

GOVERNMENT OF INDIA
MINISTRY OF MINORITY AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO.1468
TO BE ANSWERED ON 19.12.2018
Illegal Transfer of Wakf Board Land

1468. DR. A. SAMPATH
SHRI E.T. MOHAMMED BASHEER:

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) the present status of implementation of the wakf properties (eviction of unauthorized occupation) bill;
- (b) whether a large part of the Wakf Board's immovable properties have been illegally transferred, sold, leased or encroached in various parts of the country;
- (c) if so, the details thereof and Government's response thereto; and
- (d) the steps taken by the Government to release unauthorized occupation of wakf land by persons, public and private institutions, departments/organizations?

ANSWER

MINISTER OF MINORITY AFFAIRS
(SHRI MUKHTAR ABBAS NAQVI)

- (a) : Waqf Properties (Eviction of Unauthorized Occupants) Bill, 2014 was referred to the Standing Committee on Social Justice & Empowerment for examination. The Report of the Committee was laid in the Parliament and its recommendations are under consideration at present.
- (b) & (c): As per Section 32 of the Waqf Act, 1995 as amended, the general superintendence of auqaf in a State is vested with the State Waqf Board (SWB) and it is the duty of the concerned SWB to ensure that Waqf properties are properly maintained, controlled and administered. Further, as per section 51(1 A) of the Waqf Act, any sale, gift, exchange, Mortgage or transfer of the waqf property has been declared void ab initio w.e.f 1st November, 2013. As per the provision of Section 54, the Chief Executive Officer of the Waqf Board is empowered to remove the encroachment from the Waqf property. Such removal is normally carried out with the help of State Government machinery. As per the available information with Central Waqf Council (CWC) received from various State Waqf Boards, State wise position of number of Waqf Properties are facing encroachment is given at Annexure.
- (c) : Major provisions added in the amended Waqf Act 1995 giving more power to State/UT Waqf Boards to deal with encroachment on waqf properties inter alia include: stringent definition of "encroacher"; mandate to State Governments to appoint Survey Commissioners and complete the survey of waqf properties in a time bound manner; rigorous imprisonment for alienation of waqf properties without prior approval of the State/UT Waqf Boards; alienation of waqf property to be cognizable and non-bailable offence and three member Tribunals with extended jurisdiction to deal with disputes concerning eviction of a tenant. Central Government monitors and reviews compliance of various provisions of Waqf Act by State Governments/ State Waqf Boards from time to time.

Annexure referred to in reply to Part (c) of the Lok Sabha Unstarred Question No.1468 due for answer on 19/12/2018 raised by DR. A. SAMPATH & SHRI E.T. MOHAMMED BASHEER regarding 'Illegal Transfer of Wakf Board Land'.

State wise position of number of Waqf Properties with Encroachment

| S.No. | Name of Waqf Board | Number of Waqf Properties encroached by Private/Public |
|-------|--|--|
| 1. | Punjab Waqf Board | 5,610 |
| 2. | Madhya Pradesh Waqf Board | 3,240 |
| 3. | Board of Waqfs, West Bengal | 3,082 |
| 4. | Tamil Nadu State Waqf Board | 1,335 |
| 5. | Karnataka State Waqf Board | 862 |
| 6. | Haryana Waqf Board | 754 |
| 7. | Himachal Pradesh Waqf Board | 503 |
| 8. | Delhi Waqf Board | 373 |
| 9. | Chhatisgarh State Waqf Board | 200 |
| 10. | Assam Board of Waqfs | 191 |
| 11. | Bihar State Sunni Waqf Board | 181 |
| 12. | Rajasthan Board of Muslim Waqf | 164 |
| 13. | Manipur State Waqf Board | 137 |
| 14. | Maharashtra State Waqf Board | 81 |
| 15. | Bihar State Shia Waqf Board | 58 |
| 16. | Kerala State Waqf Board | 29 |
| 17. | Uttar Pradesh Sunni Central Waqf Board | 12 |
| 18. | Tripura Board of Waqf | 10 |
| 19. | Odisha Board of Waqfs | 7 |
| 20. | Chandigarh Waqf Board | 6 |
| 21. | Puducherry Waqf Board | 5 |
| 22. | Jharkhand Waqf Board | 2 |
| 23. | Andaman and Nicobar Waqf Boards | 2 |
| 24. | Uttarakhand Waqf Board | 119 |