

**GOVERNMENT OF INDIA
MINORITY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3532
ANSWERED ON:26.04.2012
USE OF WAQF LANDS
Pal Shri Jagdambika

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) the details regarding permissible usages under the concept of Waqf;
- (b) whether it is a fact that present rules permit use of waqf lands to building malls, markets and other commercial purposes in the name of financial viability;
- (c) if so, the details thereof;
- (d) whether such usages require permission of the State Governments for conversion of usages to commercial activity;
- (e) if so, the details thereof;
- (f) whether the Union Government proposes to do away with the requirement of seeking Government's permission for using waqf lands for the commercial purposes; and
- (g) if so, the details and the justification thereof ?

Answer

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

(a) to (c): As per sub-section (2) of Section 32 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 waqfs were intended or created. 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.

(d) to (g): Each State Government/UT administration has their own rules and procedures for land use, which also apply to the wakf properties in case of change in the land use.