

**PARLIAMENT OF INDIA  
RAJYA SABHA**

**THIRD REPORT  
OF  
JOINT PARLIAMENTARY COMMITTEE  
ON WAKF  
ON  
AMENDMENTS TO THE WAKF ACT, 1995**



**(PRESENTED TO THE RAJYA SABHA ON THE 4<sup>TH</sup> MARCH, 2008)  
(LAID ON THE TABLE OF THE LOK SABHA ON THE 4<sup>TH</sup> MARCH, 2008)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI  
FEBRUARY, 2008/PHALGUNA, 1929 (SAKA)**



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LIST OF MEMBERS OF THE JOINT PARLIAMENTARY COMMITTEE ON WAKF

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Shri Ahmed Patel
3. Maulana Obaidullah Khan Azmi
4. Shri Sk. Khabir Uddin Ahmed
5. Shri Kamal Akhtar
6. Shri S.P.M. Syed Khan
7. Vacant
8. Shri Satish Chandra Misra
9. Shri Mukhtar Abbas Naqvi
- \*10. Shri Tariq Anwar

**LOK SABHA**

11. Shri Iqbal Ahmed Saradgi
12. Shri Anwar Hussain
13. Shri Abdul Mannan Hossain
14. Shri G. Nizamuddin
15. Shri Rashid J.M. Aaron
16. Shri Narayan Chandra Borkataky
17. Shri Prahlad Joshi
18. Shri Hansraj Gangaramji Ahir
19. Shri Avinash Rai Khanna
- #20. Shri Syed Shahnawaz Hussain
21. Shri Mohammad Salim
22. Shri T.K. Hamza
23. Shri Saleem Shervani
24. Shri Mukeem Mohammad
25. Dr. Mohd. Shahabuddin
26. Prof. K.M. Kader Mohideen
27. Shri Chandrakant Bhaurao Khaire
28. Shri Arjuncharan Sethi
29. Shri Suravaram Sudhakar Reddy
30. Shri A.R. Shaheen

**SECRETARIAT**

Shri Shamsher Singh, Joint Secretary  
Shri P. P. K. Ramacharyulu, Director  
Shri P. Narayanan, Deputy Director  
Shri Suresh B. Malkani, Committee Officer

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\*Nominated on 8th March, 2007.

#Nominated *w.e.f.* 3rd December, 2007 Vice Shri Jaswant Singh Bisnoi who resigned.

SUB-COMMITTEE ON AMENDMENTS TO THE WAKF ACT, 1995

1. Shri A.R. Shaheen — *Convenor*
2. Shri Mohammad Salim — *Co-Convenor*
3. Maulana Obaidullah Khan Azmi
4. Shri Tariq Anwar
5. Shri Anwar Hussain
6. Shri Narayan Chandra Borkataky
7. Shri T.K. Hamza
8. Prof. K.M. Kader Mohideen
9. Shri Iqbal Ahmed Saradgi



## PREFACE

I, the Chairman of the Joint Parliamentary Committee on Wakf, having been authorised by the Committee to submit the Report on its behalf, present this Third Report on Amendments to the Wakf Act, 1995.

1.2 The Joint Parliamentary Committee on Wakf was constituted on 2nd January, 2006 by Hon'ble Chairman, Rajya Sabha in consultation with Hon'ble Speaker, Lok Sabha with the following terms of reference:

- (i) to ascertain the status of implementation of the Wakf Act, 1995 by various State Governments;
- (ii) to suggest such amendments to the Wakf Act, 1995, as may be considered necessary, so as to achieve its objectives including retrieval of the Wakf properties encroached upon;
- (iii) to examine the functioning of the Central Wakf Council and suggest suitable measures for its effective functioning; and
- (iv) to look into the working of the State Wakf Boards and recommend suitable measures for their proper and smooth functioning.

1.3 The Committee was constituted for a term of one year. As the Committee could not complete the work assigned to it, the Committee sought extension of one more year and the Chairman, Rajya Sabha granted extension. The term of the Committee was further extended upto 31st March, 2008 by the Chairman, Rajya Sabha to complete the assigned task.

1.4 Earlier a Select Committee of Rajya Sabha was constituted to look into the working of the Wakf Boards on 29.10.1996. Later the status of this Committee was raised to the Joint Committee which was reconstituted on 28.1.1999, and on 27.5.2000. However, the present Joint Committee on Wakf was constituted with different terms of reference and as mentioned in the earlier paragraph, with specific term of one year.

1.5 The Committee decided to constitute a separate Sub-Committee on 8th June, 2007 to look into all aspects of the suggestions received for amendments in the Wakf Act, 1995. A Sub-Committee under the Convenorship of Shri A. R. Shaheen, M.P. (Lok Sabha) was constituted for the purpose.

1.6 The Sub-Committee carried out the task assigned to it meticulously and considered various suggestions including the proposals adopted by the Sub-Committee on Amendments of the previous JPC on the functioning of Wakf Boards and submitted its comprehensive proposals for amending the Wakf Act, 1995 to the Committee.

1.7 The Sub-Committee, while finalizing the suggestions of the Committee for amending the Wakf Board has relied mainly on the following:—

- (i) Suggestions for amendments to Wakf Act, 1995, adopted by the Sub-Committee on Amendments of the previous JPC on the functioning of Wakf Boards;
- (ii) Suggestions made to the present JPC on Wakf in the written representations, discussions, and oral evidence;

(iii)

(iv)

(iii) Suggestions made by the Members of the Committee.

1.8 The Committee, in its meeting held on 27th February, 2008 considered its Third Report containing the proposals submitted by the Sub-Committee and adopted it with some changes.

1.9 The Committee wishes to express its gratitude to the Sub-Committee on Amendments to the Wakf Act, 1995 for the hard work put in by them and completing the task assigned to them.

1.10 The Committee trusts that the suggestions made by it in the Report would be implemented in letter and spirit by the Government.

NEW DELHI;  
February 27, 2008  
*Phalguna 8, 1929 (Saka)*

S.M. LALJAN BASHA  
*Chairman,*  
*Joint Parliamentary Committee on Wakf.*

## REPORT

### CHAPTER-I

#### INTRODUCTION

This Report seeks to amend the Wakf Act, 1995 to make it more effective so that it may achieve the objects for which it was enacted. The Wakf Act, 1995 came into force *w.e.f.* 1st January, 1996 throughout the width and the breadth of the country except the State of Jammu and Kashmir.

The word 'Wakf' has its origin in the Arabic verb 'Waqafa'. The Islamic concept of the 'Wakf' assumed a very significant application to any property, movable or immovable, devoted in the name of *Allah the Almighty* for religious, pious or Charitable purpose and for the upliftment of the poorer Sections of the Society. The history of development of Muslim Wakf in our Country is spread over a period of almost eight hundred years. Significant developments took place in the Country after the establishment of Sultanate at Delhi wherein many Muslim Wakfs came into existence. There is no accurate account of the Muslim Wakfs developed in the Country during British Rule. A brief survey of Wakf legislation in the Country reveals that prior to Independence, during British regime, the East India Company's interference began with the promulgation of Regulation XIX of 1810 of Bengal Code which was followed by Regulation VI of the Madras Code 1817. With a view to protect and preserve the Wakf properties the British Government passed the Religious endowment Act 1863. Thereafter, there were several Acts which were enacted to deal with Wakf matters.

After the attainment of Independence, the Central Legislation in the name of the Wakf Act, 1954 was enacted. This Act governed the entire field of Wakf administration throughout the country leaving out certain areas which were governed by the Acts of the concerned States. The working of the Wakf Act, 1954 brought out many deficiencies in it and as such Amendments were carried out in it subsequently in the year 1959, 1964 and 1969. Thereafter the Wakf (Amendment) Act, 1984 was enacted. In view of the strong opposition of the Wakf (Amendment) Act, 1984 only the following two provisions of the Act could be enforced.

- (i) Period of limitation for filing suits for recovery of Wakf property in adverse possession could be 30 years instead of 12 years (Section 66-0); and
- (ii) The Evacuee Wakf property would be and would deem to have always been vested with the Wakf Board (Section 66 H).

The main criticism of the Wakf (Amendment) Act, 1984 was that it was a gross interference by the state in the day-to-day management of the wakfs. Thereafter, the new central legislation called the Wakf Act, 1995 was brought into force throughout the country except in the State of J and K *w.e.f.* 1.1.1996 and it repealed all the Wakf laws except the Durgah Khawaja Saheb Act, 1955. Barring these two exceptions the new Act governs the entire field of Wakf matters in the Country.

The Joint Parliamentary Committee on Wakf in its meeting held on 12th February, 2007 decided that a Press Communique be issued inviting suggestions from individuals/oraganisations for amending the Wakf Act, 1995. The Press Communique issued is at Annexure.

The Committee in its meeting held on 4th June, 2007 decided that a Sub-Committee be constituted to look into the suggestions received for amendments in the Wakf Act, 1995 and

suggest comprehensive proposals. The Chairman of the Joint Committee constituted a Sub-Committee on Amendments to Wakf Act, 1995 on 8th June, 2007 under the Convenorship of Shri A.R. Shaheen, M.P. (Lok Sabha).

