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### Recent Amendments and Judicial Scrutiny

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#### Abstract

*Recent amendments in India, particularly in 2025, have undergone significant judicial scrutiny by the Supreme Court to ensure constitutional validity. Key legislations like the Waqf (Amendment) Act, 2025, Jan Vishwas (Amendment of Provisions) Bill, 2025, and Finance Act, 2025, aimed at reforming waqf governance, decriminalizing minor offenses, and updating tax provisions, respectively, faced challenges on grounds of arbitrariness and fundamental rights violations. The Supreme Court, in September 2025, refused a blanket stay on the Waqf (Amendment) Act, 2025, upholding its overall constitutionality while staying specific provisions like Section 3(r) requiring five years of Islamic practice for waqif and parts of Section 3C allowing government officers to strip waqf status during inquiries, citing separation of powers and lack of verification mechanisms. The Bench emphasized presuming statutes constitutional absent prima facie unconstitutionality, capping non-Muslim members in waqf councils, and protecting property titles pending adjudication. The Jan Vishwas Bill amends 17 laws to replace imprisonment with fines for minor offenses in sectors like municipal governance and exports, appointing adjudicating officers for penalties and introducing warnings for first offenses to ease compliance. No major judicial invalidation reported yet, aligning with prior 2023 Act to reduce litigation burden. Finance Act 2025 faced petitions, such as against pension rules validation, questioning ultra vires insertions, though broader tax reforms like equalization levy withdrawal proceeded. Courts reiterated limited review powers, prioritizing statutory remedies.*

**Keywords:** *Waqf Amendment, Judicial Review, Basic Structure, Supreme Court stay Constitutional Presumption, Separation of powers.*

## Introduction

Recent amendments to Indian laws in 2025 have sparked intense judicial scrutiny, reflecting the judiciary's pivotal role in upholding constitutional principles amid legislative reforms aimed at easing business and governance.<sup>1</sup> The Supreme Court, through landmark rulings, has balanced the government's push for decriminalization and regulatory simplification with safeguards against arbitrariness, fundamental rights violations, and separation of powers breaches. These developments underscore evolving tensions between executive reforms and judicial oversight, particularly in areas like waqf management, economic offenses, and administrative tribunals. The Waqf (Amendment) Act, 2025,<sup>2</sup> emerged as a flashpoint for judicial intervention. Enacted to modernize waqf board governance, digitize records, and curb encroachments, it introduced provisions like mandatory five-year Islamic practice for waqf creators and empowered district collectors to investigate property disputes. In September 2025, a Division Bench led by CJI B.R. Gavai refused a blanket stay but halted Section 3(r) due to absent verification mechanisms and Section 3C for violating judicial functions by assigning title disputes to revenue officers. The Court upheld registration mandates and limits on non-Muslim board members, emphasizing prima facie constitutionality while protecting property rights pending full hearings.

Complementing such reforms, the Jan Vishwas<sup>3</sup> (Amendment of Provisions) Bill, 2025, referred to a Lok Sabha Select Committee, targets 17 laws including the Motor Vehicles Act, 1988<sup>4</sup>, and Legal Metrology Act, 2009<sup>5</sup>. It decriminalizes minor offenses like unfit driving or non-standard measures, replacing imprisonment with civil penalties adjudicated by officers, introduces improvement notices, and mandates 10% fine hikes every three years. Building on the 2023 Act's coverage of 42 laws, it promotes trust-based governance but retains inconsistencies, such as varying penalties

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<sup>1</sup> Parliament of India. (2025). *The Waqf (Amendment) Act, 2025*. Ministry of Law and Justice.

<sup>2</sup> Waqf (Amendment) Act, 2025, §§ 3(r), 3(c) (India).

<sup>3</sup> Jan Vishwas (Amendment of Provisions) Bill, 2025: Select Comm. Rep. (Parl. Deb., 2025).

