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Call for Papers and Special Issue

WAQF IN INDIA: RIGHTS, RESISTANCE AND REFORM

American Islamic College, Chicago (US)
Aliah University, Kolkata (India)

Tuesday, 21 October 2025

I) BACKGROUND

The institution of Waqf holds deep significance for the Muslim community, both historically and in contemporary society. Generally, waqf refers to the permanent dedication of property or assets for religious, educational, or charitable purposes under Islamic law. It has served as a vital mechanism for sustaining mosques, schools, hospitals, and welfare services, enabling community self-reliance and social justice. Waqf institutions have historically played a crucial role in empowering Muslim societies by redistributing wealth, preserving religious identity, and fostering communal solidarity. In the context of India, waqf plays a particularly critical role. India is home to one of the largest waqf estates globally, with thousands of properties dedicated to the public good. These assets support religious institutions, provide education and healthcare, and offer economic support to marginalised Muslim communities.

Legally, waqf intersects with constitutional rights, including religious freedom, minority protection, and property rights. Socially and politically, it symbolises Muslim identity and autonomy within a pluralistic democracy. Recent legal reforms and challenges to waqf laws through the Waqf (Amendment) Act, 2025, have sparked debates about secularism, minority rights, and the state's role in these matters. Thus, waqf is not just a religious institution—it is a lens through which broader issues of legal pluralism, social equity, and political representation in India can be examined.

The recent passage of the Waqf (Amendment) Act, 2025 (hereinafter referred to as the Amendment), is a testament to the fact that the institution of Waqf is under attack in India. While the Amendment transforms the Waqf Act into the UMEED (Unified Waqf Management Empowerment, Efficiency, and Development) Act, it does not specify the objectives that were sought to be fulfilled by its passage. The Amendment threatens “waqf by user”, complicates “waqf alal aulad”, replaces Shari'a with executive rules, dilutes Muslim membership in waqf governing institutions, extends limitation law to auqaf, broadens the power of local authorities to regulate auqaf, allows state capture of waqf properties, limits the power of waqf tribunals, and above all, introduces ambiguities in the conceptualisation of waqf.

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II) LEGAL CHALLENGES

The Amendment has been challenged in the Supreme Court of India. The Court is currently hearing the following petitions: Arshad Madani v Union of India [W.P.(C) No. 276/2025]; Muhammad Jameel Merchant v Union of India [W.P.(C) No. 314/2025; Mohammed Fazlurrahim & Anr. v Union of India & Ors. [W.P.(C) No. 284/2025]; Sheikh Noorul Hasan v Union of India & Ors. [W.P.(C) No. 331/2025] and Asaduddin Owaisi v Union of India [W.P.(C) No. 269/2025]. These legal challenges to the Waqf (Amendment) Act, 2025, currently being heard by the Supreme Court of India, carry deep social and political significance for the country's democratic and pluralistic fabric.

Socially, these petitions represent a collective assertion by segments of the Muslim community to protect their religious and cultural institutions. Clearly, the Amendment is seen as threatening the autonomy and sanctity of waqf, which has historically supported education, welfare, and religious life. The legal battle reflects broader anxieties about the erosion of minority rights and the marginalisation of Muslim identity in public life. Politically, the challenges underscore tensions between state authority and minority protections enshrined in the Constitution. The involvement of prominent figures like Arshad Madani and Asaduddin Owaisi signals that the issue is not only legal but also politically charged.

These cases test the judiciary's role in upholding constitutional guarantees, including religious freedom, equality, and minority rights. The outcome could set a precedent for how India balances secular governance with religious pluralism, especially in an era of increasing majoritarian politics. In essence, these petitions are not just about legal technicalities—they are a litmus test for India's commitment to constitutional democracy and inclusive citizenship.

The petitions challenge the Amendment on ground of unconstitutionality and in violation of – right to equality (Article 14), right against non-discrimination based on religion (Article 15), freedom of religion (Article 25), freedom to manage religious affairs (Article 26), protection of interests of minorities (Article 29) and the constitutional right to property (Article 300A).

The Amendment has ignited a high-stake legal battle between the competing political parties. By 16 April, six BJP ruled states – Haryana, Maharashtra, Madhya Pradesh, Rajasthan, Chhattisgarh and Assam had already moved before the Supreme Court supporting the constitutionality of the law. On the other hand, similar petitions challenging the Amendment were also filed, including by Kerala. This is in addition to the multiple resolutions passed against the law by state legislative assemblies of Tamil Nadu, Kerala and Karnataka, even before it came into force.

Interestingly, the parent legislation, the Waqf Act, 1995 (hereinafter referred to as the Act), is also under challenge before the Supreme Court in Hari Shankar Jain & Anr. v Union of India & Ors. [W.P.(C) No. 269/2025] and Nikhil Upadhyay v Union of India [W.P.(C) No. 502/2025]. The Act has been challenged on the ground of unconstitutionality for violation of right to equality (Article 14), right against non-discrimination based on religion (Article 15), right to life and personal liberty

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(Article 21), freedom of religion (Article 25), freedom as to payment of taxes for promotion of any particular religion (Article 27) and the constitutional right to property (Article 300A).

The Supreme Court is yet to pronounce its verdict on the unconstitutionality of the Amendment and the Act, which are being heard separately. The arguments made so far in the Amendment hearing indicate that the threat to existing waqf properties, waqf creation as an essential religious practice and secularisation of the institution of waqf are central issues that will guide further hearings in the matter. The proceedings on petitions challenging the Act have, however, not yet begun.

