

**GOVERNMENT OF INDIA
MINORITY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1989
ANSWERED ON:23.08.2012
EVICTION OF UNAUTHORIZED OCCUPANTS
Owaisi Shri Asaduddin;Tagore Shri Manicka

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) whether a proposal, mooted by the Government to allow Public Premises (Eviction of Unauthorized Occupants) Act, 1971 to be extended for summary eviction of unauthorized occupants from the properties owned by the Wakf Boards across the country has been rejected by the Ministry of Law and Justice;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Government proposes to amend the existing Wakf properties and titled Wakf (Amendment) Bill, 2010 to help the eviction;
- (d) if so, the details thereof; and
- (e) the steps taken or being taken by the Government to protect the Wakf properties in the country?

Answer

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

(a) & (b): A proposal for extension of the provisions of the Public Premises (Unauthorized Occupants) Act, 1971 to wakf properties was referred to the Ministry of Urban Development by the Ministry of Social Justice and Empowerment in July 2000. The Ministry of Urban Development in November 2000 informed that the matter had been examined by them in consultation with the Ministry of Law & Justice in 1988 and the latter had advised that the wakf properties could not be included in the Public Premises (Unauthorized Occupants) Act, 1971 since they are not public premises in the sense that they are not owned or hired by the Government. Again, the same matter was referred by the Ministry of Social Justice and Empowerment to the Ministry of Law & Justice in September, 2003 and the latter had advised that it was legally not feasible to amend the Central Act, 1971 as the wakf properties are not the properties belonging to the Central Government. The Ministry of Minority Affairs has however requested all the State Governments to consider inclusion of Wakf properties under their respective Public Premises Acts.

(c) to (e) : The Wakf (Amendment) Bill, 2010 as passed by Lok Sabha on 7th May, 2010 was referred to a Select Committee of Rajya Sabha on 31.08.2010. The Select Committee submitted its report to the Rajya Sabha on 16.12.2011. Based on the recommendations of the Select Committee, suitable amendments to the Wakf Act, 1995 are under consideration of this Ministry for protection of Wakf properties and eviction of unauthorized occupants on these properties.