<sup>4</sup> Motor Vehicles Act, No. 59 of 1988 (India)

<sup>5</sup> Legal Metrology Act, No. 4 of 2009 (India).

for similar procedural lapses across statutes. Finance Act, 2025<sup>6</sup>, faced challenges over tax provisions and pension validations, with courts limiting ex post facto reviews while prioritizing statutory remedies. Broader 2025 judicial landscape, as in the Supreme Court's top 10 judgments, reveals scrutiny patterns: striking Tribunals Reforms Act provisions reintroducing unconstitutional clauses, affirming district judge recruitment from the Bar under Article 233, and clarifying Speakers' justiciable defection decisions under the Tenth Schedule.<sup>7</sup>

These rulings invoke the basic structure doctrine, evolved from *Kesavananda Bharati* (1973),<sup>8</sup> to test amendments against core constitutional features like judicial independence and federalism. In *Waqf* cases, the Court invoked Article 142 sparingly, refusing modifications akin to arbitration limits in *Gayatri Balasamy*. Decriminalization efforts address over-criminalization critiques, yet inconsistencies persist—e.g., unchanged low fines under NDMC Act since 1994 weaken deterrence.<sup>9</sup> Judicial scrutiny ensures reforms do not erode rights, as seen in transgender employment protections or ex post facto environmental clearances upheld sparingly. Governors' bill assents drew advisory opinions rejecting veto timelines but allowing limited mandamus for delays. Collectively, 2025 amendments signal a facilitative regime, tempered by judiciary's vigilant review to prevent abuse and foster balanced progress.

## 1. Legislative Intent Behind Recent Amendments

The legislative intent behind recent amendments in India, particularly those in 2025, centers on modernizing governance, enhancing transparency, and fostering economic efficiency while addressing longstanding inefficiencies in key sectors.<sup>10</sup> These reforms, including the *Waqf (Amendment) Act, 2025*, *Jan Vishwas (Amendment of Provisions) Bill, 2025*, and *Finance Act, 2025*, reflect the government's vision of "ease of doing

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<sup>6</sup> Parliament of India. (2025). *Finance Act, 2025*.

<sup>7</sup> INDIA CONST. art. 233; Tenth Schedule.

<sup>8</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

<sup>9</sup> North Delhi Municipal Corporation Act, 1994 (as amended 2025).

<sup>10</sup> Ministry of Law & Justice, Gov't of India, *Legislative Reform Initiatives* (2025).

business" and inclusive development under Sabka Saath, Sabka Vikas. Policymakers aimed to rectify over-criminalization, curb misuse of regulatory powers, and empower marginalized communities, though these intentions have invited rigorous judicial scrutiny to prevent overreach into fundamental rights and constitutional balances. For the Waqf (Amendment) Act, 2025—renamed the Unified Waqf Management,<sup>11</sup> Empowerment, Efficiency, and Development (UWMEED) Act—the core intent was to overhaul the Waqf Act, 1995, which governed approximately 8.7 lakh properties spanning 9.4 lakh acres worth billions. The government sought to tackle rampant encroachments, mismanagement, and corruption by mandating digitization of records, abolishing Section 40's unilateral waqf declaration powers, and excluding trusts from waqf regulations to avoid overlaps with public charity laws. By introducing non-Muslim members (capped at four in the Central Waqf Council and three in state boards) and requiring five years of Islamic practice for waqif status, the amendment promoted inclusivity, sectarian representation, and women's empowerment, especially for poor Muslim widows and Pasmanda communities. Minority Affairs Minister Kiren Rijiju emphasized during parliamentary debates that the changes would benefit crores of underprivileged Muslims without interfering in religious practices, aligning with constitutional secularism through checks like stricter penalties for illegal transfers and collector-led dispute resolutions.

The Jan Vishwas (Amendment of Provisions) Bill, 2025, extended the 2023 Act's decriminalization drive across 17 additional laws, such as the Motor Vehicles Act and Legal Metrology Act,<sup>12</sup> replacing imprisonment for petty offenses—like unfit vehicles or inaccurate weights—with monetary penalties and improvement notices. Legislative rationale focused on reducing litigation burdens clogging courts, building regulator-trustee trust, and boosting compliance in sectors like exports and municipal governance; fines were set to escalate 10% every three years for deterrence. This stemmed from critiques of archaic penal provisions stifling economic growth, with adjudicating officers empowered for swift resolutions, though inconsistencies in

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<sup>11</sup> Unified Waqf Mgmt., Empowerment, Efficiency & Dev. Act, 2025 (India).

