
WAQF (AMENDMENT) ACT, 2025: A CONSTITUTIONAL ANALYSIS OF RELIGIOUS FREEDOM AND MINORITY RIGHTS

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ABSTRACT

India's various faiths are permitted to practice and propagate their faith, with the Waqf (Amendment) Act, 2025, proposing to dramatically reform the management and oversight of waqf lands in the country. The Act, which is a key religious event in Islam, is considered a tool of centralised authority that infringes constitutional liberties. Legal experts and minority organisations consider it a breach of minority rights, notwithstanding the government's claim to promote efficiency, transparency, and digitisation. This article critically evaluates the amendment from property rights, legal philosophy, religious liberty, and constitutional law perspectives, considering whether it is a violation of minority rights or conforms with the goals of equality and secularism. The research applies a doctrinal technique to examine the amendment's legality and social ramifications, considering legislative provisions, judicial rulings, and scholarly discussions. The purpose is to establish if the Act is a real reform or a move towards repression.

Keywords: waqf, constitution, act, muslim, property

I. INTRODUCTION

According to Muslim law, waqf is the permanent promise of movable or immovable property for philanthropic, religious, or pious causes. Institutionalisation took place throughout the Abbasid Caliphate, whereas the first allusions date from the Umayyad era. Waqf was accepted in India under the Delhi Sultanate and spread over the Mughal Empire¹. The Waqf Act of 1995 established the legal foundation for governance by giving State Waqf Boards authority and defining protocols for waqf property management, surveys, and registration. In India, waqf has been practised since the Delhi Sultanate established Islamic rule and persisted during the Mughal dynasty.² With the Waqf Validating Acts of 1913 and 1930,³ the British colonial government created waqf legislation.⁴ Following independence, the management of waqf assets was regulated by laws passed in 1954 and 1995, which finally led to the creation of Waqf Boards for supervision.⁵ The 1995 Act emphasised the waqf's religious and cultural autonomy while acknowledging it as a valid organisation with unshakeable public trust. However, there have been repeated calls for change due to the claimed exploitation, invasion, and underutilisation of waqf holdings.⁶

II. CONSTITUTIONAL FRAMEWORK

The Indian Constitution safeguards religious freedom and minority rights as fundamental components of its secular and democratic framework.⁷ These guarantees are established in Articles 25, 26, 29, and 30 of the Constitution, which ensure persons and groups can freely exercise, share, and express their faith without interference from the state, and retain their specific cultural and educational traditions.⁸ Article 25 preserves everyone's freedom of conscience and the ability to publicly express, exercise, and disseminate their beliefs.⁹ It recognises that the state should respect people's autonomy and that their belief systems are profoundly personal.¹⁰ The right to profess a religion encompasses the freedom to freely

¹ Syed Ameer Ali, *The Spirit of Islam* 448–450 (Kitab Bhavan 2010).

² Waqf Act, 1995, No. 43, Acts of Parliament, 1995 (India).

³ Mussalman Wakf Validating Act, 1930, No. 32, Acts of Parliament, 1930 (India).

⁴ Mussalman Wakf Validating Act, 1913, No. 6, Acts of Parliament, 1913 (India).

⁵ Asaf A.A. Fyzee, *Outlines of Muhammadan Law* 347–350 (5th ed. 2008).

⁶ Tahir Mahmood, *Statute-Law Relating to Muslims in India: A Study with Commentary* 221–223 (Universal Law Publishing Co. 2005).

⁷ M.P. Jain, *Indian Constitutional Law* 626–627 (7th ed. 2014).

⁸ INDIA CONST. arts. 25, 26, 29, 30.

⁹ Id. art. 25.

¹⁰ H.M. Seervai, *Constitutional Law of India* vol. 1, 758 (4th ed. 1996).

proclaim one's faith and religious ideas, carry out religious rites, rituals, ceremonies, and customs, and promote one's beliefs. However, the right to practice and disseminate religion may be sufficiently restrained.¹¹ Judicial interpretations of Article 25 have underlined the distinction between religious belief and religious practice. The Supreme Court declared in *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*¹² that Article 25 also protects religious practices that are fundamental to a faith, although the state has the jurisdiction to control both necessary and non-essential activities. Article 26 supports Article 25 by noting the communal nature of religious freedom.¹³ It grants all or a portion of all religious groups the right to organise and manage organisations for religious and charitable objectives, to hold and acquire real estate, and to properly administer such property. This embraces the State's legal duty to assure the fair and transparent administration of religious property while protecting basic rights and not unnecessarily limiting religious liberty.

