

**GOVERNMENT OF INDIA  
MINORITY AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3673  
ANSWERED ON:13.02.2014  
ENCROACHMENT AND MISUSE OF WAKF ASSETS  
Ponnam Shri Prabhakar

**Will the Minister of MINORITY AFFAIRS be pleased to state:**

- (a) whether rampant encroachment and the misuse and usurpation of wakf assets representing Islamic religious endowments have been noticed across the country;
- (b) if so, the details thereof and the reasons therefor, State-wise; and
- (c) The corrective steps being taken in this regard by the Union Government in consultation with each State Government?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF MINORITY AFFAIRS ( SHRI NINONG ERING )

(a)& (b): The State Waqf Boards (SWBs) are established by the respective State Government as provided under Section-13 of the Waqf Act, 1995. As per Section 32 of this Act, the general superintendence of all the auqaf in a State vest in the Board established or the State; and it is the duty of the Board so as to exercise its powers under this Act as to ensure that the Waqf under its superintendence are properly maintained, controlled, administered and not encroached. Therefore, the records of waqf properties are maintained by the respective SWBs and not by the Central Government. However, the Central Government, from time to time has been requesting the SWBs to furnish the details of waqf properties encroached upon.

(c) The Wakf Act, 1995, has been amended by the Central Government and the Wakf (Amendment) Act, 2013 has come into force w.e.f. 1st November, 2013. The Waqf Board has been empowered under Section – 54 by getting the Orders of the Tribunal for removal of encroachment. A new Section – 52 A has also been added stating that if any person takes possession of the waqf property without prior sanction of the Board, to be punished with rigorous imprisonment for a term which may extend to 2 years. Further, an offence under this Section is cognizable and non-bailable.