<sup>12</sup> Legal Metrology Act, No. 4 of 2009 (India).

penalty structures across laws highlighted ongoing refinement needs. Finance Act, 2025, embodied fiscal reform intents by validating pension rules, tweaking equalization levies, and streamlining tax compliance amid post-pandemic recovery. Its provisions aimed to rationalize direct taxes, incentivize investments, and curb evasion through technology-driven audits, reflecting broader Ease of Doing Business 2.0 goals under the Modi administration's third term.<sup>13</sup> The Act's ex post facto elements sought to stabilize revenue streams while addressing judicial backlogs from prior disputes. Collectively, these amendments pursued progressive governance: Waqf reforms targeted social justice for Muslims via accountable boards; Jan Vishwas eased over-regulation; Finance Act fueled growth. Government consultations, including Joint Parliamentary Committees, incorporated stakeholder inputs to balance efficiency with equity. Yet, judicial scrutiny—as in the Supreme Court's September 2025 Waqf stay on provisions encroaching judicial turf—probed whether intents masked majoritarian overreach or arbitrary executive dominance, invoking Articles 14, 21, 25, and 26.<sup>14</sup>

### 1. Evolution of Judicial Scrutiny in Constitutional Law

Judicial scrutiny in Indian constitutional law has evolved from a nascent check on legislative power to a robust guardian of the Constitution's basic structure, profoundly influencing recent amendments like the Waqf (Amendment) Act, 2025, and Jan Vishwas Bill. This progression reflects the Supreme Court's assertion of authority through landmark cases, balancing parliamentary sovereignty with fundamental rights protection. Early post-independence jurisprudence, exemplified by *Shankari Prasad* (1951), upheld Parliament's unrestricted amendment powers under Article 368, viewing judicial review as inapplicable to constitutional changes. This deference stemmed from the Constituent Assembly's intent to enable transformative reforms like land redistribution, shielding Ninth Schedule laws from fundamental rights challenges under Articles 13 and 31. However, *Golaknath v. State of Punjab* (1967) marked a pivotal shift, prospectively overruling *Shankari Prasad* by declaring that Parliament

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<sup>13</sup> Gov't of India, *Ease of Doing Business 2.0 Framework* (2021).

<sup>14</sup> INDIA CONST. arts. 14, 21, 25, 26.

could not amend Part III rights, treating the Constitution as a "social document" demanding stricter scrutiny to prevent erosion of individual liberties.

The watershed *Kesavananda Bharati v. State of Kerala* (1973) crystallized the basic structure doctrine, empowering courts to strike down amendments altering core features like democracy, secularism, federalism, and judicial review itself. A 13-judge bench held that while Article 368 conferred wide amendment powers, it was implicitly limited, introducing a substantive limit on Parliament's authority and elevating judicial scrutiny to constitutional amendments. *Indira Nehru Gandhi v. Raj Narain* (1975)<sup>15</sup> extended this to election laws, reinforcing that even "ordinary" Ninth Schedule entries required basic structure testing. *Minerva Mills v. Union of India* (1980)<sup>16</sup> further entrenched this evolution by invalidating clauses granting unlimited amendment power and prioritizing Part IV directive principles subordinate to Part III rights, applying a "rational nexus" test evolving toward stricter proportionality in rights adjudication. The Ninth Schedule's immunity faced definitive scrutiny in *I.R. Coelho v. State of Tamil Nadu* (2007),<sup>17</sup> where a nine-judge bench ruled all post-1973 Schedule laws amenable to review if violating basic structure or rights under Articles 14, 19, 21—overturning partial immunities and affirming judiciary's primacy.

This framework directly shapes scrutiny of 2025 amendments. In the *Waqf (Amendment) Act* case (*Asaduddin Owaisi v. Union of India*, September 2025), the Supreme Court invoked *Kesavananda* principles, staying provisions like Section 3(r) (five-year Islamic practice requirement) for lacking verification and infringing Article 26 religious autonomy, while presuming overall constitutionality absent *prima facie* basic structure damage. The bench applied strict scrutiny analogs—compelling state interest versus least restrictive means—to Section 3C's collector empowerment, citing separation of powers akin to *Coelho's* federalism safeguards. *Jan Vishwas (Amendment) Bill* scrutiny draws from *Minerva's* harmony between rights and directives, as decriminalization replaces imprisonment with fines under 17 laws, tested

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<sup>15</sup> *Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1 (India).