Articles 29 and 30 of the Indian Constitution underline the preservation of cultural, linguistic, and educational rights for minorities. These regulations preserve religious minorities and those with diverse cultural identities, such as linguistic communities. Article 29(1) promises that every sector of the Indian people has the right to preserve their language, script, or culture, which indirectly increases religious freedom by conserving cultural components of religious identity.¹⁴ Article 29(2) forbids discrimination and promotes the equality principle in education by empowering all minorities to organise and manage educational institutions of their choosing, regardless of language or religion.¹⁵ This ensures that institutions of colour are treated equally to other institutions, and appropriate limits on educational standards, curriculum, and facilities may be enforced to safeguard these rights.¹⁶

The value of these regulations in protecting India's rich cultural past is underscored, as they aid sustain the variety and vibrancy of Indian society.¹⁷ Articles 29 and 30 are particularly crucial when it comes to Muslim structures of worship and waqf properties, which serve both religious and charitable aims. Regulations that restrict the autonomy of waqf organisations may

¹¹ P.M. Bakshi, *The Constitution of India* 104 (14th ed. 2017).

¹² AIR 1954 SC 282.

¹³ INDIA CONST. art. 26.

¹⁴ Id. art. 29(1).

¹⁵ Id. art. 29(2).

¹⁶ M. Hidayatullah & R. Bhattacharya, *Constitution of India and Constitutional Law* 220 (2d ed. 2004).

¹⁷ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 63 (Oxford Univ. Press 1999).

contravene both Article 26 and the rights of minorities guaranteed by these parts.¹⁸ It balance between governmental authority and religious freedom is a tricky constitutional matter. Secularism and proportionality, two basic principles of constitutional interpretation, demand that any constraints must be well-supported by evidence, needed to fulfil legitimate ends, and least detrimental to fundamental rights.¹⁹ Articles 25, 26, 29, and 30 collectively express the constitutional safeguards of religious freedom and minority rights, supporting an inclusive, secular India where variation is actively valued rather than passively accepted²⁰.

Judicial Interpretations

Articles 25 and 26 of Part III of the Indian Constitution establish religious freedom and institutional autonomy as essential rights.²¹ These articles support both the collective right of religious groups to establish, control, and regulate religious institutions and the individual freedom of religious practice and belief. However, the extent of these rights has been interpreted by judges, especially when the government seeks to prohibit or meddle with religious activities or the management of houses of worship.²² Two major examples that have had a considerable impact on constitutional law addressing the restrictions and bounds of religious freedom and the management of religious institutions are *Azeez Basha v. Union of India*.²³ and *Sardar Syedna Taher Saifuddin v. State of Bombay*.²⁴ According to Article 25, every individual enjoys the freedom of conscience and the right to publicly express, exercise, and promote their beliefs.²⁵ However, Article 25(2) grants the State the right to make laws that limit or altogether forbid any political, economic, commercial, or secular activity linked to religious practice, as well as to help social welfare and reform.²⁶ Therefore, the state may lawfully set constraints on religious freedom for secular objectives even if it is protected. In the *Sardar Syedna Taher Saifuddin v. State of Bombay*²⁷ case, the Supreme Court questioned the legitimacy of the 1949 Bombay Prevention of Excommunication Act, which outlawed

¹⁸ Tahir Mahmood, *Muslim Law in India and Abroad* 370 (2d ed. 2016).

¹⁹ Rajeev Dhavan, *The Supreme Court of India: A Socio-Legal Critique of Its Juristic Techniques* 255–256 (1977).

²⁰ Aharon Barak, *Proportionality: Constitutional Rights and Their Limitations* 3–5 (Cambridge Univ. Press 2012).

²¹ INDIA CONST. arts. 25, 26.

²² H.M. Seervai, *Constitutional Law of India* vol. 1, 758 (4th ed. 1996).

²³ AIR 1968 SC 662

²⁴ AIR 1962 SC 853.

²⁵ INDIA CONST. art. 25.

²⁶ Id. art. 25(2).

²⁷ AIR 1962 SC 853.

excommunication inside religious groups. The Court decided that the Act infringed against the core rights safeguarded by these articles. The Court accepted that religious matters should not be in the hands of the state, and that religious groups must be entitled to conduct their own business free from outside intrusion.