Meanwhile the Union Government has notified the “Unified Waqf Management, Empowerment, Efficiency and Development Rules, 2025” (Waqf Rules) on 3 July 2025. As per the Rules, there shall be an online portal to carry information about the awqaf. The notification has been criticised by the Muslim bodies as contempt of court proceedings since the implementation of the Act itself is on hold. The Rules also complicate waqf law by not clarifying what will happen to the already existing “Waqf Assets Management System of India” (WAMSI) portal.

III) EMERGING POLITICAL MOBILIZATION AND PUBLIC RESPONSE

Outside the courtroom, the Waqf (Amendment) Act, 2025 has begun to stir political consciousness within segments of the Muslim community; the momentum has been gaining traction lately. Initial protests were sporadic and lacked widespread participation, reflecting either organisational fatigue or a cautious approach to confrontation. However, the tide appears to be shifting. The Batti Gul protest on 30 April 2025, led by the All India Muslim Personal Law Board (AIMPLB) and the All India Majlis-e-Ittehadul Muslimeen (AIMIM), marked a turning point. This symbolic act of switching off lights to signify the perceived erasure of Muslim institutions resonated with many and garnered widespread public sentiment.

More recently, Imarat e Shariah led a massive rally against the Waqf law on 29 June 2025 in Patna. The rally saw participation of political parties including Rashtriya Janta Dal (RJD) and Congress. It is expected that these demonstrations will have a positive impact on struggle against the law.

The Amendment has yet to dominate national political discourse or become a rallying point across broader civil society. Its framing as a technical legal reform rather than a socio-political rupture may have contributed to this limited traction. Nonetheless, the growing mobilisation signals a potential shift, as community leaders, civil rights groups, and political actors begin to recognise the Amendment’s implications for minority rights, religious autonomy, and democratic accountability. Whether this momentum can be sustained in political engagement remains a critical question for the months ahead.

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IV) PROPOSED SESSIONS

Session I: The Law and the Politics of Framing Muslim Identity in India

The session will discuss the dynamics of legal interpretation, framing of issues and public debates that inform Muslim identity in contemporary times. Waqf is one of the major issues currently defining the legal understanding of Muslim life in India. The protection of awqaf is also tied to the issue of access to Muslim public institutions in varying ways.

- 1) In what manner the post-colonial State behaviour has defined the transformation of waqf governance in India?
- 2) How does waqf tie to the other institutional attacks on Muslim civic life in India—demolitions, economic boycotts, capture of Muslim places of worship, securitisation of Muslim markers in public spaces (hijab, beard, dress, skullcaps), etc.?
- 3) How can the legal language facilitate re-framing of Muslim politics in the face of the dwindling share of Muslim assertion in public space?

Session II: Constitutional Safeguards and Waqf Governance

The session will situate the governance of awqaf within the framework of constitutional protection defining minority rights. The democratic norms that require equality of citizenship and equal protection of communitarian identities is also relevant in this context. Understanding awqaf through participatory citizenship is another prism that brings fraternity at the centre of the debate.

- 1) How does the Constitution protect the institution of Awqaf?
- 2) In what ways Amendment is an attack on “fraternity” as a foundational constitutional ideal?
- 3) How can we frame waqf as a democratic question for the larger Indian citizenry?

Session III: Waqf Amendment Act, 2025 and the Indian Judiciary

The session will highlight the role of Indian judiciary in determining the contours of religion and the rights enjoyed by the religious minorities. The governance of awqaf has been the subject of state regulation since long. It is important to understand how judicial decisions have paved the way for the passage of the Amendment; once again bringing judicial scrutiny of awqaf at the forefront.

- 1) How do we understand the judicial framing of collective religious identity in India?
- 2) What could be the limits to constitutional tinkering of faith-driven practices since antiquity in the name of the “essential religious practices” doctrine?
- 3) How Amendment impacts our understanding of secularism and the principle of non-interference in religious matters?

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Session IV: Reconceptualising Awqaf through Policymaking

The session will highlight the fragile nature of the institution of awqaf. While at one end the community governance is crumbling at an alarming pace, the rising entrenchment of state regulation is killing its ethical foundations. It is imperative to re-imagine the institution in the right context; in a manner that preserves its sanctity while giving it the necessary flexibility to thrive.

- 1) How would the dilution of the institution of waqf impact the socio-legal standing of Muslims in India?
- 2) What could be the policy guidelines for Muslim organisations/bodies to address the problems of the Amendment?
- 3) Can there be a reconceptualization of the institution of waqf in the face of the Amendment?

Please send in your abstracts by **Monday, 18 August 2025 to Dr. Nizamuddin Ahmad Siddiqui (nasiddiqui@projectmishkat.org)**, academic coordinator for the Conference. While submitting the abstract include "Submission for Waqf Conference 2025" as the subject line. Also, highlight the Session for which you are submitting the abstract.

An update on the submissions will be conveyed by Thursday, 21 August 2025. Draft papers in 3000 words on the selected abstracts will be expected by Thursday, 25 September 2025.

The organisers can support travel for selected participants, especially from the South Asian region. Please indicate if you wish to be considered for travel funding. Unfortunately, the organisers will not be able to assist in visa processing.

Full papers from the Conference will be included in the Special Issue of the Manchester Journal of Transnational Islamic Law and Practice (MJTILP) (Q2, Scopus Indexed) in June 2026.

Dr. Omer Awass

Associate Professor of Arabic & Islamic Studies
American Islamic College, Chicago (US)

Dr. Nizamuddin Ahmad Siddiqui

Co-Founder, Project Mishkat
Visiting Lecturer in Law
Villa College, Malé (Maldives)

Dr. Ahmad Ghouri

Associate Professor of Commercial Law
University of Sussex, Brighton (UK)
Editor-in-Chief, MJTILP

Dr. Zubair Ahmed

Assistant Professor, Department of Law
Aliah University, Kolkata (India)

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