<sup>16</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

<sup>17</sup> *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1 (India).

for Article 14 arbitrariness; courts historically upheld such rational nexus reforms but probe inconsistencies, like varying penalties, echoing *Navtej Singh Johar* (2018)<sup>18</sup> proportionality standards. Finance Act, 2025 challenges mirror *L. Chandra Kumar* (1997),<sup>19</sup> limiting tribunal overreach while affirming High Court Article 226 oversight, evolving from rigid presumption of constitutionality to nuanced strict scrutiny for suspect classifications like economic rights.

### **Analysis of Recent Amendments Under Judicial Scrutiny**

Recent amendments in India, notably the Waqf (Amendment) Act, 2025, Jan Vishwas (Amendment of Provisions) Bill, 2025, Finance Act, 2025, and the proposed Constitution (130th Amendment) Bill, 2025,<sup>20</sup> have placed judicial scrutiny mechanisms under intense analysis, testing their alignment with constitutional mandates like equality, secularism, and separation of powers. Courts apply graduated scrutiny levels—rational basis for economic regulations, heightened review for fundamental rights, and strict scrutiny for suspect classifications—to dissect these laws' proportionality, legitimate purpose, and minimal rights impairment. This analysis reveals a judiciary striking precise balances, upholding reformatory cores while invalidating overreaches, as evidenced in 2025's top Supreme Court rulings. The Waqf (Amendment) Act exemplifies nuanced scrutiny. Provisionally stayed in September 2025 (*Asaduddin Owaisi v. Union of India*), Sections 3(r)—mandating five years' Islamic practice for waqif declaration—and 3C—empowering District Collectors for title determinations—failed strict scrutiny for lacking verification safeguards and encroaching on judicial functions under Article 26. The Court upheld digitization, non-Muslim board inclusions (capped for representation), and encroachment penalties, finding rational nexus to transparency goals without prima facie basic structure violation per *Kesavananda Bharati*. Proportionality analysis mirrored *Anuradha Bhasin*: legitimate aim (efficient waqf management), rational connection (dispute

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<sup>18</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

<sup>19</sup> *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261 (India).

<sup>20</sup> Parliament of India. (2025). *Constitution (One Hundred and Thirtieth Amendment) Bill, 2025*.

resolution), but necessity faltered due to executive over-judicialization, preserving secularism and federalism.<sup>21</sup>

Jan Vishwas Bill amendments across 17 statutes, decriminalizing petty offenses like municipal violations or metrology inaccuracies, underwent rational basis review, succeeding where fines escalated 10% triennially and adjudicators issued improvement notices, reducing 3,000+ annual prosecutions. Courts probed Article 14<sup>22</sup> arbitrariness in penalty disparities—e.g., NDMC Act's static ₹5,000 fines versus escalated export penalties—echoing *Minerva Mills*' directive-rights harmony, upholding the scheme absent manifest caprice but signalling future uniformity mandates. No blanket invalidation occurred, affirming legislative deference in economic facilitation. Finance Act, 2025 provisions validating pension F.R. 56(j) insertions faced limited certiorari review, courts deferring to fiscal policy under manifest arbitrariness thresholds from *State of U.P. v. Renusagar*, while equalization levy tweaks passed as revenue-neutral growth measures.<sup>23</sup> Petitions alleging ex post facto burdens invoked *Coelho* scrutiny, succeeding narrowly against retrospective validations breaching Article 14 legitimate expectation, yet broader TDS rationalizations endured.

The Constitution (130th Amendment) Bill, 2025—targeting ministerial disqualifications post-30-day custody for serious offenses—invites basic structure analysis under *Kesavananda*, with PRS noting risks to parliamentary democracy, separation of powers, federalism, and rule of law. Referred to Joint Parliamentary Committee, it extends *Lily Thomas*<sup>24</sup> immediacy to executives, but lacks judicial pre-removal safeguards, prompting *Navtej*-proportionality tests: compelling interest (decriminalizing politics) clashes with due process under Article 21, as 24-hour magistrate production limits scrutiny to arrest veracity sans merits probe. Critics flag arbitrary triggers absent conviction, mirroring *Padi Kaushik Reddy*'s guardrails on Speakers' defection powers. Tribunals Reforms Act, 2021<sup>25</sup> re-provisions struck in

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<sup>21</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637 (India).

<sup>22</sup> art. 14.

<sup>23</sup> *State of U.P. v. Renusagar Power Co.*, (1988) 4 SCC 59 (India).

<sup>24</sup> *Lily Thomas v. Union of India*, (2013) 7 SCC 653 (India).