The Committee at its meeting held on 4th June, 2007 decided to constitute a Sub-Committee on 8th June, 2007 to look into the suggestions received for amendments in the Wakf Act, 1995. A Sub-Committee under my Convenorship was accordingly constituted and assigned the responsibility of examining all suggestions received for amending the Wakf Act, 1995.

The Sub-Committee at its first meeting held on 25th July, 2007 took note of the fact that the Sub-Committee on Amendment of the earlier JPC on the functioning of Wakf Boards had considered various suggestions for amendments to the Wakf Act, 1995 and had adopted various amendments. However the report could not be presented due to the dissolution of the Lok Sabha. The present Sub-Committee decided to fully utilize that and consider all those proposals. The Sub-Committee also considered the suggestions received by the present JPC on Wakf. The Sub-Committee decided to send all the suggestions including the proposals already adopted by the previous Sub-Committee to the Ministry of Minority Affairs for their comments.

The Sub-Committee at its meeting held on 3rd October, 2007 took note of the fact that comments of the Ministry of Minority Affairs were not received and it was likely to take a long time. The Sub-Committee after discussing all the proposals adopted by the previous sub-Committee, adopted them with some changes.

The Sub-Committee at its meeting held on 18th December, 2007 considered all the suggestions including the proposals already adopted by it in its previous meeting in the light of the comments received from the Ministry of Minority Affairs. The sub-Committee after some discussion adopted some suggestions including the proposals adopted by it in the earlier meeting. All those suggestions are dealt in Chapter II of the Report. The Sub-Committee also adopted the third Report of the Committee.

The Sub-Committee submitted its report giving its proposals for amending the Wakf Act, 1995 to the JPC on Wakf. The Committee at its meeting held on 26th December, 2007 considered the proposals submitted by the sub-Committee and adopted the draft Report with some changes.

## CHAPTER-II

### SUGGESTIONS FOR AMENDMENTS

#### *Section 3*

Section 3 deals with the definitions used in the Act. Several suggestions were received by the Committee. The Committee felt that it was necessary to add the definitions of 'Encroacher' and 'Wakf Premises' and few other changes in the section. The Committee was of the opinion that the following amendments may be made in the section:—

**Sub-Section (g) — The following text be added: “or contained in the register maintained under Sec. 37 at the end of the Sub-Section”.**

**In Sub-Section k(i) the words “to worship” be replaced by “to prayer” and the spelling of “Khangah” be written as “Khanqah”. The spelling of “Wakf” be corrected as “Waqf” wherever it appears and its plural be written as “Auqaf”.**

**In Sub-Section (r) (i), after the words “Such cesser”: the following words may be added:**

**“And by reason of any entry in the name of Shamlat Deh, Shamlat Patti, Jumla Malkan etc. in the revenue record”.**

**Following new definitions may be added in the Section:**

- (u) Encroacher — “Encroacher” means any person occupying Wakf property without the authority of law and includes a person whose tenancy, lease or license has expired or has been terminated by the Board.”**
- (v) Wakf premises — “Wakf premises” means any mosque, Graveyard, Mazar, Takia, Eidgah, Imambara, Dargah, Khanqah, Maqbara and land belonging to them, the property attached to them, the property dedicated for their maintenance, the property purchased from their income, the land, garden, well, baoli, school, hospital and other institutions dedicated as Wakf and will include the path and passages being used and leading to the “Wakf property.”**

***The Committee accordingly recommends that the above amendments may be carried out in the section***

#### *Section 4*

Section 4 deals with the survey of Wakfs. The Section provides, for appointment of Survey Commissioner, Additional Assistant Survey Commissioners and other aspects relating to survey. The Committee received several suggestions for amendment to this Section. The Committee felt that the State Governments are taking a very long time for completing the survey of Wakfs and after the commencement of the present Act, not a single State has completed the survey. The Committee, therefore, felt that a cut-off date is required to be fixed in the amending Act within which the survey should be completed. The Committee also felt that such survey should also be conducted every 10 years. The Committee also felt that a few more amendments are also required in the Section to make it very clear. The Committee accordingly decided that the following amendments may be made in Section 4:

- (a) In Sub-section (1) of Section 4, the words “The State Government may, by notification in the Official Gazette...” be substituted by the words “The State Government shall, by notification in the Official Gazette...”.
- (b) The following clause may be inserted after Sub-section (1): “Every State/UT shall have a list of Wakfs and that the survey of Wakfs shall be completed within one year from the date of commencement of the Amendment Act in case such survey was not done after the enactment of Wakf Act, 1995”.
- (c) The following proviso may be inserted after Sub-section (1):

Provided that Where Survey Commissioner has not been appointed under the Wakf Act, 1995, he shall be appointed within three months from the date of the commencement of the Amendment Act.

- (e) In the proviso to Sub-section (6), the words ‘period of twenty years’ may be substituted by the words ‘period of ten years’.
- (f) The following proviso be added to Sub-section (6), after the existing proviso:—

Provided further that such second or subsequent survey shall include all such Wakfs and Wakf properties which were in existence as on 15.8.1947.”

The following new sub-Section (7) may be inserted after Sub-section (6);

(7) “Once a Survey Commissioner notifies the Wakf property, the same Shall be treated as ‘Deemed Mutation’”, for the purposes of revenue records and determination of title to the property.

The Committee felt that there is no explicit provision in the Wakf Act, 1995 to provide legal sanctity to the survey conducted under the Wakf Act, 1954. The Committee accordingly recommends that a suitable provision may be inserted in the section giving legal sanctity to the survey conducted under the Wakf Act, 1954.

*The Committee accordingly recommends that the above amendments may be carried out in the section*

### *Section 5*

Section 5 of the Act deals with publication of List of Wakfs, Regarding **Section 5**. The Committee after discussing various suggestions decided that the following amendments may be made in the section.

**Sub-Section (2) may be substituted by following:—**

(2) the Board shall examine the report forwarded to it under Sub-Section (1) and send it back to the Government for publication in the Official Gazette a list of Sunni Wakfs or Shia Wakfs in the State, whether in existence at the commencement of this Act or coming into existence thereafter, to which the report relates, and containing such other particulars as may be prescribed.

“Provided that the publication of list of Wakfs shall be completed within one year of the commencement of the proposed Wakf (Amendment) Act”.

The following new Sub-Section (3) be added after Sub-Section (2)

**“(3) The list published in the Official Gazette shall be referred to whenever the authorities are updating the land records”. Suitable consequential amendments in other Central/State Acts be also carried out.**

*The Committee accordingly recommends that the above amendments may be carried out in the section*

#### **Section 6**

Section 6 deals with disputes regarding Wakfs.— The Committee felt that the Wakf Properties included in the list of Wakfs published prior to the second or subsequent survey shall not be entertained. The Committee also felt that a few more amendments are required in the section. The Committee therefore, decided that the following amendments may be made in the section:

**In sub-Section (1), after the words, “or any person”, the word “of any religion or religious persuasion aggrieved or” may be inserted.**

**The following proviso may be inserted after the existing proviso to Sub-section (1):—**

**“Provided further that in case of a second or subsequent survey pursuant to Sub-Section (6) of Section 4, no suit shall be entertained by the Tribunal with respect to any Wakf property which has been included in the list of Wakfs which had already been published prior to the second or subsequent survey and the period of one year from the date of publication of such list of Wakfs has also expired”.**

**Explanation to sub-Section (1) may be deleted.**

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

#### **Section 7**

The Committee discussed the provisions of **Section 7** regarding Power of Tribunal to determine disputes regarding Wakfs. After some discussion it was of the view that the Wakf Tribunals shall exclusively deal with Wakf cases. The Committee accordingly decided that the following amendments may be made in the Section:

**A provision be made for exclusive trial of Wakf cases in the Wakf Tribunals and the transfer of pending cases to it.**

**In sub-Section (1) after the words, “or any person”, the words “aggrieved by the publication of the list of wakfs under Section 5 or”, may be inserted.**

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

#### **Section 8**

Section 8 deals with the recovery of the cost of Survey. The Committee was of the view that the cost of survey should be borne by the State Government/UT and this burden should not be put on the Wakf Boards. The Committee accordingly decided that the section may be substituted by the following:—

**“8. The total cost of making a survey including the cost of publication of the list or lists of Wakfs under this Chapter shall be borne by the State Government.”**

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

### **Section 9**

Chapter-III (Section 9 to 12) Deal with - Central Wakf Council (Sections 9 to 12) of the Wakf Act, 1995. The Committee discussed the role of Central Wakf Council in general and as an advisory body in particular and was of the considered view was that the Council in its present form had not helped to improve the Wakf administration. The Committee received various suggestions including:—

- (i) making an apex regulatory body
- (ii) making a Commission etc.

The Committee, however, felt that the structure of the council need not be changed. The Committee decided that by amending the Section 9, the Council can be strengthened which can have desired result without encroaching on the powers of State Wakf Boards/State Government.

The Committee accordingly decided that following amendments may be made to Section 9.

