

**GOVERNMENT OF INDIA
MINORITY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5680
ANSWERED ON:10.05.2012
COMMERCIAL USAGE OF WAKF PROPERTY
Pal Shri Jagdambika

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) whether it is a fact that the Wakf Act allows commercial usage of Wakf property;
- (b) if so, whether such usage is in conformity with the definition of Wakf as given in the Act;
- (c) if so, the details thereof;
- (d) whether such provision is in consonance with the explicit objective of the Act;
- (e) if so, whether similar concessions are available to similar charity and religious organizations of other communities;
- (f) if not, the reasons therefor; and (g) the reaction of the Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF MINORITY AFFAIRS (SHRI VINCENT H. PALA)

(a) to (d) : As per Section 32 (4) of the Wakf Act, 1995, where the Board is satisfied that any waqf land offers a feasible potential for development as a shopping centre, market, housing flats and the like, it may serve upon the mutawalli of the concerned waqf a notice requiring him to convey its decision whether he is willing to execute the development works specified in the notice. On consideration of the reply, if any, received to the notice, if the Board is satisfied that the mutawalli is not willing or is not capable of executing the works required to be executed in terms of the notice, it may, with the prior approval of the Government, take over the property, clear it of any building or structure thereon, which in the opinion of the Board is necessary for execution of the works and execute such works. As per Section 32 (2) of the Wakf Act, 1995, the functions of the State Waqf Boards are to ensure that the income and other property of the waqf are applied to the objects and for the purposes for which such waqf was intended or created.

(e) to (g) : The Wakf Act, 1995 is the only Central Act which is applicable to all auqaf in the country except in the State of Jammu & Kashmir. However, there are State Acts which are applicable to charities / religious organizations of those States as mentioned in the respective State Acts.