

**GOVERNMENT OF INDIA
MINISTRY OF MINORITY AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO.873
TO BE ANSWERED ON 21.11.2019**

Encroachment of Wakf Properties

873. SHRI AJAY NISHAD:

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) whether many commercial as well as residential properties of Wakf Boards have been encroached upon and sold out in various parts of the country;
- (b) if so, the details thereof;
- (c) the details of corrective action taken by the authorities in this regard;
- (d) whether there are reports of involvement of some Wakf Boards officials in aforesaid activities;
- (e) if so, the details thereof along with the corrective and remedial measures taken by the Government in this regard; and
- (f) whether the Government proposes to amend Wakf Act, 1955 in order to strengthen Wakf Boards to enable them handle/resolve such matters and if so, the details thereof?

ANSWER

**MINISTER OF MINORITY AFFAIRS
(SHRI MUKHTAR ABBAS NAQVI)**

(a) & (b): As per provisions of Section 32 of the Waqf Act 1995 as amended, general superintendence of all waqf properties in a State is vested with the State Waqf Board (SWB) and the Waqf Board is empowered to manage the waqf property and take legal action against unauthorized occupation and encroachment of such properties. Further, as per Section 54 and 55 of the Waqf Act, SWB may take action for the removal of encroachment from the encroacher. As per section 51(1A) 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 available information with Central Waqf Council (CWC) received from various State Waqf Boards (SWBs), State wise position of number of Waqf Properties facing encroachment is given at Annexure.

(c): The Central Government comprehensively amended Waqf Act 1995 in 2013 giving more powers to SWBs to deal with encroachment on waqf properties. The amended provisions 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 SWBs; alienation of waqf property to be cognizable and non-bailable offence; three member Tribunals with extended jurisdiction to deal with disputes concerning eviction of a tenant. Central Government monitors compliance of various provisions of Waqf Act by State Governments/(SWBs) from time to time. The last such national conference was held in New Delhi on 29.07.2019.

(d) & (e): As per the Waqf Act 1995 as amended, the SWBs are constituted by the concerned State Government to manage the waqf properties situated in the state. SWBs are solely authorized to take action against its officials involving in activities of encroachment or sale of the Waqf Properties. Complaints regarding the encroachment, sale, alienation or transfer of the waqf properties are received in CWC from time to time and the same are taken up with concerned Waqf Board authorities for taking appropriate action for the removal of the encroachment and the retrieval of the waqf properties.

Further, in order to protect the waqf properties and to prevent encroachment, a dedicated online portal called WAMSI (Waqf Assets Management System of India) has been developed. So far 5,94,139 immovable waqf properties have been registered on the portal. Moreover, an intensive campaign for digitization of records of waqf estates has been conducted from 5th July to 15 Oct, 2019 as a result of which 98.99% records have been digitized. The SWBs have also been advised to undertake GIS Mapping of waqf properties on top priority.

(f): Presently, the Waqf Act 1995 is in force which was amended in 2013.

Annexure referred to in reply to Part (b) of the Lok Sabha Unstarred Question No.873 due for answer on 21/11/2019 raised by SHRI AJAY NISHAD regarding 'Encroachment of Wakf Properties'

Details of State wise position of encroached Waqf Properties

| S.No. | Name of Waqf Board | Number of Waqf Properties encroached by Private org./individuals |
|--------------|--|---|
| 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. | Chhattisgarh State Waqf Board | 200 |
| 10. | Assam Board of Waqfs | 191 |
| 11. | Bihar State Sunni Waqf Board | 180 |
| 12. | Rajasthan Board of Muslim Waqf | 164 |
| 13. | Uttarakhand Waqf Board | 119 |
| 14. | Maharashtra State Waqf Board | 81 |
| 15. | Manipur Waqf Board | 76 |
| 16. | Bihar State Shia Waqf Board | 58 |
| 17. | Tripura Board of Waqf | 41 |
| 18. | Kerala State Waqf Board | 29 |
| 19. | Uttar Pradesh Sunni Central Waqf Board | 12 |
| 20. | Odisha Board of Waqf | 7 |
| 21. | Chandigarh Waqf Board | 6 |
| 22. | Puducherry Waqf Board | 5 |
| 23. | Jharkhand Waqf Board | 2 |
| 24. | Andaman & Nicobar Waqf Board | 1 |