**In sub-Section (1) the words “For the purpose of advising it” may be substituted by the words “To advice Government of India, States and Wakf Boards”. At the end of sub-Section (1), the following be added:**

**“which may be continuously provided information/reports by the State Wakf Boards/ State Governments on the performance of Awqaf/Wakf Boards in the State, particularly on their financial performance, annual reports and audit reports etc”.**

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

### **Section 13**

Section 13 deals with incorporation of Wakf Boards. After some discussion, The Committee decided that the following amendment may be made in the Section:

**The following proviso may be added to Sub-section (1) of Section 13:**

**“Provided that the Board of Wakfs shall be constituted within three months from the date of commencement of the Amendment Act”.**

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

### **Section 14**

Section 14 deals with composition of the Wakf Board. The Committee felt that the composition the Wakf Board needs to be revamped to make it more effective. The Committee after considering various suggestions decided that following amendments may be made in Section 14:

**Sub-Section (1) may be substituted by the following:—**

- (1) The Board for a State and the Union Territory of Delhi shall consist of—**
  - (a) a Chairperson;**
  - (b) Members, as the State Government may think fit, to be elected from each of the electoral colleges consisting of —**
    - (i) one Muslim Member of Parliament from the State or, as the case may be, the Union Territory;**



- (ii) one Muslim Member of the State Legislature;
- (iii) one Muslim Member enrolled with the Bar Council of the concerned State/UT; as an advocate for at least fifteen years of the relevant State/Union Territory and having significant practice and reputation in the legal profession.
- (iv) One and not more than two Mutawallis of the Wakfs having an annual income of Rupees fifty thousand and above:

Provided that the Members from the categories (i) to (iv) above shall be elected from the electoral college constituted for each category.

- (c) One Muslim Member, who has professional background or experience in town planning or business management and/or social work, to be nominated by the State Government.
- (d) One member to be nominated by the State Government from recognized scholars in Islamic Theology;
- (e) One Member to be nominated by the State Government from among the officers of the State Government not below the rank of Deputy Secretary. Provided that in case of UTs, the Board shall consist of not less than three and not more than five Members to be appointed by the Central Government from amongst the categories specified in Sub-section (1).”

The following proviso may be inserted after the first proviso to Sub-section (2):—

“Provided that the Members of Parliament or Members of State Legislatures elected to the Board should continue to be Members of the Board until the Parliament or State Legislature, as the case may be, is dissolved *i.e.* once they are elected to the Board, they should continue to be Members of the Board as long as they are MPs or MLAs, as the case may be”.

Sub-section (7) may be substituted by the following:

“In the case of Union Territories, the Board shall consist of not less than five and not more than seven members to be appointed by the Central Government from amongst the categories of persons specified in sub-section (1). Provided that one Member from each category mentioned in sub-clauses (i) to (iv) of clause (b) of sub-section (1) shall be elected to the Board.”

The following new Sub-section (10) may be added

“(10) - In the composition of the Board where Shia and Sunni Wakf Boards are established in pursuance to Sub-Section 2 of Section 13, the composition of such Boards shall consist of only Shia or Sunni Members as the case may be”.

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

#### *Section 16*

The criteria for disqualification of Members in a Wakf Board is provided in Section 16. The Committee had detailed discussions of the provisions, after which the Committee decided that the following amendment may be made in the Section.

Following new Sub-Clause be added to Clause (e):—

**“(iii) held guilty of encroachment on a Wakf property and the same has been confirmed at least by the Wakf Tribunal or appeal was not preferred.”**

*The Committee accordingly recommends that the above amendment may be carried out in the section.*

#### New Section 20 A

The Committee discussed a suggestion for insertion of a provision providing procedure for removal of Chairman of Wakf Board at length along with the provisions mentioned in Section 20. The Committee after considering various suggestions felt that there is a need for a new Section. The Committee decided that the following new section may be added after Section 20:

**“Removal of the Chairman by vote of no confidence.**

**20 A. Chairman can be removed by vote of no confidence in the following manner:—**

- (a) No resolution expressing want of confidence in any person elected as Chairman of a Board shall be moved except in the manner where 12 months have not elapsed after the date of his election as a Chairman and be removed except with the prior permission of the State Government.
- (b) Notice for no confidence shall be addressed to the State Government stating clearly the grounds on which such motion is proposed to be moved and shall be signed by atleast half of members of the total members of the Board.
- (c) Atleast three members of the Board signing the notice of no confidence motion shall personally present to the State Government, the notice together with an affidavit signed by them to the effect that the signatures on the no-confidence motion are genuine and have been made by the signatories after hearing or reading the contents of the notice.
- (d) On receipt of the notice of no-confidence motion as provided hereinabove, the State Government shall fix such time, date and place as may be considered suitable for holding a meeting for the purpose of proposed no-confidence motion. Provided that atleast 15 days notice shall be given for such meeting.
- (e) The notice for meeting under clause (d) hereinabove, shall also provide that in the event of the no-confidence motion being duly carried, election of the new Chairman, as the case may be, shall also be held in the same meeting.
- (f) (i) The State Government shall also nominate a Gazetted officer (other than an officer of the department which is concerned with the supervision and administration of the Board concerned) to act as a Presiding Officer of the meeting in which the resolution for no confidence shall be considered.  
(ii) The quorum for such a meeting of the Board shall be half of the total number of members of the Board.
- (g) The resolution for no confidence shall be deemed to be carried, if passed by a simple majority of the members present.
- (h) When a resolution for no-confidence is carried, the Chairman shall cease to hold that office forthwith and shall be succeeded by his successor who shall be elected by another resolution in the same meeting.

- (i) Election of the new Chairman shall be conducted under clause (h) in the meeting in the Chairmanship of the said Presiding Officer referred in clause (1) (I) in the following manner:—
- (1) The Chairman shall be elected from amongst the elected members of the Board;
  - (2) nomination of candidates shall be proposed and seconded in the meeting itself. Election after withdrawal, if any, shall be held by show of hands;
  - (3) the election shall be held by simple majority of the members present in the meeting. In case of quality of votes, the matter shall be decided by drawing of lots;
  - (4) the proceeding of the meeting shall be signed by the Presiding Officer.
- (j) The new Chairman elected under clause (h) shall hold the office only up to the remainder of the term of the Chairman removed by the votes of no confidence.
- (k) If the motion for no confidence fails for want of quorum or lack of requisite majority at the meeting, no subsequent meeting for considering the motion of no confidence shall be held within six months of the date of the previous meeting.”

*The Committee accordingly recommends that the above amendment may be carried out in the section*

### *Section 23*

The Committee discussed **Section 23** which deals with appointment of Chief Executive Officer, in detail and felt that Sub-Section needs to be amended to make the procedure more effective. The Committee after some discussion decided that the following amendment may be made in the Section:

**Sub-Section (1) may be substituted by the following:**

**“(1) There shall be a Chief Executive Officer of the Board who shall be a Muslim and shall be appointed by the State Government from a panel of two names suggested by the Board and he should not be below the rank of a Director of the State Government, by notification in the Official Gazette”.**

*The Committee accordingly recommends that the above amendment may be carried out in the section.*

### *Section 26*

The Committee discussed **Section 26** of the Wakf Act, 1995 regarding powers of Chief Executive Officer in respect of orders or resolutions of Board and decided to delete the entire Section. **The Committee after some discussion decided that the Section 26 may be deleted. The Committee accordingly recommends that the above amendment may be carried out in the section.**

### *Section 27*

The Committee discussed Section 27 of the Wakf Act, 1995 regarding delegation of powers by the Board. The Committee decided that the following amendments be made in Section.

The word “Secretary” may be substituted by the words “Chief Executive Officer”.

The following may be added after the words “as it may deem necessary”:—

“except for the powers and functions of the Board mentioned in Section 32(2)(c), (d), (g) and (j)”

At the end of the Section, the following proviso may be inserted:

“Provided that the Wakf Board should not make blanket delegation of all its powers to its Chairman or any other person to lease/alienate the Wakf properties and policy-making power.”

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

### *Section 29*

Section 29 deals with Powers of Chief Executive officers to inspect records, registers etc. The Committee after considering various suggestions decided that the following amendments may be made in the Section:—

The words “and restrictions” and “and subject to the payment of such fees as may be leviable under any law for the time being in force” may be deleted.

The following two new sub-sections may be added:-

“(2) The Muttawallis or any other person having the custody of any documents related to Wakf properties shall produce the same, within the prescribed period, before the Chief Executive Officer on being called upon to do so in writing. In case the mutawalli fails to produce the documents within the prescribed period, the Chief Executive Officer shall have the right to inspect the same”.

“(3) Subject to such conditions as may be prescribed, an agency of Government or any other organisation shall supply, within 10 working days, copies of the records, registers of properties or other documents relating to wakf properties or claimed to be wakf properties, to the Chief Executive Officer on a written request to this effect from him.

Provided that before taking any course of action as mentioned in sub-section (2) and (3), the Chief Executive Officer shall obtain approval of the Board”.

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

### *Section 31*

Section 31 deals with prevention of disqualification for Membership of Parliament. The Committee after considering various suggestions decided that the following amendment may be made in the Section:—

After the word “Parliament” the words “or a member of the State/UT Legislature”, may be added.

*The Committee accordingly recommends that the above amendment may be carried out in the section.*

### *Section 32*

Section 32 deals with powers and functions of the Board.