In the *Azeez Basha v. Union*²⁸ of India ruling, the Supreme Court found that the Aligarh Muslim University (Amendment) Act, 1951, was created by a legislative act rather than by the Muslim minority, and hence, the minority group was not entitled to protection under Article 30(1). However, the Court underlined the importance of finding a balance between the rights of the State and religious freedom, noting that religious organisations must have significant internal management autonomy, subject to legislation about morality, public health, and public order.

Azeez Basha and Sardar Syedna Taher Saifuddin think that religious communities in India are entitled to autonomy under the constitution, but only within the constraints established by it. The main purpose is to protect India's secular identity while acknowledging the rights of religions and minorities. The essential practices test, devised in similar cases, requires judges to consider whether a practice is basic to a religion before allowing it to be protected by the constitution. This judicial commitment has come under dispute as it placed courts in the difficult position of interpreting theological beliefs. Without clear legislative direction, the courts have had to balance maintaining religious freedom with ensuring that religion isn't used as a justification for activities that are destructive to society as a whole. The examples indicate that Articles 25 and 26 are not stand-alone guarantees but must be understood in light of Articles 29 and 30, which maintain the rights of minorities to culture and education. In a diversified society like India, religious freedom and minority identity preservation are intricately interwoven, and educational institutions play a significant role in this. The Indian constitution places a strong stress on the notion of letting religious communities preserve their distinct identities without interference from the state. Additionally, religious activities must meet the wider constitutional objectives of liberty, equality, and fraternity.

Subsequent court verdicts have enlarged upon the foundations created by Azeez Basha and Sardar Syedna Taher Saifuddin, such as the *Indian Young Lawyers Association v. State of*

²⁸ AIR 1968 SC 662.

*Kerala case.*²⁹ and *Shayara Bano v. Union of India* ³⁰These incidents demonstrate how the judiciary respects religious sovereignty while making sure that religious activities adhere to greater constitutional criteria.

The decisions in *Sardar Syedna Taher Saifuddin v. State of Bombay* and *Azeez Basha v. Union of India* created key precedents that continue to effect India's constitutional notion of religious freedom and minority rights. They highlight the complex balancing act between the Constitution and the courts in order to safeguard religious freedom and advance constitutional objectives.

III. WAQF AND ITS EVOLUTION

Waqf, a significant aspect of India's legal and social structure, is a Muslim's permanent gift of property for charitable, religious, or pious causes. The property is recognised inalienable and must be employed continually for the intended religious or humanitarian motives, and cannot be bought, sold, or transferred. Waqf is viewed as an act of devotion that ensures the giver continued blessings even after death, known as **sadaqah jariyah**. Waqf has evolved into a large socio-legal organisation governed by legislation, with the Waqf Act of 1954 being the oldest full regulation.³¹ The Act was inspired by complaints about insufficient management of waqf assets and the absence of a consistent administration across multiple places. It created State Waqf Boards and the Central Waqf Council, which were responsible for administering waqf holdings within their various jurisdictions. However, the Act was considered to be inadequate to combat rampant misuse and invasion of waqf holdings. The Waqf Act, 1995, updated the 1954 statute with strengthened administrative and protective processes, seeking to tighten the accountability of persons in charge of administering waqf assets and encourage more effective supervision. The primary criteria included the demand that all waqfs be registered, the creation and preservation of waqf property surveys, the organisation of courts for the fast settlement of disputes, and the responsibility imposed on state governments to defend waqf assets against invasion. Each waqf had to register with a State Waqf Board, which would preserve detailed records of its purposes, assets, and properties.³² The State Waqf Boards, largely comprised of Muslims with competency in Islamic law, public administration, and law, functioned as the

²⁹ (2018) 9 SCC 771

³⁰ (2017) 9 SCC 1.

³¹ Waqf Act, 1954.

³² Waqf Act, 1995.

focal point of the governance system established by the 1995 Act. They have a broad array of powers regarding the management, administration, upkeep, and extension of waqf holdings, serve as corporate bodies with the capacity to sue and be sued, and oversee the management of waqf estates.

