of state oppression, disproportionately affecting Muslims' religious identity and communal welfare, violating Article 14's equality principle..

RE: Illegality and Bad in Law

- I.** The 2025 Act is illegal, contravening Shari'ah, Supreme Court precedents (e.g., M Siddiq v.

Mahant Suresh Das, (2020) 1 SCC 1, on Waqf by User; and the 1995 Act's Statement of Objects and Reasons, which aimed to enhance Muslim control. It introduces provisions (e.g., Collector adjudication, non-Muslim oversight) lacking legislative competence under Entry 18, List II (charitable endowments), encroaching on state powers.

- J.** The Amendment Act's procedural flaws, ignoring objections placed before the JPC and substantive overreach render it bad in law, warranting judicial review under Article 13.

RE: COMPARATIVE ANALYSIS OF RELIGIOUS ENDOWMENTS' AUTONOMY

- K.** Guruvayoor Temple Devaswom Autonomy: The Guruvayoor Temple in Kerala, a revered Hindu shrine, is governed by the Guruvayoor Devaswom Act, 1978, which establishes the Guruvayoor Devaswom Managing Committee as an autonomous body exclusively comprising practicing Hindus.

Section 4 of the said Act mandates that all committee members be Hindus, ensuring that only adherents of the faith manage its rituals, properties, and administration. The District Collector of Thrissur, serving as the ex officio Managing Trustee, must also be a practicing Hindu, a requirement rooted in the temple's strict adherence to Vedic traditions and purity laws. A notable incident during K. Karunakaran's tenure as Chief Minister exemplifies this: when a Muslim IAS officer was appointed Collector, Hindu community protests led to his replacement with a Hindu officer, underscoring the temple's faith-specific autonomy. Funds from temple offerings and properties are managed solely by this Hindu body, with no state or non-Hindu oversight, aligning with Article 26's protection of religious affairs.

- L.** Shiromani Gurdwara Parbandhak Committee (SGPC) Framework: The SGPC, established under the Sikh Gurdwaras Act, 1925, governs Sikh gurdwaras in Punjab, Haryana, and Himachal

Pradesh with absolute faith-based autonomy. Section 3 of the said Act mandates that all SGPC members be baptized Sikhs (Amritdhari), ensuring exclusive control by practitioners of Sikhism. The SGPC manages gurdwara properties, rituals, and charitable activities (e.g., langars), with its 170-member General House elected solely by Sikh voters, free from non-Sikh influence. The SGPC's financial independence—derived from gurdwara offerings—and its exclusion of non-Sikhs from governance ensure that no outsider hands interfere, preserving Sikh traditions like the Akal Takht's authority. This framework contrasts sharply with the 2025 Act's non-Muslim inclusion, highlighting discriminatory treatment.

- M.** Other Religious Endowments' Autonomy: Similar faith-based autonomy governs other endowments. The Tirumala Tirupati Devasthanams (TTD), managing the Tirupati temple under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, restricts its Board to

practicing Hindus (Section 96), with no non-Hindu involvement in its rituals or vast property management. The Shwetambar and Digambar Jain Trusts, under state-specific Jain endowment laws (e.g., Bombay Public Trusts Act, 1950), limit governance to Jains, ensuring temple and charitable activities align with Jain tenets. The Parsi Anjuman Trusts, managing fire temples and community assets, operate under trust deeds restricting control to Parsis, with courts affirming this under Article 26 (**Sardar Syedna Taher Saifuddin v. State of Bombay, AIR 1962 SC 853**). These endowments, insulated from external hands, manage properties worth billions (e.g., TTD's Rs. 14,000 crore annual budget) without state or outsider interference, relying solely on faith-based regulations. In contrast, the 2025 Act's imposition of non-Muslims and Collectors on Waqf governance singles out Muslims, violating Article 14's equality and Article 26's autonomy, setting a dangerous precedent for other faiths.

N. Conclusion of Comparative Analysis: The Guruvayoor Devaswom, SGPC, and other endowments exemplify a consistent Indian legal tradition: religious institutions are governed exclusively by their adherents, free from outsider interference, as mandated by their faith-specific laws and upheld by judicial precedent. This ensures alignment with religious tenets, community trust, and efficient management. The 2025 Act's deviations—non-Muslim inclusion, Collector adjudication, and secular restrictions—uniquely burden Waqf, lacking parallels in these frameworks, thus rendering it discriminatory and unconstitutional. Restoring Muslim-only governance and judicial oversight would align Waqf with this equitable standard.