The Committee after considering various suggestions decided that the following amendments may be made in the Section:—

**The proviso to clause (j) of Sub Section (2) may be substituted by the following:—**

**“Provided that no such sanction shall be given unless more than fifty per cent of the total membership of the Board and at least two-thirds of the members present and voting vote in favour of such transaction.**

**Provided further that where no such sanction is given by the Board, the reasons for doing so shall be recorded in writing.”**

**In Sub-Section (2) the following may be added**

**“to determine or cause to be determined in such manner as may be prescribed by the Board, fair rent of the Wakf land or building”.**

**In Sub-section (4), the words “education, technical education” may be inserted before the words “shopping centre”**

**In Sub-section (5) the words “with the prior approval of the Government” may be deleted.**

**The following new sub-Section may be added:**

**“Notwithstanding anything contained in the Wakf deed, any gift, sale, exchange or mortgage of or creation of third party rights in any immovable property which is Wakf property, the Board shall have the power to change the nature and object of Wakf property, after inviting and considering objections through prior public notice in one urdu/vernacular daily and in one popular English daily in case the original object of the Wakf has ceased to exist and has become incapable of achievement”.**

*The Committee accordingly recommends that the above amendments may be carried out in the section.*

### *Section 33*

Section 33 deals with Powers of inspection by CEO or Persons authorized by him. The Committee after considering various suggestions decided that the following amendments may be made in the Section:—

**In Sub-Section (1) the words “with the prior approval of the Board” may be deleted in Sub- Section (1).**

*The Committee accordingly recommends that the above amendment may be carried out in the section.*

### *Section 37*

Under Section 37, the Wakf Board is required to maintain a Register of Wakf. The Committee felt that in many cases the details of Wakf are not entered in the Revenue Records. The Committee therefore decided that the following two new Sub-Sections need to be added in Section.

(2). The Board shall forward the details of the properties entered in the register of Wakfs to the concerned land record office which is having jurisdiction of the Wakf property”.

(3). The land record office on receipt of the details as mentioned in Sub-Section (2) shall make necessary entries in the land record to the effect that the Wakf Board is a joint owner of the Wakf property”.

*The Committee recommends that the above amendments may be carried out in the Section.*

### **Section 38**

Under Section 38, the Board has the power to appoint an Executive Officer in respect of Wakf having a gross annual income of more than 5 lakhs of rupees. The Committee after considering various suggestions decided that the following amendment may be made in the Section:—

**Sub-Section 1 may be substituted by the following:—**

“(1) When the Board has instituted proceedings against the Muttawalli for his removal and the Board is of the opinion that it is necessary to do so in the interest of Wakf, the Board may appoint, on whole or part-time basis or in an honorary capacity, subject to such conditions as may be provided by the Board, an Executive Officer with such supporting staff as it considers necessary for any Wakf.

Provided that the person chosen for appointment shall be a person professing Islam and having such qualifications as may be prescribed”.

*The Committee recommends that the above amendment may be carried out in the Section.*

### **Section 40**

Section 40 deals with decision if a Property is a Wakf Property. The Committee after considering various suggestions decided that the following **two new Sub-Sections may be added in the Section:—**

“Sub-Section (5) Where any person has reason to believe that a particular property is Wakf property, he may apply to the Board and the Board may, after making such inquiry as it may deem fit, decide the question.”

“Section 40 (6):— The decision of the Board on a question under Sub-Section (1) shall, unless revoked or modified by Tribunal, be final.”

*The Committee recommends that the above amendment may be carried out in the Section.*

### **Section 44**

The Committee after considering various suggestions decided that the following amendments may be made in the Section:—

In Sub-Section 1 the words “having net annual income exceeding Rs.5000/- may be inserted between the words “Wakf” and “shall”. In Sub-Section 2 the words “ninety days” may be substituted by the words “thirty days”.

**Sub-Section 3 may be substituted by the following:—**

**“The Board may give such a direction as it may deem fit in case the Board considers any item in the Budget being contrary to the objects of the Wakf and the provisions of this Act.”**

*The Committee recommends that the above amendments may be carried out in the Section.*

#### **Section 46**

The Committee after considering various suggestions decided that the following amendment may be made in the Section:—

**the words ‘1st day of May’ may be substituted by the words ‘1st day of July’ wherever they occur in Sub-Section 2 of this Section.**

*The Committee recommends that the above amendment may be carried out in the Section.*

#### **Section 47**

The Committee discussed **Section 47** regarding ‘Audit of accounts of Wakf in the light of the various suggestions. received from different organisations .The Committee after considering various suggestions decided that the following amendment may be made in the Section:—

**The words “ten thousand rupees” be substituted by “fifty thousand rupees” wherever they occur in this Section.**

*The Committee recommends that the above amendment may be carried out in the Section.*

#### **Section 51**

The Statement of Reasons and Objects relating to the Wakf Act, 1995, *inter alia*, has mentioned that the purpose of the Act is to make alienation of Wakf property more difficult. The Committee felt that provisions of Section 51 is not addressing this issue properly. Accordingly the Committee decided that the following amendments may be made in the Section.

**In the proviso to Sub-section (1), the words “Graveyard, Imambara” may be inserted after the word “Khanqah”.**

**After Sub-section (1), following new Sub-section may be added:—**

**“(IA) Any sale or total transfer of Wakf property is void ab initio. The only exception shall be acquisition of Wakf properties under the Land Acquisition Act, 1894, provided that:**

- (a) The acquisition etc shall not be in contravention of the Places of Public Worship (Protection) Act, 1990.**
- (b) The purpose for which the land is being acquired must be undisputedly a public purpose;**
- (c) There must be no other alternative land which can be considered as more or less suitable for that purpose.**
- (d) The compensation should be the prevailing market value plus the solatium and equally suitable land must be given *in lien* of the acquired property so that that the interest and objective of the Wakf are adequately safeguarded/fulfilled”.**



*The Committee recommends that the above amendment may be carried out in the Section.*

#### **Section 52**

Section 52 Deals with recovery of Wakf Property transferred in contravention of Section 51. **The Committee decided that Sub Section (1) the words “or Section 56” may be inserted after the words “in contravention of the provisions of section 51”.**

*The Committee recommends that the above amendments may be carried out in the Section.*

#### **New Section 52A**

It has been experienced that section 51 and section 52 of the Act contains no penal provisions to curb the unauthorized alienation of Wakf property by way of gift, sale or mortgage without prior sanction of the Board as required under section 51 of the said Act. Keeping this position in view, the Committee considered it necessary that a new section may be inserted, after section 52 of the Wakf Act, 1995, providing penalty for unauthorized alienation declaring such alienation as a cognizable and non-bailable offence punishable with imprisonment for a term, which may extend to two years. This was earlier enacted by West Bengal *vide* The Wakf(West Bengal Amendment) Bill 2001 (Bill No. 13 of 2001) and is considered useful to be inserted in the Wakf Act, 1995 itself. The Committee therefore decided that the following new Section 52A may be added after the Section 52:

#### **“Section 52A. Penalty for alienation of Wakf property without sanction of Board**

- (1) Whoever alienates or purchases or takes possession of” in any manner whatsoever, either permanently or temporarily, any immovable property which is Wakf property, without prior sanction of the Board, shall be punishable with rigorous imprisonment for a term which may extend to two years;**
- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 any offence punishable under this section shall be cognizable and non-bailable;**
- (3) The Wakf property alienated within the scope and meaning of this section shall be vested in favour of the Board without any compensation therefore;**
- (4) No court shall take cognizance of any offence under this section save off complaint made by the Board or an officer duly authorized by the Board in this behalf;**
- (5) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this section.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

#### **Section 54**

Section-54 deals with removal of Encroachment from Wakf Property. The committee felt that the present provisions of the Section are not sufficient and the CEO needs to be strengthened for removal of encroachments. The Committee after considering various suggestions decided that the following amendments may be made in Section-54



The following explanation may be added after Sub-Section 1 of Section 54.

“Explanation:- The word “encroachment” used in the above provision shall be deemed to include the property whose lease, licence or the grant period has expired or terminated by the Board and-the word “encroacher” shall also include the lessee, licensee or the grantee whose period of lease, licence or grant has expired or terminated by the Board or any other unauthorized occupant.”

The following new Sub-Sections may be added after Sub-Section (4):—

“(5) For the purposes of this Section, the Chief Executive Officer shall have powers of Collector or Assistant Collector by the State Government to issue and enforce a warrant of ejection.”

“(6) The Central or State Government as the case may be, by notification in the Official Gazette shall declare all or any Wakf institutions registered with the Wakf Board, other than Wakf al-al-aulad, to be public premises.

“(7) If the Chief Executive Officer, after making such inquiry as he deems expedient in the circumstances of the case, is satisfied that any persons who were allowed temporary occupation of any of any Wakf are in unauthorised occupation of the said premises, he may, for reasons to be recorded in writing, make an order for the eviction of such persons forthwith and, thereupon, if such persons refuse or fail to comply with the said order of eviction, he may evict them from the premises and take possession thereof under the the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and may, for that purpose, use such force as may be necessary.’

*The Committee recommends that the above amendment may be carried out in the Section.*

#### *New Section 54A*

The Committee felt that there are no provisions for providing punishment to encroachers. The Committee accordingly decided that the following new Section 54A may be added after Section 54:

“54-A. (1) Whoever encroaches on or alters the structure, status or use of any land, building, space or other property which is Wakf property, and which has been registered as such under this Act, shall be punishable with rigorous imprisonment for a term which may extend to two years, or with fine which may extend to five lakh rupees, or with both.

(2) Any offence punishable under this section shall be cognizable.