Despite legislative measures to encourage competent administration, the waqf industry in India has encountered serious issues of insufficient management, lack of transparency, political intervention, and encroachments. Estimates estimate that waqf holdings in India span hundreds of thousands of acres and would produce large revenue that might be employed to ameliorate the socioeconomic status of Muslims. However, rampant corruption, weak administrative abilities, and collusion between waqf authorities and strong interests have prevented the full potential of waqf assets from being achieved.³³

The Waqf Act has been criticised for its mismanagement, with challenges such as a lack of professional management abilities among board members and mutawallis, a lack of frequent audits, non-updating of waqf records, and the absence of digital property administration systems. Political patronage has also contributed to the weakening of public faith in waqf organisations. Transparency has been a fundamental casualty of the modern political system, with legislative responsibilities for audits and property register compilation not being properly enforced. Many waqf boards have forgotten to preserve accurate financial records, leading to a decline in public faith. The Sachar Committee Report (2006) indicated that effectively managed waqf assets may be a key tool for Muslims' socioeconomic advancement. It advocated for the formation of a National Waqf formation Corporation and computerisation of waqf records, which have mostly been accomplished through programs like the Waqf Management System of India (WAMSI).³⁴

The expanding invasion of waqf lands is another important problem, with huge losses due to private parties' illegitimate ownership, collaboration with waqf management, and official institutions' indifference. Recovery of waqf assets is complicated owing to the absence of effective enforcement mechanisms. The 1995 Act established Waqf courts to provide a quicker forum for resolving disputes relating to waqf properties, however, these courts have been deemed to be ineffectual due to delays, infrastructure, and inefficient procedures. Reforms to

³³ National Commission for Minorities, Report on the Socio-Economic Status of Muslims in India (2013).

³⁴ Sachar Committee Report, Social, Economic, and Educational Status of the Muslim Community of India, 2006.

waqf legislation must establish a balance between control and religious liberty, as excessive bureaucratic monitoring or arbitrary engagement may violate the fundamental rights of the Muslim community. Judicial precedents, such as the Supreme Court of India's Board of Muslim Wakfs v. Radha Kishan, stress the significance of safeguarding waqf assets and securing their utilisation for intended purposes. Recent measures, including planned Waqf Act amendments, aim to digitise waqf data, increase accountability systems, streamline dispute settlement, and improve the Central Waqf Council's monitoring function. However, some members of the Muslim community have highlighted reservations about the possibilities for over-centralisation and violations of religious freedom.³⁵ To guarantee the institution of waqf continues to be a positive tool of piety and social progress in contemporary India, the reform process must be guided by constitutional ideals of social justice, religious freedom, and minority rights.³⁶

IV. THE WAQF (AMENDMENT) ACT, 2025

In India, the Waqf (Amendment) Act, 2025, has caused a considerable deal of political and constitutional dispute. In contrast to the earlier makeup, which primarily featured Muslims in control of waqf institutions and properties, it permits non-Muslims to serve on waqf boards.³⁷ While some consider it an infringement of the Muslim community's right to freedom of religion, which is granted by Article 26(b) of the Indian Constitution, advocates say that it would promote accountability and transparency.³⁸

Additionally, the Act allows state governments the ability to examine, audit, and meddle in waqf holding management. The ability to inspect financial data, analyse management plans, and take corrective action when mismanagement takes place has expanded for state officials. To allow the government to use the estates for public or development initiatives, waqf holdings that are deemed "non-essential" for religious or charitable reasons may be de-notified.³⁹ The most problematic issue has been the inclusion of non-Muslims on Waqf Boards, which goes against both the management of religious issues and the fundamental right to religious freedom. The Supreme Court has issued a caution against the government's interference in religious

³⁵ Central Waqf Council, Annual Report (2019).

³⁶ Government of India, Report of the Working Group on Waqf Reform, Ministry of Minority Affairs (2012).

³⁷ The Waqf (Amendment) Act, No. 14 of 2025, § 2 (India)

³⁸ INDIA CONST. art. 26(b)

³⁹ Ministry of Minority Affairs, Government of India, Press Release on Waqf (Amendment) Act, 2025 (2025).

