



Waqf Amendment Act 2025 and Violence in West Bengal

Why in News?

The [Supreme Court of India](#) addressed a plea seeking to invoke emergency powers under [Article 355](#) to protect West Bengal from ongoing violence related to **protests against the [Waqf \(Amendment\) Act, 2025](#)**.

- The Court **raised concerns over whether such a measure would [encroach upon the Executive and Legislative domains](#)**, particularly in light of recent criticism that the judiciary has overstepped its authority.

Note:

- Judicial overreach occurs when the **judiciary exceeds its constitutional role** by interfering with the functions of the legislative or executive branches of government.
 - In simpler terms, it is when the **judiciary steps beyond its authority and involves itself in areas meant for the executive or legislature.**

Read More: [Judicial Activism, Restraint & Overreach](#)

Key Points

- **Background of the Issue:** Communal violence erupted in several districts of West Bengal during **protests against the Waqf (Amendment) Act, 2025**, leading to multiple deaths, displacement of residents, and damage to property.

Waqf (Amendment) Act, 2025

- **About Waqf:**
 - It refers to an **endowment made by a Muslim for charitable or religious purposes**, such as building mosques, schools, hospitals, or other public institutions. It is inalienable, i.e., **it cannot be sold, gifted, inherited or encumbered.**
- **Key Provisions of the Act:**
 - **Ending Arbitrary Property Claims:** Section 40 of the original Waqf Act (1995) has been **removed**, preventing Waqf Boards from arbitrarily declaring properties as Waqf.
 - Section 40 of the Waqf Act (1995) gives the Waqf Board the **authority to decide whether a property is a Waqf** property or not.
 - **Eligibility for Waqf Dedication:** Only **practicing Muslims** (for at least five years) can dedicate their property to Waqf.
 - Properties already registered with Waqf Boards will remain so unless disputed or identified as government land.
 - **Diverse Representation:** The Waqf Boards will include two non-Muslim members for inclusivity, and among Muslim members, at least two must be women.
 - **Representation from Shia, Sunni, Bohra, Aghakhani, and OBC Muslim communities is also mandated.**

- **Waqf Tribunals:** The Waqf tribunals **consist of 3 members** i.e., a district judge, a state government officer (joint secretary level), and an expert in Muslim law and jurisprudence.
 - **Aggrieved parties can appeal directly to the concerned High Court** within 90 days of receiving the Waqf tribunal's order.

Read More: [Waqf \(Amendment\) Act, 2025](#)

Article 355 of the Indian Constitution

- The article states that **it shall be the duty of the Union to protect every state against external aggression** and **internal disturbance** and to ensure that the government of every state is carried on in accordance with the provisions of this Constitution.
- It **serves as the basis for invoking emergency-like powers** and can lead to President's Rule under **Article 356** if constitutional machinery fails in a state.
- However, Article 355 **does not grant the judiciary the authority to compel the Union to act**, as it is within the discretion of the Executive.

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