(3) No court shall take cognizance of any offence punishable under this section except on complaint made by the Board or by an officer of the Board duly authorized by it in this behalf.

(4) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this section.

(5) Any fine imposed under this section shall, when realised, be credited to the Wakf Fund.

*The Committee recommends that the above amendments may be carried out in the Section.*

### *Section 55*

Section 55 deals with enforcement of Orders made under Section 54. The Committee decided that the following amendments may be made in the Section:—

**The words “the Executive Magistrate or the Sub-divisional Magistrate as the case may be” may be substituted by the words “the Sub-Divisional Magistrate”. The Following provisos may be added to this Section.**

**“Provided that Whosoever being a public servant fails in his lawful duty to prevent or remove an encroachment shall on conviction be punishable with a fine which may extend upto Rs.15000/- for each offence.**

*The Committee recommends that the above amendments may be carried out in the Section.*

### *Section 61*

Section 61 deals with penalties. The Committee discussed Sub-Section-1 of Section 61 of the Wakf Act, 1995 and felt that more stringent punishment should be imposed if a Mutawalli fails to comply with his duties as are enlisted under Clauses (a) to (h) of this Section in a much objective manner. The Committee decided that **the following amendment may be made in the Section:—**

**In Sub-Section 1 the words “fine up to eight thousand Rupees” may be substituted by the words “fine upto ten thousand rupees on failure in compliance to (i) Clauses (a) to (d) and fine upto ten thousand rupees with imprisonment upto six months on non-compliance of provisions contained in clauses (e) to (h)”.**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 65*

Section 65 deals with assumption of direct Management of certain Wakf by Board. The Committee discussed the Section and decided that the following be added at the end of the Section:—

**“Notwithstanding anything contained in Sub-Section (1) the Board shall take over the administration of the Wakf, if the Wakf Board has evidence before it to prove that management of a Wakf has infringed the provisions of this Act.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 67*

Section 67 deals with supervision and Supersession of Committee of Management. The Committee decided that **the following amendment may be made in the Section:—**

**In sub-Section (1), before the first proviso, the following proviso be inserted: “Provided that after the lapse of the term of the Committee, it shall continue to function, till a new Committee is appointed or its term is extended for subsequent period.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 68*

The Committee discussed Section 68 regarding “Duty of mutawalli or Committee to deliver possession of records etc.” In the light of the suggestion received the Committee decided that **the words “Magistrate of the first Class” wherever they occur, may be substituted by the words “Executive Magistrate/Sub-Divisional Magistrate”.**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 69*

Section 69 deals with Power of Board to frame Scheme for Administration of Wakfs. The Committee decided that **Sub-Section 1 may be substituted by the following:—**

**‘Whenever the Board is satisfied after an enquiry whether on its own motion or on the application by persons interested in any Wakf, to frame a scheme for the proper administration of the Wakf, it may by an order frame such scheme for the administration of the Wakf, after giving reasonable opportunity and after consultation with the mutawalli or others in the prescribed manner.’**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 71*

Section 71 deals with manner of holding inquiry. The Committee discussed this Section and decided that **the words “an application received under Section 73” be substituted by the words “an application received under Section 70”**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 72*

The Committee discussed Section 72 which deals with the annual contribution to the Board and decided that the following amendments may be made in the Section :—

**In Sub-Section (1) Explanation 1 (iii), after the words “the following purposes” the words “in respect of lands directly under cultivation by the Mutawalli for the benefit of the Wakf” may be added.**

**In the proviso under Explanation 1 (iii), the word “an” may be deleted before the words “expenditure incurred” and the words “ten per cent” may be substituted by the words “twenty per cent” may be substituted.**

**After the proviso, to explanation 1 (iii) of Sub Section (1) the following proviso may be added:—**

**“Provided further that no such deduction shall be permitted in respect of Wakf lands given on lease by whatever name called such as ‘batai’, share cropping’ etc.”**

*The Committee recommends that the above amendments may be carried out in the Section.*

### *Section 77*

The Committee discussed Section 77 of the Wakf Act, 1995 regarding 'Wakf Fund' and decided that the following amendment may be made in the Section:—

**“Payment of maintenance to Muslim Women as ordered by Court(s) under the provisions of the Muslim Women (Protection of Rights on Divorce) Act, 1986.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 81*

Section 81 deals with Powers of State Government to pass orders on auditors report. The Committee while discussing the role of Central Wakf Council under Section 9 felt that the Auditors reports should be sent to Central Wakf Council. The Committee decided that in Section 81 also an enabling provision may be made. Accordingly the Committee decided that the following may be added at the end of the Section:—

**“A copy of the auditors report alongwith the orders passed by the State Government on it shall be forwarded by the State Government to the Central Wakf Council within one month of the laying of the report.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 83*

Section 83 deals with Constitution of Tribunals etc. The Committee felt that the Tribunal should consist of more than one person.

**The Committee accordingly decided to substitute the existing Sub-Section (4) by the following:—**

**“Every Tribunal shall consist of:—**

- (i) One member of the Judicial or civil services holding the rank not below the rank of District, Sessions, or Civil Judge class I, who shall be the Chairman;**
- (ii) One officer of the State Civil Service equivalent in rank to Additional District Magistrate;**
- (iii) One person having knowledge of Muslim law and Jurisprudence, The appointments of every such person will be made either by name or by designation”.**

*The Committee recommends that the above amendment may be carried out in the Section.*

### *Section 84*

The Conunittee discussed Section 84, and decided that the following new Sub- Section may be added to the Section:—

**“Applications so made to the Tribunal shall be decided upon by the Tribunal within one year from the date of filing of such applications.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 85*

The Committee discussed, the Section and decided that the words **“Revenue Courts and any other authority or Court of original jurisdiction”** may be inserted after the words **“Civil Court”**.

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 86*

The Committee discussed the Section and decided that in Clause (b) after the words **“Previous Mutawalli”** the words **“or by any other person”** may be added.

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 87*

The Committee discussed Section 87, and decided that the following new Sub-Section (3) may be added to the Section:—

**“(3) Sub-Sections (1) and (2) shall not be applicable to those Wakfs which are Wakfs by user.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 91*

The Committee considered Section 91 which deals with Proceedings under the Land Acquisition Act, 1894 in the light of the suggestions received. After some discussion the Committee decided that the following two new Sub Sections may be added:—

**“(5) Nothing contained in section 18 and 28A of the Land Acquisition Act, 1894 with respect to limitation shall apply to the acquisition of Wakf properties.**

**(6) Nothing contained in section 30 of the Land Acquisition Act 1894 regarding apportionment of compensation between the Board and the lessee or any person claiming any right, title or interest in any manner, whatsoever shall apply to acquisition of Wakf properties”.**

*The Committee recommends that the above amendments may be carried out in the Section.*

*Section 97*

Section 97 deals with direction by State Government. The Committee decided that the following proviso may be added at the end of Section:—

**“Provided that while issuing any directions under this Section, the State Government shall not interfere with the provisions of any Wakf deed or any usage, practice or custom of the Wakf.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 99*

The Committee discussed the Section regarding Power to supersede Board. After some discussion, the Committee decided that in sub-Section (3) (a) the words **“such further period as it may consider necessary”** may be substituted by the words **“another six months with reasons to be recorded and the total period of supersession should not exceed more than a year.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 102*

Since Committee decided that the central Wakf Committee needs to be strengthened and accordingly it proposed an amendment in Section 9 it was of the opinion that it was necessary for central government to seek the advice of CWC in the process of reorganization of Wakf Boards. The Committee discussed the Section and decided that **in Sub-Section (2), after the words, “after consulting the”** the words **“Central Wakf Council and”** may be inserted.

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 105*

The Committee decided that the words **“as may be practicable”** may be substituted **‘by the words and figures “within a period of 10 working days”**.

*The Committee recommends that the above amendment may be carried out in the Section.*

*Section 106*

The Committee discussed this Section and felt that the Central Wakf Council should also be involved in the Constitution of common Wakf Board. This will strengthen the Central Wakf Council. The Committee accordingly decided that in **sub-Section (1), after the words, “after consultation with”** the words **“the Central Wakf Council and”** may be inserted.