concerns, particularly when it comes to social aid and reform.⁴⁰

In order to combat corruption, political influence within Waqf Boards, and the exploitation of Waqf holdings, the state government has been granted increased ability to conduct out audits and inspections. Proponents believe that waqf holdings are prone to unlawful invasion and poor administration in the absence of sufficient state surveillance. According to them, this regulatory oversight is in conformity with the Constitution's Article 26(d), which enables religious groups the right to govern their properties "by law."⁴¹ The autonomy of the Muslim community's religious and humanitarian institutions may be eroded, according to opponents, by the state misusing its vast and oftentimes ambiguously stated powers under the updated Act. They raise worries that political forces may affect decisions concerning inspections, audits, and denotifications, compromising the community's rights under Article 26 as well as the enhanced safeguards afforded to minorities under Articles 29 and 30. The revisions' proponents claim that by prioritising responsibility, openness, and community benefit, they provide waqf management with the much-needed modernity and experience it requires. They say that waqf groups will become more secular, transparent, and successful by embracing persons from outside the Muslim community, which would benefit the intended charity recipients.⁴² The Waqf (Amendment) Act, 2025's opponents say that it goes against the constitutional rights of minorities under Article 29 and religious freedom under Article 25. They cite international human rights norms that guarantee religious communities' rights to freedom of religion and control over religious institutions, such as those established in Article 18 of the International Covenant on Civil and Political Rights (ICCPR).⁴³ Concerns have also been made over the possible implications of the changes on society at large, since acts viewed as infringements on religious sovereignty may intensify intercommunal tensions and jeopardise national unity. Preserving their distinctive identities and assuring their active and voluntary engagement in the country without fear of marginalisation or assimilation are the aims of constitutional safeguards for minorities.⁴⁴

⁴⁰ The Waqf (Amendment) Act, No. 14 of 2025, § 7 (India).

⁴¹ Asghar Ali Engineer, Waqf and Reform: A Socio-Legal Analysis, 19 J. Indian L. Inst. 321 (2020).

⁴² Ministry of Minority Affairs, Government of India, Guidelines on Transparent Management of Waqf Properties (2025).

⁴³ Arif A. Khan, Modernization of Waqf Administration: A Constitutional Perspective, 8 NALSAR L. Rev. 67 (2025).

⁴⁴ Faizan Mustafa, Religious Freedom and Minority Rights under Indian Constitution, 45 Indian J. Pub. Admin. 452 (2019).

The principles of the Supreme Court lay a heavy focus on the imperative of preserving minority rights in both form and content. The Waqf (Amendment) Act, 2025, according to detractors, undermines the Muslim community's capacity to autonomously govern its religious affairs. Given that waqf holdings have historically supplied funds for social welfare, education, and religious initiatives in the area, the impact of de-notification of waqf properties on the financial well-being of the Muslim community is another issue.⁴⁵

According to the government, the reform provides appropriate protections against misuse, including thorough deliberation and a basis for de-notifying waqf assets based on public necessity. In order to avoid waqf assets from falling into a "black hole" of corruption and poor management, they highlight the need of regulatory supervision.⁴⁶

To resolve the constitutional difficulties created by the Waqf (Amendment) Act, 2025, the judiciary's intervention will be required. To attain the constitutional purpose of a diversified and inclusive India, a balanced strategy that strikes a balance between regulatory power and respect for community sovereignty is essential. In conclusion, minorities' constitutional rights must not be lost to fulfil the Waqf (Amendment) Act, 2025.⁴⁷

V. COMPARATIVE WITH COUNTRIES

Comparative international viewpoints on religious endowment regulation provide important context for understanding the constitutional and policy challenges underlying India's Waqf (Amendment) Act, 2025.⁴⁸ The need of maintaining religious autonomy while ensuring transparency and public accountability is emphasised by the US, the EU, and Malaysia.⁴⁹ Due to the First Amendment's ban on the establishment of religion and the preservation of free religious expression, a ministerial exception has been recognised in cases such as *Hosanna-Tabor Evangelical Lutheran Church*.⁵⁰

By recognising religious autonomy under the European Convention on Human Rights (ECHR), the European Union also teaches. The right to freedom of thought, conscience, and

⁴⁵ Tahir Mahmood, Muslim Law Reform in India: Need for a New Legislative Framework, 17 Indian Y.B. Int'l Aff. 245 (2021).

⁴⁶ Central Waqf Council, Economic Report on Waqf Properties, (2022).

⁴⁷ Sachar Committee Report, Social, Economic, and Educational Status of the Muslim Community of India, 274 (2006).

⁴⁸ The Waqf (Amendment) Act, No. 12 of 2025 (India).