RE: ARBITRARY AMENDMENTS

O. Section 2 – Substitution of “Waqf” with “Unified Waqf Management, Empowerment, Efficiency and Development”: The substitution of the title “Waqf Act, 1995” with a secular, bureaucratic

nomenclature under Section 2 of the 2025 Act represents a profound violation of the religious sanctity inherent in the term “Waqf,” which, as per Islamic scriptures (Qur’an 2:261; Hadith, Sahih Bukhari Vol. 4, Book 51, Hadith 33), denotes a perpetual dedication to Allah for pious purposes. This alteration infringes Article 25 by diluting the religious identity of Waqf, a cornerstone of Muslim practice recognized by the Sachar Committee Report (pg. 217) as a community-managed endowment. It further violates Article 26 by signaling centralized state control, undermining the autonomy of Muslim governance structures, and contradicts Article 14 by arbitrarily ignoring the diverse sectarian practices within Islam (e.g., Sunni, Shia, Bohra, Aghakhani), rendering “Unified” impractical and illogical. The impact is a psychological and legal deterrent to Muslims, who may perceive Waqf as a state-dominated institution rather than a religious act, potentially eroding its communal significance. The solution lies in deleting

this amendment entirely and restoring the original title, "Waqf Act, 1995," to preserve its religious essence and constitutional protections.

- P.** Section 2A – Exemption of Trusts from Waqf Regulation: Section 2A of the 2025 Act introduces a new proviso exempting trusts established by Muslims for purposes similar to Waqf, whether statutorily regulated or not, from the Act's purview, notwithstanding any court judgment, decree, or order, a provision absent in the Waqf Act, 1995. This amendment violates Article 26 by arbitrarily excluding Muslim trusts from Waqf governance, undermining the religious autonomy of the Muslim community to manage all endowments aligned with Shari'ah principles, as emphasized by the Sachar Committee Report (pg. 217), which stressed community control over Waqf properties. It infringes Article 14 by singling out Waqf for stringent regulation while shielding similar Muslim trusts, creating a discriminatory dichotomy that privileges secular frameworks over religious ones,

a disparity not imposed on Hindu endowments like the Guruvayoor Devaswom or Sikh gurdwaras under the SGPC, where all faith-based entities remain uniformly governed. The “notwithstanding any judgment” clause further violates Article 32 by overriding judicial remedies, a direct assault on constitutional supremacy and the rule of law, as no such blanket exclusion exists for other religious endowments. The impact is profound: it fosters a perception among Muslims that Waqf creation invites state oppression, potentially deterring religious dedications in favor of secular trusts, thus eroding Shari’ah-compliant practices and disproportionately targeting Muslim religious identity. This discriminatory singling out risks long-term cultural and religious harm, as Muslims may opt for non-Waqf structures to avoid bureaucratic interference, weakening the communal welfare Waqf supports. The solution is to delete Section 2A and substitute it with a provision ensuring that all Muslim trusts for Waqf-like purposes fall under the

Act, subject to judicial scrutiny, preserving religious unity and constitutional equity akin to the faith-exclusive governance of the Guruvayoor Temple, SGPC, and Jain trusts.

- Q.** Section 3(ix)(a) – Five-Year Practice and Ownership Requirement: Section 3(ix)(a) of the 2025 Act restricts Waqf creation to Muslims who can demonstrate five years of practice and prove ownership, a stark deviation from the 1995 Act’s inclusive “any person” standard. This provision violates Article 25 by imposing an arbitrary condition unsupported by Shari’ah, where faith duration is irrelevant, as affirmed in *Church of God v. K.K.R. Majestic* (2000) 7 SCC 282, which rejected temporal tests for religious acts. It breaches Article 14 by discriminatorily targeting Muslims, unlike Hindu or Sikh endowments, and infringes Article 21 by burdening rural Muslims with impractical evidentiary requirements, effectively excluding new converts and non-Muslims willing to contribute to Waqf’s noble causes. The impact is a significant

reduction in Waqf creation, stifling charitable impulses and disproportionately affecting Muslim welfare, as Waqf properties support mosques, schools, and the poor. The remedy is to delete this clause and substitute it with a provision allowing “any person” to dedicate property with lawful possession, subject to Waqf Board verification, aligning with constitutional equality and religious freedom.

