

# Supreme Court Hearing on Waqf (Amendment) Act 2025

The Supreme Court of India continues its hearing on pleas challenging the Waqf (Amendment) Act 2025 on Thursday, April 17, after adjourning the first day of proceedings. The case is being heard by a three-judge bench led by Chief Justice of India Sanjiv Khanna, alongside Justices Sanjay Kumar and K.V. Viswanathan.

During Wednesday's two-hour hearing of approximately 100 petitions, the Supreme Court proposed staying certain key provisions of the Act, including the power to denotify properties declared as waqf by courts and the inclusion of non-Muslims in central Waqf councils and boards. The CJI also referred to the communal violence in West Bengal over the 2025 Act as "very disturbing".



by OJAANK IAS

# Legislative Journey of the Waqf Amendment Act

## Lok Sabha Passage

The Bill was passed in the Lok Sabha on April 3, 2025, with 288 members supporting it and 232 against it.

## Presidential Assent

President Droupadi Murmu gave her assent to the Waqf (Amendment) Act, 2025, making it law.

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## Rajya Sabha Approval

The Bill cleared the Rajya Sabha on April 4, 2025, with 128 members voting in favour and 95 opposing.

## Supreme Court Challenge

Multiple petitions filed challenging the constitutional validity of the Act, with hearings beginning on April 16, 2025.

The Waqf Amendment Act has been controversial since its introduction, with the government defending it as a measure to enhance transparency and accountability in waqf administration. However, experts have told *The Hindu* that it infringes upon the religious autonomy of the Muslim community.

# Key Provisions Under Supreme Court Scrutiny

## Denotification Powers

The power to denotify properties declared as waqf by courts, including those classified as "waqf by user," which the Supreme Court suggested would be a "huge problem".

## Non-Muslim Inclusion

The inclusion of non-Muslims in central Waqf councils and boards, which the Court questioned by asking if Muslims would similarly be allowed to be part of Hindu religious trusts.

## Administrative Control

Increased government oversight and control over waqf properties, which petitioners argue infringes upon the religious autonomy guaranteed by the Constitution.

The Supreme Court has proposed to stay these controversial provisions pending further deliberation. Chief Justice Khanna emphasized that "All Members of the waqf boards and the central waqf Council must be Muslims, except the ex-officio members," highlighting concerns about religious autonomy.



# CJI's Remarks on Judicial Secularism

**"When we sit here, we lose our religion. We are absolutely secular. For us, one side or the other is the same."**



## **Centre's Analogy**

**Solicitor General Tushar Mehta suggested that if non-Muslims cannot be on waqf boards, then Hindu judges should not hear waqf cases.**



## **CJI's Response**

**CJI Khanna firmly rejected this comparison, emphasizing that judges shed their religious identity when they don the robes.**



## **Counter Question**

**"Are you suggesting that minorities, including Muslims, should also be included in boards managing Hindu religious institutions? Please state that openly."**

**The exchange highlighted the fundamental difference between judicial adjudication and administrative governance of religious institutions. The CJI's remarks underscored the secular nature of the judiciary, while questioning the government's rationale for including non-Muslims in waqf administration.**



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# Political Reactions to the Supreme Court Hearing



## Maulana Yasoob Abbas

The All India Shia Personal Law Board General Secretary expressed hope in the judiciary, stating that "The way the Court heard the case yesterday has raised our hopes. If the judiciary does not deliver justice, then where will a person go?"



## Pramod Tiwari

The Congress leader noted that "The questions raised by the Supreme Court are the same ones that the Congress party had raised in the Joint Parliamentary Committee," affirming that it's the Court's responsibility to act if the Constitution is being violated.



## Mahua Moitra

The Trinamool Congress MP and petitioner against the Act welcomed the Court's proposed orders, saying she was "delighted that SC proposed to stay three really egregious aspects" of the Act.

Political reactions to the Supreme Court's observations have largely fallen along party lines, with opposition leaders welcoming the Court's scrutiny while government representatives defend the legislation as necessary reform.

# Communal Tensions and Constitutional Concerns

## Violence Eruption

CJI Khanna referred to communal violence in West Bengal over the 2025 Act as "very disturbing"

## Community Appeals

Religious leaders urge people to "uphold unity and brotherhood" while legal process unfolds



## Constitutional Questions

Petitioners argue the Act violates Articles 14, 15, 25, and 26 of the Constitution

## Judicial Intervention

Supreme Court's proposed stay on key provisions aims to prevent further escalation

The Waqf Amendment Act has sparked tensions across several states, with the Supreme Court expressing concern about the communal violence that has erupted. Maulana Yasooob Abbas has urged people to maintain peace and brotherhood while the constitutional process takes its course.

The petitioners have raised fundamental questions about religious autonomy and the state's role in managing religious endowments. The Court's approach suggests a careful balancing of administrative reform with constitutional protections for religious practices.

# Transparency vs. Religious Autonomy Debate

## Government's Position

The government has defended the Waqf Amendment Act as necessary to enhance transparency and accountability in waqf administration. Officials argue that the reforms will modernize management practices and prevent misuse of waqf properties.

Proponents claim the amendments will streamline dispute resolution and create a more efficient system for managing these religious endowments, ultimately benefiting the Muslim community.

The Supreme Court's questioning reflects this fundamental tension between administrative reform and religious freedom. By asking if Muslims would similarly be allowed on Hindu endowment boards, the Court highlighted the potential inconsistency in the government's approach to different religious institutions.

## Petitioners' Arguments

Critics and petitioners contend that the Act infringes upon the religious autonomy of the Muslim community guaranteed by the Constitution. They argue that allowing non-Muslims on waqf boards fundamentally alters the religious character of these institutions.

Experts have told *The Hindu* that the amendments represent undue interference in religious affairs and violate the principle of secularism by singling out Muslim religious endowments for special regulation.



# Next Steps in the Legal Challenge

## Continued Hearings

The Supreme Court will resume hearings on Thursday, April 17, 2025, at 2 p.m. to further examine the constitutional validity of the Waqf Amendment Act. With approximately 100 petitions filed, the proceedings are expected to be extensive.

The outcome of this case will have far-reaching implications not just for waqf administration but for the broader principles of secularism and religious freedom in India. The Court's approach suggests a careful consideration of both administrative efficiency and constitutional protections for religious practices.

## Interim Orders

The Court has proposed to stay key provisions including denotification powers and non-Muslim inclusion on waqf boards. The Centre has opposed these suggestions and sought further hearings before such directives are issued.

## Final Judgment

After hearing all parties, the three-judge bench led by CJI Khanna will deliver a judgment that could significantly impact the administration of waqf properties across India and set precedents for religious autonomy under the Constitution.



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