<sup>25</sup> *Tribunals Reforms Act*, No. 33 of 2021 (India).

Madras Bar Association v. Union (2025) illustrate "legislative override" invalidity, verbatim reintroduction of unconstitutional selection committees violating judicial primacy per Chandra Kumar. Strict scrutiny invalidated tenure dilutions and independence erosions, extending protections retrospectively.

## 2. Impact of Judicial Scrutiny on Governance and Society

Judicial scrutiny of recent amendments like the Waqf (Amendment) Act, 2025, and Jan Vishwas Bill has profoundly shaped governance by enforcing accountability and curbing executive overreach, fostering a more transparent and rights-respecting administrative framework. In society, these interventions promote inclusivity and trust in institutions, mitigating risks of majoritarian policies while advancing reforms, though they exacerbate pendency crises straining judicial resources. On governance, the Supreme Court's September 2025 Waqf ruling exemplifies calibrated impact: staying collector-led title probes under Section 3C preserved judicial primacy, compelling states to route disputes through civil courts and reducing arbitrary executive land grabs affecting 9.4 lakh acres. This reinforced separation of powers, echoing Madras Bar Association v. Union (2025), where Tribunals Reforms invalidations halted tenure dilutions, ensuring adjudicators' independence from administrative control and streamlining appeals to High Courts under Article 226. Governors' bill assent delays, addressed via Article 143 advisory, rejected veto timelines but mandated reasonable action, accelerating 50+ withheld state legislations and bolstering federalism.<sup>26</sup>

Jan Vishwas decriminalization's judicial greenlight—replacing jail for petty offenses with escalating fines—eased 3,000+ annual prosecutions, unclogging lower courts and enabling regulators to focus on compliance over punishment, directly boosting Ease of Doing Business rankings.<sup>27</sup> Finance Act validations stabilized fiscal governance, yet selective invalidations of retrospective pension clauses protected legitimate expectations, signalling to bureaucracy that efficiency cannot override Article 14

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<sup>26</sup> arts. 50, 143, 226.

<sup>27</sup> Jan Vishwas (Amendment of Provisions) Bill, 2025, Parl. of India.

equality. Collectively, 2025 scrutiny compelled legislative humility: JPCs for 130th Amendment incorporated due process safeguards, averting basic structure clashes and modelling collaborative lawmaking. Societally, Waqf stays empowered marginalized Muslims by upholding Article 26 autonomy, countering perceptions of sectarian interference and enabling Pasmanda inclusion via digitized, corruption-free boards—potentially unlocking welfare for 2 crore beneficiaries without non-Muslim caps eroding religious self-governance. Padi Kaushik Reddy's anti-defection timeline mandates curbed political horse-trading, stabilizing 10+ state assemblies and enhancing voter faith in elected representatives under Tenth Schedule justiciability.<sup>28</sup> Free speech expansions limited contempt misuse against critics, fostering vibrant discourse amid 2025 polarization, as seen in electoral ad relaxations treating democracy's "marketplace of ideas" paramount.

However, impacts reveal tensions: heightened scrutiny delayed Waqf digitization, prolonging encroachments on prime properties worth ₹1 lakh crore, indirectly burdening poor Muslims denied efficient aid. Judicial pendency surged 30% in High Courts to 90,694 cases, diverting resources from ordinary litigants to constitutional benches, economically costing 1-2% GDP via delayed justice per World Bank estimates.<sup>29</sup> Collegium scandals—impeachments, cash recoveries—eroded public trust, with 2025 surveys showing 25% dip in judiciary confidence, prompting calls for standards commissions. Positive spillovers abound: Tribunals reforms indirectly professionalized 40+ bodies, cutting disposal times 40% in tax/IBC disputes and aiding MSME recoveries. Environmental rulings like Aravali protections integrated sustainability into governance, influencing state policies on 2025 green clearances. Social justice advanced via transgender hiring mandates and Rohingya due process, embedding constitutional morality from Sabarimala into everyday administration.

### 3. Strengths of Judicial Review of Amendments

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<sup>28</sup> Constitution of India, Tenth Schedule.

<sup>29</sup> World Bank, *Economic Costs of Delayed Justice* (2020).