*The Committee recommends that the above amendment may be carried out in the Section.*

**New Section 108 A**

The Committee considered a suggestion proposing that the Wakf Act should have over riding powers over the State Revenue Laws. The Committee felt that such a provision would clarify the position and decided that the following new Section 108A may be added after Section 108:

**“Sec. 108-A : Notwithstanding anything contained in any other Act or enactment, the Wakf Act would prevail over all the other local revenue laws.”**

*The Committee recommends that the above amendment may be carried out in the Section.*

## NEW CHAPTER TITLED “DEVELOPMENT AND PROMOTION”

The Committee discussed about the necessity of provisions for Development of Wakf properties and decided that the new chapter “**Development and Promotion**” may be added at the appropriate place in the Act:—

### “Development and Promotion

— *The Central Government shall establish, as soon as possible, a National Wakf Properties Development Board, for the development of the Wakf properties in the Country.*

— *The Central Government shall, as soon as possible, establish a National Board for promotion of education among Muslims and utilize the surplus funds of the Wakf institutions in the Country generated through the development of Wakf properties.*

— *Provided that the Central Government may frame rules for administration of these Boards as may be considered appropriate.”*

### GENERAL SUGGESTIONS

*The Committee also makes the following General Suggestions.*

*The following new section may be added at the appropriate place:*

*‘The provisions of this Act and of the rules and order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument’” having effect by virtue of any such law.’*

*The following new section may be added at the appropriate place*

*‘While renting out the wakf land or building fair rent shall be determined.’*

*A National Wakf Development Corporation may be constituted by the Central Government with a revolving corpus funds of Rs. 500 crores.*

*The Central Government may make Rules for survey in which all the details are incorporated which may include the following:*

*The survey should record the particulars of the wakf property along with a revenue map of the same and a detailed description of the-present status and user; the various hands through which the user has passed over the years; “the present income derived; the optimum user to which it can now be put; as also as accurate an estimate as possible of the correct income which the property should fetch as on date. The procedure to be followed should be clearly set out and should follow as closely as possible the procedure laid down for Revenue settlements done in the time of the British Raj. Provision may also be made in the Rules mentioning that State Governments are to abide by the Rules for Survey of Wakf Properties made by the Central Government.*

*All the State governments may bring the Wakf properties under the purview of State Public Premises (Eviction of Unauthorized Occupants) Acts, for the purpose of removal of encroachment.*

*The Committee recommends that all the state governments may exempt the Wakf properties in the respective states from the Rent Control Acts of each state concerned. For this purpose, the state governments may make necessary amendments in the Rent Control Acts.*



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# MINUTES

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**\*XIV  
FOURTEENTH MEETING**

The Committee met at 3.00 P.M. on Monday, the 4th June, 2007 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Shri Sk. Khabir Uddin Ahmed
3. Shri Kamal Akhtar
4. Shri S.P.M. Syed Khan
5. Shri Motiur Rahman
6. Shri Tariq Anwar

**LOK SABHA**

7. Shri Anwar Hussain
8. Shri Narayan Chandra Borkataky
9. Shri Avinash Rai Khanna
10. Shri Mohammad Salim
11. Shri T.K. Hamza
12. Prof. K.M. Kadermohiuddin
13. Shri Chandrakant Bhaurao Khaire
14. Shri A.R. Saheen

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri P. P. K. Ramacharyulu, Director

Shri M. R. Verma, Under Secretary

Shri P. Narayanan, Committee Officer

2. At the outset, Chairman welcomed the members of the Committee.
3. The Chairman, then requested the Members to give their suggestions, if any, to amend the Wakf Act, 1995. A Member suggested that MPs/MLAs should not be nominated to a State Wakf Board. Instead those people who are well-versed in Wakf matters should be elected to the Board.
4. Some Members suggested that the post of CEO of the Wakf Board should be made permanent. Neither retired officials nor officials on deputation should be appointed as CEO.

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\*Minutes of 1st—XIIIth appended to 5th and 9th Reports of the Committee.

5. A Member suggested that leasing of Wakf properties should be allowed to exceed three years. The Chairman also suggested that lease should be extended for a period of six years. However, another Member suggested that rent of Wakf properties should be increased from time-to-time, as per market value of the property.
6. Thereafter, it was decided that the Committee should hear some experts to seek their views to amend the Wakf Act, 1995 and a sub-Committee may also be constituted for this purpose. The Committee, then, authorized the Chairman to constitute a Sub-Committee.
7. In the end, the Chairman requested the Members to join the study visit of the Committee to Aurangabad, Mumbai and Bhopal from 18th to 24th June, 2007.
8. The Committee then adjourned at 03.55 P.M. to meet again at 11.00 A.M. on 5th June, 2007

**XV**  
**FIFTEENTH MEETING**

The Committee met at 11.00 A.M. on Tuesday, the 5th June, 2007 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Shri Kamal Akhtar
3. Shri Tariq Anwar

**LOK SABHA**

4. Shri Iqbal Ahmed Saradgi
5. Shri Narayan Chandra Borkatakya
6. Shri Avinash Rai Khanna
7. Shri Mohammad Salim
8. Shri T.K. Hamza
9. Shri Mukeem Mohammad
10. Prof. K.M. Kadermohiuddin
11. Shri Chandrakant Bhaurao Khaire
12. Shri A.R. Saheen

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary  
Shri P. P. K. Ramacharyulu, Director  
Shri M. R. Verma, Under Secretary  
Shri P. Narayanan, Committee Officer

**WITNESSES**

- (i) Shri Najmi Waziri, Advocate, Supreme Court of India
  - (ii) Shri Zafar Saifullah, Former Cabinet Secretary
  - (iii) Dr. M. Rehman, Chairman and Administrator, Bombay Mercantile Co-operative Bank Ltd., Mumbai.
2. At the outset, the Chairman welcomed the Members of the Committee.
  3. The Chairman, then, welcomed Shri Najmi Waziri, Advocate, Supreme Court of India and requested him to suggest any changes in the Wakf Act, 1995, for making it more effective.
  4. Shri Waziri started his presentation with Section 4 of the Wakf Act, 1995 (*hereinafter referred as Act*). He stated that Section 4 contains the provision for appointment of Survey Commissioners in States but ordinarily Survey Commissioners are not appointed. If they are appointed, they do not do much work because there is no technical support or a group which can

assist the Survey Commissioner. Therefore, he suggested amendment in Section 4 to extend some facilities or technical support to find out encroachment on the Wakf properties.

5. He further stated that in 1913, Wakf Validating Act was initiated by the Government of India and thereafter Wakf Act, 1954 and Wakf Act, 1995 was enacted but till date no Central rules have ever been made. In the absence of Central rules, Wakf affairs can not be run in a uniform way, he added.

6. Shri Waziri also suggested that Section 6 needs to be amended to include all persons irrespective of their religion to challenge a gazette notification of the Wakf properties. As per existing provisions, only members of Muslim community can do it.

7. He further stated that there are instances of graveyards having been leased out for a pittance or gifted to state agencies for development of parks and of commercial property being let out perpetually. Therefore, Section 51 needs to be amended to prohibit the leasing out of properties by way of leases or encumbering the properties in a manner that destroys the basic character of the property except by way of prior public notice as prescribed in subsection 2 thereof.

8. Shri Waziri suggested amendments in Section 80 of the Act. He stated that the Section should be suitably amended to provide that the accounts of a Wakf board should be submitted to the State Examiner of Local Funds by 30th June of each year for the preceding financial year so that the same can be audited and examined by the said authority, the Wakf board concerned shall be deemed to be dissolved, if it is not done. This measure would bring about the much needed accountability from the state wakf boards and compel them to be transparent in their activities.

9. Shri Waziri also suggested some other changes in the Act, which are as follows:—

- (i) CEO of a Wakf Board should not be below the rank of Joint Secretary;
- (ii) All Wakf properties should be taken out of the Rent Control Act and put under the Public Premises (Eviction of Unauthorised Persons) Act, 1958; and
- (iii) Constitution of Wakf Development Corporation, which will be a corporate Body to integrate the Wakf properties along with tourist maps.

10. After the presentation of Shri Waziri, some Members sought some clarifications which were replied to by the witness.

The witness then withdrew.

11. The Committee then adjourned at 01.00 P.M. for lunch.

12. The Committee re-assembled at 02.00 P.M. to hear Shri Zafar Saifullah, Former Cabinet Secretary.

13. Shri Saifullah started his presentation with the remarks that in the Act, survey of Wakf properties, their enlistment and the review is taken from the date of the gazette notification of the Act. But the illegal transactions have taken place not from the notification of the Act but from the time of independence. Therefore, survey of Wakf properties should cover Wakfs from 15.08.1947 onwards. Regarding unauthorized and illegal occupancy, he stated that as normal course of eviction takes very long time, provisions of Public Premises (Eviction of Unauthorised Persons) Act, 1971 should be invoked for eviction. Moreover, cases of Wakf properties, their rent and lease should be exempted from the purview of the Rent Control Act.

14. In Section 6 (1) and 7 (1), he suggested that existing limitation period of one year should be extended to three years. Regarding Section 8, he suggested that costs of survey should be borne by the State Government and not by the respective State Wakf Boards.

15. As regards Central Wakf Council (Sec. 9 of the Act), Shri Saifullah suggested that it should be re-designated as the Central Wakf Commission, with *inter alia*, the following powers:

- (i) The power of superintendence, control and direction of the State Wakf Boards.
- (ii) The power to supercede and/or dissolve a State Wakf Board which is found to be repeatedly negligent in performing its duties and/or fully carrying out the directives of the Central Wakf Commission.
- (iii) The power to inspect the offices and records of any State Wakf Board and any of the Wakf properties administered by it.
- (iv) The power to summon any document and/or record of any State Wakf Board as also any of its officers to appear before it or any of its Committees.
- (v) To investigate, on a representation to it from any member of the public or “*suo motu*”, any instance of omission of a property from the list of Wakfs and, if satisfied about the same, to order its inclusion in such list.

16. After the presentation of Shri Saifullah, some Members sought some clarifications which were replied by the witness.

The witness then withdrew.