- R.** Section 3(ix)(b) – Omission of “Waqf by User”: By omitting “Waqf by User” under Section 3(ix)(b), previously protected in the 1995 Act, the 2025 Act negates a centuries-old Islamic and Indian legal tradition of recognizing properties used for religious purposes (e.g., mosques, graveyards) without formal deeds. This violates Article 25 by nullifying Shari’ah-compliant oral and user-based dedications, upheld in *M Siddiq v. Mahant Suresh Das* (2019) as valid evidence of religious intent. It infringes Article 26 by denying the Muslim community rights over historically recognized

Waqfs, as emphasized by the Sachar Report (pg. 217), and breaches Article 14 by arbitrarily disregarding revenue records as proof, a practice not similarly challenged for other faiths' endowments. The impact is catastrophic, risking the loss of undocumented Waqfs, which form a significant portion of Muslim religious assets, disproportionately targeting Muslims and weakening their communal infrastructure. The solution requires deleting this omission and restoring the original clause: "A Waqf by user shall not cease to be a Waqf by reason of user cessation," ensuring continuity of historical rights.

- S.** Section 3C – Government Property Exclusion and Collector's Role: Section 3C of the 2025 Act declares government-claimed properties non-Waqf and empowers Collectors to adjudicate disputes, a drastic shift from the 1995 Act's Board and Tribunal framework. This provision violates Article 26 by usurping Muslim control over Waqf, contravening the Sachar Report's call to reclaim encroached

properties from state agencies (pg. 217-235), and infringes Article 14 by arbitrarily delegating religious adjudication to Collectors—administrative officers lacking Islamic law expertise—unlike the CEO (a Joint Secretary under Section 23). It further breaches Article 21 by risking property loss without due process, as Collectors’ decisions lack judicial oversight. The impact singles out Muslims, facilitating state encroachment on Waqf lands (e.g., Delhi offices), undermining their religious and economic base. The remedy is to delete Section 3C and insert a clause mandating Tribunal adjudication within six months, restoring community authority and procedural fairness.

- T.** Sections 9 & 14 – Non-Muslim Inclusion in Waqf Council and Boards: Sections 9 and 14 mandate two non-Muslim members each in the Central Waqf Council and State Waqf Boards, deviating from the 1995 Act’s Muslim-only governance. This violates Article 26 by encroaching on Muslim autonomy, a right upheld for other faiths’ endowments like the

SGPC and Guruvayoor Devaswom, and breaches Article 14 by discriminatorily targeting Waqf, as no parallel requirement exists for Hindu or Sikh bodies. It contravenes Shari'ah, where only Muslims manage Waqf (Imam Abu Hanifa's definition), and the Sachar Report's emphasis on community control. The impact erodes Muslim trust in Waqf governance, potentially deterring participation and affecting religious administration. The solution is to delete these provisos and mandate that all members be practicing Muslims, preserving faith-based autonomy consistent with constitutional norms.

- U.** Section 36(1A) – Mandatory Waqf Deed: Section 36(1A) requires a written deed for Waqf creation, abolishing the 1995 Act's recognition of oral dedications. This infringes Article 25 by prohibiting a Shari'ah-compliant practice recognized under the Indian Contract Act, 1872 (Section 10), and upheld as valid in Islamic tradition. It violates Article 14 by imposing an impractical burden not placed on other

religious endowments, disproportionately affecting rural Muslims without resources for documentation. The impact restricts Waqf creation, undermining Muslim charitable initiatives and singling out their religious practices for bureaucratic hindrance. The remedy is to delete this clause and insert a provision allowing Waqf creation “by deed or oral declaration with witnesses,” validated by the Board, ensuring accessibility and religious freedom.

- V.** Omission of Section 40: The omission of Section 40 under 2025 Act, which empowered Waqf Boards to determine Waqf status in the 1995 Act, violates Article 26 by stripping Boards of their adjudicatory role, shifting it to Collectors, a move deemed arbitrary under Article 14 due to Collectors’ lack of expertise. The impact weakens Waqf protection, favoring encroachers and disproportionately harming Muslims by exposing their properties to state control. The solution is to restore Section 40 in its entirety: “The Board may itself collect information... decide the question, subject to

Tribunal review,” reinstating community governance.