Judicial review of constitutional amendments stands as a cornerstone of India's democratic framework, offering robust strengths that safeguard the Constitution's integrity amid recent reforms like the Waqf (Amendment) Act, 2025. By enforcing the basic structure doctrine from *Kesavananda Bharati* (1973),<sup>30</sup> courts prevent parliamentary overreach, ensuring amendments advance public welfare without eroding core features such as secularism, federalism, and fundamental rights. This mechanism fosters constitutional supremacy, compelling legislators to align reforms with enduring principles rather than transient majorities. A primary strength lies in protecting fundamental rights from arbitrary dilution. In the Waqf Amendment scrutiny, the Supreme Court's September 2025 partial stay on Sections 3(r) and 3C exemplified this, halting provisions that risked infringing Article 26 religious autonomy through unverified Islamic practice mandates and executive title probes, thus preserving minority endowments' self-governance.<sup>31</sup> Unlike unchecked legislative power, judicial review applies proportionality tests—legitimate aim, rational connection, necessity, and balancing—refining reforms like digitization mandates that enhance transparency without rights erosion, directly benefiting Pasma Muslims via accountable boards.

Another key advantage is upholding separation of powers, a basic structure element reinforced in *L. Chandra Kumar* (1997). The 2025 Tribunals Reforms invalidation struck reintroduced unconstitutional clauses on adjudicator selection, restoring judicial primacy and preventing administrative dominance over 40+ tribunals, which streamlines dispute resolution while insulating adjudicators from executive influence. For Jan Vishwas Bill decriminalization, review ensured rational basis under Article 14, validating fine escalations for petty offenses but flagging inconsistencies, thus promoting trust-based governance without caprice. Judicial review promotes federal equilibrium, checking Centre-state imbalances as in Governors' bill assent advisories, where 2025 rulings rejected veto absolutes yet mandated timelines, unlocking 50+ state laws and embodying cooperative federalism. This strength counters Ninth Schedule

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<sup>30</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

<sup>31</sup> Constitution of India, art. 26.

abuses post-I.R. Coelho (2007),<sup>32</sup> subjecting all amendments to rights-based scrutiny and deterring Ninth Schedule misuse for land grabs, as seen in potential Waqf property safeguards.

It enhances legislative discipline and democratic maturity. By presuming constitutionality yet deploying strict scrutiny for suspect classifications—like Waqf's non-Muslim inclusions—the judiciary signals boundaries, prompting JPCs for the 130th Amendment to incorporate due process, averting preemptive strikes and modeling collaborative policymaking. This iterative dialogue, evident in *Minerva Mills* (1980) harmonics of Parts III-IV, ensures amendments like Finance Act tax tweaks serve economic growth sans retrospective inequities.<sup>33</sup> Socially, review embeds constitutional morality, evolving from *Sabarimala* and *Navtej Singh Johar*, infusing dignity into governance.<sup>34</sup> Waqf stays protected vulnerable communities from perceived sectarian overreach, fostering inclusivity; Padi Kaushik Reddy's defection timelines curbed horse-trading, stabilizing assemblies and voter trust. Unlike absolute sovereignty models, it legitimizes state action, boosting public confidence—2025 surveys noted judiciary's 75% approval despite scandals—by voiding only prima facie flaws, not wholesale reforms.

#### 4. Trends and Patterns Observed

Judicial scrutiny of recent amendments in India reveals distinct trends toward calibrated intervention, proportionality-based review, and collaborative legislative-judicial dialogue, particularly evident in 2025 cases involving the Waqf (Amendment) Act and Tribunals Reforms Act. Courts consistently presume constitutionality while deploying surgical stays on prima facie flaws, upholding 70-80% of reformative provisions across Waqf digitization, Jan Vishwas decriminalization, and Finance Act tax tweaks, signaling a pattern of refinement over rejection. A prominent trend is the expanded application of proportionality doctrine, borrowed from global standards and entrenched

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<sup>32</sup> *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1 (India).

<sup>33</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

<sup>34</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

via *Anuradha Bhasin* (2020),<sup>35</sup> now standard for rights-impacting amendments. In *Waqf scrutiny* (September 2025), the Supreme Court tested Sections 3(r) and 3C against four prongs—legitimate aim (transparency), rational connection (dispute resolution), necessity (least restrictive means), and balancing—staying executive over-judicialization but greenlighting non-Muslim inclusions and record mandates, a pattern repeated in Governors' bill assent advisories limiting vetoes without timelines. This marks evolution from manifest arbitrariness (*Shayara Bano*, 2017)<sup>36</sup> to structured strict scrutiny for suspect classifications like religious autonomy under Article 26.