17. The Chairman then welcomed Dr. M. Rehman, Chairman and Administrator, Bombay Mercantile Co-operative Bank Ltd., Mumbai and requested him to express his suggestions on the Act. Dr. Rehman stated that the office of the Secretary, CWC should have a fixed term. Moreover, the Secretary should be substituted by a Commissioner, Wakf Properties and Director General, Wakf Council. He further suggested that suitable amendments be made in Sections 54 and 55 of the Act. He suggested that the power to remove encroachments should be vested in Mutawallis and not with CEO as he is not able to follow any case of encroachment by sitting at his headquarters. Instead concerned Mutawalli should approach the concerned SDM for removal of encroachments.

18. Speaking about Section 54 of the Act, Dr. Rehman suggested that it should be amended so that removal of encroachment takes place under the Public Premises Eviction Act. All such cases, which remain pending for more than 3 years are to be reported to the State Legislature in the annual report, to be consolidated by the concerned State Wakf Board. The authority can also be given to the Mutawalli to seek prosecution under IPC and CrPC. It can also be entrusted to the concerned Tahasildar under the Land Revenues Act.

19. Dr. Rehman further spoke about the rents to be paid by allottees. He stated that the Wakf Boards have to pay a considerable portion of money in court fees and it depends on the quantum of the dues to be recovered from the defaulters. According to him as the Wakf Board is not in possession of the property, the court fee as such should not be levied on it. The concerned Board or the Mutawalli have no money to fend for all these things. Hence, it would be necessary to allow the recovery suits to be filed on simple stamp paper of Rs.10 or 20. If it is considered too measly, then it can be on a Rs.50-100 stamp paper. In addition to this, there is notary fees, and other mandatory things to be paid. Therefore, it would be appropriate if the Council is headed by a Director-General or a Commissioner for wakf properties having direct responsibilities for the entire country. Otherwise, 60% of the recoveries are not effected.

20. Dr. Rehman concluded his presentation with the suggestion that a new section can be introduced in the Act in which DM or SDM can *suo motu* release any mosque or dargha or a public graveyard or a public interest litigation can be filed before a designated court for the

vacation of premises and properties as existence of encroachment on a place of worship is repugnant to the secular character of the country.

The witness then withdrew.

A verbatim record of the proceedings was kept.

7. The Committee then adjourned at 04.15 P.M.



**\*XIX  
NINETEENTH MEETING**

The Committee met at 11.00 A.M. on Thursday, the 18th October, 2007 in Room No. '63', First Floor, Parliament House, New Delhi.

**PRESENT**

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Maulana Obaidullah Khan Azmi
3. Shri Sk. Khabir Uddin Ahmed
4. Shri Kamal Akhtar
5. Shri S.P.M. Syed Khan

**LOK SABHA**

6. Shri Iqbal Ahmed Saradgi
7. Shri G. Nizamuddin
8. Shri Rashid J.M. Aaron
9. Shri Narayan Chandra Borkataky
10. Shri Hansraj Gangaramji Ahir
11. Shri Avinash Rai Khanna
12. Shri Jaswant Singh Bishnoi
13. Shri Mohammad Salim
14. Shri T.K. Hamza
15. Shri Arjuncharan Sethi

**SECRETARIAT**

Shri P.P.K. Ramacharyulu, Director

Shri P. Narayanan, Deputy Director

2. At the outset, the Chairman welcomed the Members of the Committee and wished them Greetings on the occasion of Eid. The Committee then took up for consideration the statement adopted by the Sub-Committee on Amendments to the Wakf Act, 1995. The Chairman then requested the Members to offer their suggestions on the Amendments suggested by the Sub-committee. The Committee was then briefed by the Co-Convenor of the Sub-Committee, about the suggested Amendments to the Act. The Co-Convenor informed that the Sub-Committee took note of the fact that the Sub-Committee on Amendments of the earlier JPC had considered various suggestions for amendments had detailed discussions on each section and wherever necessary consulted the Law Ministry before finalizing its view on the Amendment. The Present Sub-

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\*Minutes of XVIIth and XVIIIth Meeting appended to 1st and 9th Reports of the Committee.

Committee, therefore, thought it prudent to adopt all the amendments suggested by the previous Sub-Committee. The Sub-Committee also took into view the amendments suggested by experts who had appeared before the Present Committee and finalized the amendments to each section.

3. The Committee then took up for consideration Section-26, of the Act. Section-26 deals powers of Chief Executive Officer in respect of orders or resolutions of Board. The Sub-Committee had recommended deletion of this section. Some of the Members of the Committee felt that deleting altogether this Section, means reducing the powers of C.E.O. The Committee had detailed discussion on the Section. The Committee felt that whenever the Board passes any resolution, the C.E.O. also forms part of it, and never opposes it on the meeting. Moreover the Board is a collective body and the decision taken by the Board should not be over ruled by the C.E.O. The Committee therefore agreed to the recommendation of the Sub-Committee to delete the Section.

4. The Committee then took up for discussion Section-33. It deals with powers of inspection by C.E.O. or persons authorized by him. The Sub-Committee had recommended that the words "with the prior approval of the Board" may be deleted. Some members felt that by deleting the said words the C.E.O. becomes supreme. The Committee discussed the provision in detail. The Committee felt that, this much of Powers should be given to C.E.O. to enable him to perform the duties assigned to him under the Act, without which the C.E.O may not be in a position to control the Mutawallis, cannot stop any encroachment if it is brought to his notice in any of the Wakf properties. The Committee therefore decided to accept the suggestion of the Sub-Committee.

5. The Committee then took up for consideration Section-37 which stipulates the Wakf Board to maintain a Register of Wakf. The Sub-Committee had suggested two new sub-sections may be added to the existing sections wherein it has been suggested that the Board should forward details of Wakf properties as maintained by to the concerned land record office. Some Members felt that words "office of Registrar or Sub-Registrar" may be added in the new Section. The Committee, after some discussion, decided that the Sub-Sections are comprehensive enough to take care of the requirements of the Section and decided to accept the recommendation of the Sub-Committee without any modification.

6. The Committee then decided to accept other amendments suggested by the Sub-Committee and directed the Secretariat to prepare the report on the amendments.

7. The Committee then discussed its forth coming visit to Cochin and Chennai from 23rd to 27th October. The Committee decided to postpone its visit to Kochi because of incessant rains there, and accordingly rescheduled its visit to Chennai from 24th to 27th October, 2007.

A verbatim record of the proceedings was kept

The Committee then adjourned at 12:15 P.M.

**\*XXII**  
**TWENTY SECOND MEETING**

The Committee met at 3.00 P.M. on Friday, the 15th February, 2008 in Room No. 'G-074', Parliament Library Building, New Delhi.

**PRESENT**

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Shri Sk. Khabir Uddin Ahmed

**LOK SABHA**

3. Shri Anwar Hussain
4. Shri G. Nizamuddin
5. Shri Hansraj Gangaramji Ahir
6. Shri Syed Shahnawaz Hussain
7. Shri Mohammed Salim
8. Shri T.K. Hamza
9. Shri Mukeem Mohammad
10. Shri A.R. Shaheen

**SECRETARIAT**

Shri P.P.K. Ramacharyulu, Director

Shri B.C. Sharma, Joint Director

Shri P. Narayanan, Deputy Director

2. At the outset, the Chairman welcomed the Members of the Committee.

3. The Committee then took up for consideration the draft Report First Report on Implementation of Wakf Act, 1995 in West Bengal and Working of Board of Wakfs, West Bengal; Second Report on Implementation of Wakf Act, 1995 in Rajasthan and Working of Rajasthan Board of Muslim Wakfs; Third Report on Amendments to the Wakf Act 1995; Implementation of Wakf Act, 1995 in Assam and Working of Assam Board of Wakfs; and Implementation of Wakf Act, 1995 in U.T. Chandigarh and Working of Chandigarh Wakf Board.

After some deliberations the Committee decided to consider the reports in the next meeting. The Committee thereafter decided to meet again on 27th February, 2008 for considering and adopting the draft 1st, 2nd, 3rd, 4th and 5th reports.

3. The Committee then adjourned at 4.15 P.M.

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\*Minutes of XXth and XXIst the Meeting appended to 4th and 6th Reports of the Committee.

**XXIII  
TWENTY THIRD MEETING**

The Committee met at 3.00 P.M. on Wednesday, the 27th February, 2008 in Room No. '62', First Floor, Parliament House, New Delhi.

**PRESENT**

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Shri Sk. Khabir Uddin Ahmed
3. Shri Kamal Akhtar
4. Shri S.P.M. Syed Khan

**LOK SABHA**

5. Shri Anwar Hussain
6. Shri Rashid J.M. Aaron
7. Shri Narayan Chandra Borkataky
8. Shri Prahlad Joshi
9. Shri Avinash Rai Khanna
10. Shri Syed Shahnawaz Hussain
11. Shri Mohammad Salim
12. Shri Mukeem Mohammad
13. Prof. K.M. Kader Mohideen
14. Shri Chandrakant Bhaurao Khaire
15. Shri Suravaram Sudhakar Reddy

**SECRETARIAT**

Shri Shamsheer Singh, Joint Secretary

Shri P. P. K. Ramacharyulu, Director

Shri B.C. Sharma, Joint Director

Shri P. Narayanan, Deputy Director

2. At the outset, the Chairman welcomed the Members of the Committee. The Committee then took up for consideration the draft First Report on Implementation of Wakf Act, 1995 in West Bengal and Working of Board of Wakfs, West Bengal; Second Report on Implementation of Wakf Act, 1995 in Rajasthan and Working of Rajasthan Board of Muslim Wakfs; Third Report on Amendments to the Wakf Act, 1995; Implementation of Wakf Act, 1995 in Assam and Working of Assam Board of Wakfs; and Implementation of Wakf Act, 1995 in U.T. Chandigarh and Working of Chandigarh Wakf Board of the Committee. After some discussion the Committee adopted unanimously the draft 1st, 2nd, 4th and 5th Reports of the Committee.