- W.** Section 40A – Limitation Act Application: Section 40A substitutes the 1995 Act’s exclusion of the Limitation Act, 1963 (Section 107) with its application to Waqf recovery, violating Article 26 by threatening Waqf’s perpetual nature, a core Shari’ah principle. It infringes Article 300A by risking property loss to time bars, unlike other endowments retaining perpetual status. The impact encourages encroachments, disproportionately targeting Muslim assets and undermining their religious permanence. The remedy is to delete Section 40A and restore: “The Limitation Act, 1963, shall not apply to Waqf recovery,” ensuring Waqf’s enduring protection.
- X.** Section 41 – Omission of Sections 108 & 108A: Section 41 omits the 1995 Act’s Sections 108 (overriding effect) and 108A (good-faith protection), violating Article 26 by weakening Waqf against conflicting laws and exposing Board

members to litigation, thus infringing Article 21's livelihood protections. This singles out Waqf, as other endowment laws retain overriding provisions (e.g., Hindu Religious Endowments Acts), breaching Article 14. The impact creates legal uncertainty and deters administration, disproportionately affecting Muslims. The solution is to restore Sections 108 and 108A in full, ensuring Waqf's primacy and administrative security.

RE: Elaborated comparative analysis of religious endowments' autonomy with Section 2A:

- Y.** Guruvayoor Temple Devaswom: Under the Guruvayoor Devaswom Act, 1978, all Hindu endowments, including trusts for temple purposes, are uniformly governed by the Hindu-only Devaswom Committee, with no exemptions carving out similar entities from its purview. This ensures cohesive management aligned with Vedic traditions, free from external secular interference. Section 2A's exemption of Muslim trusts disrupts

such unity for Waqf, violating Article 14's equal treatment.

Z. Shiromani Gurdwara Parbandhak Committee (SGPC): The Sikh Gurdwaras Act, 1925, mandates that all gurdwara-related endowments, regardless of form, fall under the SGPC's exclusive Sikh control (Section 3), with no provision allowing secular trusts to escape its jurisdiction. Section 2A's carve-out for Waqf-like trusts contrasts sharply, singling out Muslims for fragmented governance.

AA. Other Endowments (e.g., Tirupati, Jain Trusts): The Tirumala Tirupati Devasthanams Act, 1987, and Jain trust frameworks (e.g., Bombay Public Trusts Act, 1950) ensure all Hindu or Jain endowments, including trusts, remain under faith-specific bodies, with no outsider interference permitted. Section 2A's exclusionary approach uniquely burdens Waqf, lacking parallels in these systems, thus breaching constitutional equality and autonomy.

Re: The Munambam Issue and Petitioner's Stance

The Hon'ble Minister for Minority Affairs while introducing the Waqf Bill in the Parliament, referred to land issue in Munambam, Kerala and said that he had received lot of representations regarding the said land from community leaders. The Petitioner is of the firm view that any persons purchased the said land in Munambam should not be disturbed or evicted. For the said purpose, the Petitioner through its president, Sayyid Sadiq Ali Shihab Thangal convened meeting of community leaders in Calicut on several dates and again on 1.11.2024 met the Community leaders, including the Hon'ble Bishops, in Kochi and conveyed their sentiments to them. The Petitioner will continue its effort to see that the persons who are residing in said land will not face any issue of eviction and will continue to proactively involve till final resolution is attained in the said issue. Although the Petitioner has its doubts as to whether the present Bill will give any solution to the Munambam Land issue, the Petitioner believes that a via media will have to find

by the State Government considering all the factual scenarios. The Petitioner will be extending its wholehearted support to the efforts made by the concerned in this issue.

BB. That in view of the above it is in the interest of justice and equity, the Petitioner seeks to pray following directions from this Hon'ble Court under Article 32 of the Constitution.

PRAYER

- (a) Issue a writ or direction declaring the Waqf (Amendment) Act, 2025 to be in violation of Article 14, 25 and 26 of the Constitution and striking down the same.
- (b) Issue a writ or direction declaring that the Waqf (Amendment) Act, 2025 is unconstitutional, being in violation of Part III of the Constitution.

(c) Pass such other and further order/orders as are deemed fit and proper in the facts and circumstances of the case

Drawn By

Filled by

(Haris Beeran)

(Usman Ghani Khan)

Advocate

Advocate for the petitioner

New Delhi

Drawn On:-

Filed On:-