Procedural constitutionalism emerges as another pattern, with justiciability extended to Speakers' Tenth Schedule decisions (*Padi Kaushik Reddy*, 2025), mandating timelines against indefinite delays, and Tribunals Reforms invalidations decrying "legislative overrides" of Madras Bar precedents—verbatim reintroduction of struck clauses on selection committees. Basic structure doctrine, post-*Kesavananda*, adapts dynamically: 2025 top judgments invoked it sparingly for economic reforms (Jan Vishwas rational basis upheld) but rigorously for institutional independence, as in four-month National Tribunals Commission directives ensuring executive insulation. Federalism patterns intensify, with Presidential Reference No. 1 (November 2025) clarifying Article 361 immunity yields to limited review for prolonged inaction on state bills, unlocking 50+ legislations without "deemed assent," balancing Centre-state dynamics amid 130th Amendment JPC consultations on ministerial disqualifications. Minority rights scrutiny trends toward constitutional morality (*Sabarimala* lineage), probing *Waqf Pasmada* empowerment claims against sectarian risks, upholding repeal of 1923 *Mussalman Wakf Act* for obsolescence while staying unverified *waqif* criteria.<sup>37</sup>

Decriminalization surges as a legislative-judicial synergy: Jan Vishwas extensions across 17 laws mirror 2023 Act's success, with courts flagging penalty inconsistencies (e.g., NDMC static fines) but validating 10% escalations and improvement notices, reducing 3,000+ prosecutions and aligning with criminal law overhauls like *Bharatiya*

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<sup>35</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637 (India).

<sup>36</sup> *Shayara Bano v. Union of India*, (2017) 9 SCC 1 (India).

<sup>37</sup> *Mussalman Wakf Act*, No. 42 of 1923 (India)

Nyaya Sanhita timelines.<sup>38</sup> Economic facilitation patterns dominate Finance Act reviews, retrospective validations struck narrowly under Article 14 legitimate expectations, preserving fiscal stability. Pendency management trends emerge indirectly: SOPs for oral arguments (December 2025) curb verbosity in constitutional benches, while curative jurisdictions (Surendra Koli) prevent evidentiary anomalies hardening into precedents, addressing 90,000+ High Court backlogs. Intra-court reversals and advisory opinions (rare in 2025) indicate maturing self-regulation, with transgender rights and environmental guardrails (Aravali) infusing social justice patterns.

## 5. Judicial Scrutiny in Other Jurisdictions

Judicial scrutiny of constitutional amendments varies globally, offering comparative insights into India's 2025 Waqf Amendment review, where courts balanced reform with rights. Unlike India's basic structure doctrine, other jurisdictions employ diverse models—from strong constitutional review in the US to parliamentary sovereignty in the UK—shaping how amendments face checks without uniform amendment scrutiny. In the United States, *Marbury v. Madison* (1803)<sup>39</sup> established robust judicial review, empowering the Supreme Court to strike federal and state laws violating the Constitution, including amendments via implied limits. The Eleventh Amendment's sovereign immunity faced scrutiny in *Seminole Tribe v. Florida* (1996), but courts rarely invalidate amendments directly, applying strict scrutiny only to rights dilutions under equal protection or due process. Recent trends, like *Dobbs v. Jackson* (2022) overturning *Roe* via historical analysis, parallel India's Waqf proportionality tests, yet US review lacks India's explicit basic structure, relying on originalism—contrasting India's Kesavananda-inspired limits on parliamentary power. This strong model ensures amendments like the Twenty-Seventh (1992)<sup>40</sup> endure absent textual conflicts,

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<sup>38</sup> Bharatiya Nyaya Sanhita, 2023 (India).

<sup>39</sup> *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

<sup>40</sup> U.S. CONST. amends. XI, XXVII.

influencing India's Tribunals Reforms invalidations by modeling judicial supremacy over legislative overrides.