The Committee adopted the third Report on the Amendments to the Wakf Act,1995 with some minor changes in the Sections mentioned below:—

#### **Section 4**

The following new sub-Section (7) may be inserted after Sub-section (6); (7) “once a Survey Commissioner notifies the Wakf property, the same shall be treated as ‘Deemed Mutation’, for the purposes of revenue records and determination of title to the property.

#### **Section 6**

In sub-Section (1), after the words, “or any person”, the word “of any religion or religious persuasion aggrieved or” may be inserted.

#### **Section 14**

Sub-Section (1) may be substituted by the following:—

- (1) The Board for a State and the Union Territory of Delhi shall consist of—
- (a) a Chairperson;
  - (b) Members, as the State Government may think fit, to be elected from each of the electoral colleges consisting of—
    - (i) one Muslim Member of Parliament from the State or, as the case may be, the Union Territory;
    - (ii) one Muslim Member of the State Legislature;
    - (iii) one Muslim Member enrolled with the Bar Council of the concerned State/UT; as an advocate for at least fifteen years of the relevant State/Union Territory and having significant practice and reputation in the legal profession.
    - (iv) One and not more than two Mutawallis of the Wakfs having an annual income of Rupees fifty thousand and above:

Provided that the Members from the categories (i) to (iv) above shall be elected from the electoral college constituted for each category.

- (c) One Muslim Member, who has professional background or experience in town planning or business management and/or social work, to be nominated by the State government.
- (d) One member to be nominated by the State Government from recognized scholars in Islamic Theology;
- (e) One Member to be nominated by the State Government from among the officers of the State Government not below the rank of Deputy Secretary.

Provided that in case of UTs, the Board shall consist of not less than three and not more than five Members to be appointed by the Central Government from amongst the categories specified in Sub-section (1).”

The following proviso may be inserted after the first proviso to Sub-section (2):—

“Provided that the Members of Parliament or Members of State Legislatures elected to the Board should continue to be Members of the Board until the Parliament or State Legislature, as the case may be, is dissolved *i.e.* once they are elected to the Board, they should

continue to be Members of the Board as long as they are MPs or MLAs, as the case may be”.

Sub-section (7) may be substituted by the following:

“In the case of Union Territories, the Board shall consist of not less than five and not more than seven members to be appointed by the Central Government from amongst the categories of persons specified in sub-section (1). Provided that one Member from each category mentioned in sub-clauses (i) to (iv) of clause (b) of sub-section (1) shall be elected to the Board.”

The following new Sub-section (10) may be added

“(10) – In the composition of the Board where Shia and Sunni Wakf Boards are established in pursuance to Sub-Section 2 of Section 13, the composition of such Boards shall consist of only Shia or Sunni Members as the case may be”.

### **Section 16**

The following new Sub-Clause be added to Clause (e):—

“(iii) held guilty of encroachment on a Wakf property and the same has been confirmed at least by the Wakf Tribunal or appeal was not preferred.”

### **Section 23**

Sub-Section (1) may be substituted by the following:

“(1) There shall be a Chief Executive Officer of the Board who shall be a Muslim and shall be appointed by the State Government from a panel of two names suggested by the Board and he should not be below the rank of a Director of the State Government, by notification in the Official Gazette”.

### **Section 29**

“(2) The Muttawallis or any other person having the custody of any documents related to Wakf properties shall produce the same, within the prescribed period, before the Chief Executive Officer on being called upon to do so in writing. In case the mutawalli fails to produce the documents within the prescribed period, the Chief Executive Officer shall have the right to inspect the same”.

“(3) Subject to such conditions as may be prescribed, an agency of Government or any other organisation shall supply, within 10 working days, copies of the records, registers of properties or other documents relating to wakf properties or claimed to be wakf properties, to the Chief Executive Officer on a written request to this effect from him.

Provided that before taking any course of action as mentioned in sub-section (2) and (3), the Chief Executive Officer shall obtain approval of the Board”.

### **Section 32**

The following new sub-Section may be added:

“Notwithstanding anything contained in the Wakf deed, any gift, sale, exchange or mortgage of or creation of third party rights in any immovable property which is Wakf

property, the Board shall have the power to change the nature and object of Wakf property, after inviting and considering objections through prior public notice in one Urdu/vernacular daily and in one popular English daily in case the original object of the Wakf has ceased to exist and has become incapable of achievement”.

### **Section 51**

In Section 51 in the proviso to Sub-section (1), the words “Graveyard, Imambara” may be inserted after the word “Khanqah”.

After Sub-section (1), following new Sub-section may be added:—

“(1A) Any sale or total transfer of Wakf property is void *ab initio*. The only exception shall be acquisition of Wakf properties under the Land Acquisition Act, 1894, provided that:

(a) The acquisition etc. shall not be in contravention of the Places of Public Worship (Protection) Act, 1990.

### **New Section 54A**

54A (1) Whoever encroaches on or alters the structure, status or use of any land, building, space or other property which is Wakf property, and which has been registered as such under this Act, shall be punishable with rigorous imprisonment for a term which may extend to two years, or with fine which may extend to five lakh rupees, or with both.

(2) Any offence punishable under this section shall be cognizable.

(3) No court shall take cognizance of any offence punishable under this section except on complaint made by the Board or by an officer of the Board duly authorized by it in this behalf.

(4) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this section.

(5) Any fine imposed under this section shall, when realised, be credited to the Wakf Fund.

### **Section 55**

In Section 55 The words “the Executive Magistrate or the Sub-divisional Magistrate as the case may be” may be substituted by the words “the Sub-Divisional Magistrate” .

The Following proviso may be added to this Section.

“Provided that Whosoever being a public servant fails in his lawful duty to prevent or remove an encroachment shall on conviction be punishable with a fine which may extend upto Rs.15000/- for each offence”.

### **Section 105**

The Committee decided that the words “as may be practicable” may be substituted by the words and figures “within a period of 10 working days”.

Thereafter, the Committee decided to present/lay the reports to both the Houses of Parliament on 4th March, 2008. For this purpose, the Committee authorized the Chairman and in his absence Shri Kamal Akhtar to present the Reports in Rajya Sabha and Shri Chandrakant Bhaurao Khaire and in his absence Shri Avinash Rai Khanna to lay the reports in Lok Sabha.

The Committee then adjourned at 4:00 P.M.

**\*XXV**  
**TWENTY FIFTH MEETING**

The Committee met at 5.00 P.M. on Friday, the 28th March, 2008 in Main Committee Room, Parliament House Annexe, New Delhi.

**PRESENT**

1. Shri S.M. Laljan Basha — *Chairman*

**RAJYA SABHA**

2. Shri Sk. Khabir Uddin Ahmed
3. Shri Kamal Akhtar
4. Shri S.P.M. Syed Khan
5. Shri Tariq Anwar

**LOK SABHA**

6. Shri Anwar Hussain
7. Shri G. Nizamuddin
8. Shri Rashid J.M. Aaron
9. Shri Narayan Chandra Borkataky
10. Shri T.K. Hamza
11. Prof. K.M. Kader Mohideen

**SECRETARIAT**

Shri Shamsheer Singh, Joint Secretary

Shri P.P.K. Ramacharyulu, Director

Shri B.C. Sharma, Joint Director

Shri P. Narayanan, Deputy Director

Shri S.B. Malkani, Committee Officer

**WITNESSES**

**All India Muslim Personal Law Board**

Shri Yusuf Hatim Muchchala, Sr. Advocate, Mumbai High Court.

Shri Sheikh Abdul Sattar, Secretary, All India Muslim Personal Law Board.

Prof. Riyaz Umar, Treasurer, All India Muslim Personal Law Board.

Maulana Syed Nizamuddin, General Secretary, All India Muslim Personal Law Board.

Shri Jafer, Vice-President, Jamait-e-Islami.

Shri Bahar-U-Barqi, Advocate, Supreme Court.

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\*Minutes of XXIVth Meeting appended to the Report of the Committee.



2. \* \* \*
3. The Chairman informed the Members of the Committee that representatives of All India Muslim Personal Law Board had requested to appear before the Committee to put forth their views on improving the working of the State Wakf Boards, Central Wakf Council and on the Wakf Act, 1995 and acceded to their request. The Chairman then welcome the Members of the All India Muslim Personal Law Board and sought their suggestions on
- (a) improving the functioning of the Wakf Boards and the Central Wakf Council;
  - (b) retrieving the Wakf properties encroached by the Government agencies; and
  - (c) any other issue related to Wakf.
4. The Committee heard the Members of the All India Muslim Personal Law Board on the whole gamut of issues pertaining to Wakf. Members then, sought some clarifications to which the Members of the All India Muslim Personal Law Board responded.
5. The witnesses then withdrew.
- A verbatim record of the proceedings was kept.
6. The Committee then adjourned at 6.45 P.M.