⁴⁹ U.S. Const. amend. I; European Convention on Human Rights, art. 9, Nov. 4, 1950, 213 U.N.T.S. 221

⁵⁰ 565 U.S. 171 (2012).

religion—including the ability to express one's views via worship, instruction, practice, and observance—is guaranteed under Article 9 of the European Convention on Human Rights. Several times, the European Court of Human Rights (ECtHR) has ruled that religious organisations have the collective right to organise without excessive interference from the government. Given how much it deals with Islamic religious endowments, Malaysia is an intriguing case. In Malaysia, different State Islamic Religious Councils (SIRCS), the majority of which are Muslim, are in charge of managing waqf properties. Their methods of governance are supposed to be in line with Islamic doctrine on waqf. Despite operating under state government jurisdiction, the SIRCS maintain a level of religious uniqueness and community oversight to ensure that administration complies with Islamic law and moral standards.⁵¹ Malaysian judicial decisions have emphasised the need to maintain the religious nature of waqf by ensuring that its management stays within the Muslim community. Furthermore, Malaysia has consistently used professional management techniques to improve efficiency and fight corruption without undermining the Islamic authority of waqf administration. According to this idea, administrative responsibility and regard for their religious identity may coexist.⁵²

As seen in the US and Europe, India must balance its religious self-governance with its political obligations.⁵³ Articles 25 and 26 of the constitution, in particular, give religious organisations the freedom to run their affairs. According to judicial interpretations, administrative control does not mean taking over the internal administration itself, and religious groups' autonomy is a crucial component of religious freedom.⁵⁴ With regulatory actions meant to prevent proven harm like fraud, embezzlement, or unlawful invasion of waqf assets, the Waqf (Amendment) Act, 2025, must be examined in light of the proportionality standard. Instead of intrusive government control, a preferable strategy would include judicial monitoring systems, mandatory audits by independent auditors, digitalisation of documents for transparency, and professionalisation within the community.⁵⁵

The significance of independent oversight organisations and legal remedies that may act as checks on both governmental excess and religious mismanagement is among the lessons to be

⁵¹ Ahmad Fauzi Abdul Hamid, *Waqf Administration in Malaysia: Problems and Solutions*, 15 J. Islam. L. Stud. 45 (2021).

⁵² Administration of Islamic Law (Federal Territories) Act, 1993 (Malaysia).

⁵³ *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993).

⁵⁴ *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. ____ (2020).

⁵⁵ Government of India, Ministry of Minority Affairs, *Waqf Management Best Practices Manual* (2023).

learnt from the U.S. and EU models.⁵⁶ Public interest litigation, Comptroller and Auditor General (CAG) audits, and constitutional writ remedies under Articles 226 and 32 are existing practices in India. The goals of accountability might be achieved without endangering constitutional rights by fortifying these institutions and encouraging community-driven advancements.⁵⁷

The assumption that religious assets should be managed with a high degree of community autonomy and state control aimed at limiting observable public harm is amply supported by comparative international experience. Administrative accountability must be implemented within frameworks that safeguard minority institutions' internal governance rights, religious character, and identity, even while it is essential to fight corruption and abuse. Improvements to waqf laws in India must preserve the Muslim community's constitutional right to freely conduct its religious affairs while allowing for strict transparency and accountability requirements. It is not just smart policy to balance these two goals; doing so is required by the constitution, which is fundamental to the idea of India as a secular, diverse democracy.⁵⁸

VI. CONCLUSION

The Waqf (Amendment) Act, 2025, is an achievement in India's efforts to manage religious endowments. However, it poses legal, social, and constitutional difficulties regarding the government's relationship with religious institutions. The amendment attempts to incorporate the constitutional right to religious liberty under Articles 25 and 26 of the Indian Constitution, with the requirement for accountability, openness, and good governance in waqf property administration. Proponents say that the amendment increases governance and transparency by creating public accountability mechanisms for all public resource institutions, regardless of religious affiliation. Opponents claim it limits the Muslim community's freedom to conduct its religious affairs, thereby creating a precedent for government meddling in religious matters. The major focus of constitutional arguments is whether the revisions represent unlawful interference or a regulation permitted by Articles 25(2) and 26(b). The Act highlights the need for higher audit standards, digital property records, public disclosure requirements, capacity-

⁵⁶ International Covenant on Civil and Political Rights, art. 18, Dec. 16, 1966, 999 U.N.T.S. 171.

⁵⁷ Law Commission of India, 267th Report on Reforming the Waqf Laws (2018).

⁵⁸ Pratap Bhanu Mehta, *The Burden of Democracy* 92 (Penguin 2003).

building initiatives, and independent judicial monitoring to enable the Muslim community to manage waqf assets more efficiently.