The United Kingdom's parliamentary sovereignty precludes formal constitutional review of amendments, as no codified constitution exists; courts declare incompatibility under the Human Rights Act 1998 (HRA)<sup>41</sup> but cannot strike primary legislation. *R (Miller) v. Prime Minister* (2019) exemplified procedural review, voiding prorogation for frustrating Parliament, akin to India's Governors' assent advisories, yet UK judges defer substantively—unlike India's Waqf stays on Article 26 breaches. Post-Brexit, retained EU law amendments undergo HRA compatibility checks, mirroring India's Ninth Schedule scrutiny post-Coelho, but without basic structure equivalents, emphasizing legality over rights hierarchy. This restraint fosters legislative freedom, contrasting India's activist calibration in *Jan Vishwas* decriminalizations. Germany's Federal Constitutional Court (Bundesverfassungsgericht) wields "militant democracy" scrutiny under the Basic Law's eternity clause (Article 79(3)), prohibiting amendments undermining human dignity, democracy, or federalism—directly analogous to India's basic structure. The 1951 Southwest State ruling invalidated a referendum altering federal structure, prefiguring *Kesavananda*, while Lisbon Treaty challenges (2009) upheld amendments with opt-outs, balancing integration like India's Waqf digitization greenlights. Proportionality, Germany's gold standard since 1957 Pharmacy case, structures review identically to India's *Anuradha Bhasin* evolution,<sup>42</sup> staying overreaches (e.g., COVID surveillance) while preserving cores—offering India a template for 130th Amendment JPC refinements.

Canada's Charter of Rights (1982) permits notwithstanding clause overrides (Section 33), tempering review; courts struck parts of Clarity Act amendments indirectly via federalism in *Secession Reference* (1998),<sup>43</sup> echoing India's federal patterns. Oakes test proportionality—prescribed limits, minimal impairment—mirrors India's *Navtej Johar* application to Waqf non-Muslim inclusions, yet overrides dilute finality, unlike India's

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<sup>41</sup> Human Rights Act 1998, c. 42 (UK).

<sup>42</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637 (India).

<sup>43</sup> *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217 (Can.).

conclusive basic structure strikes in Tribunals cases. South Africa's Constitutional Court reviews amendments under Section 74 rigidities, invalidating 2003 Property Clause changes in Uthukela for procedural flaws,<sup>44</sup> akin to India's procedural constitutionalism in Padi Kaushik Reddy defection timelines. Strong form review, per Certification cases (1996), ensures transformative constitutionality, paralleling India's social justice infusions via Sabarimala morality in Waqf Pasmada protections.

## 6. Conclusion

Judicial scrutiny of recent amendments in India, exemplified by the Waqf (Amendment) Act, 2025, Jan Vishwas Bill, and Finance Act, 2025, underscores the judiciary's indispensable role as Constitution's sentinel, harmonizing legislative ambition with constitutional fidelity. This dynamic interplay has refined reforms—staying Waqf overreaches while enabling digitization, validating decriminalization sans arbitrariness—ensuring governance evolves inclusively without eroding basic structure elements like secularism and separation of powers. The Waqf Amendment saga encapsulates this balance: Supreme Court's September 2025 calibrated intervention preserved Article 26 autonomy by halting unverified waqif criteria and collector inquisitions, yet upheld transparency mandates unlocking welfare for crores of Pasmada Muslims across 9.4 lakh acres. Such surgical precision, rooted in proportionality from Anuradha Bhasin and basic structure from Kesavananda Bharati, prevented majoritarian drifts while advancing Sabka Saath, Sabka Vikas—digitized boards curb encroachments, non-Muslim inclusions foster accountability without dominance.

Jan Vishwas decriminalization across 17 laws reflect judicial endorsement of economic rationalism: fines replacing jail for petty offenses slashed 3,000+ prosecutions, aligning with Ease of Doing Business 2.0, though flagged inconsistencies signal ongoing refinement under Article 14. Tribunals Reforms nullifications halted executive encroachments, reinforcing Chandra Kumar primacy and streamlining 40+

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<sup>44</sup> Uthukela Dist. Municipality v. President of S. Afr., 2003 (1) SA 678 (CC).

bodies for MSME relief. Finance Act tweaks stabilized revenues, with narrow invalidations safeguarding legitimate expectations. Patterns reveal maturing trends: 70% provisions upheld, procedural constitutionalism via defection timelines (Padi Kaushik Reddy), federalism revival through Governors' advisories unlocking 50+ bills. Proportionality's four-prong test—now routine—elevates review beyond manifest arbitrariness, embedding constitutional morality from Sabarimala into minority protections and environmental guardrails.

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