

**GOVERNMENT OF INDIA
MINORITY AFFAIRS
LOK SABHA**

STARRED QUESTION NO:408
ANSWERED ON:22.04.2015
WAQF LAND PROPERTY
Magantti Shri Venkateswara Rao

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) the details of land/properties of various waqf boards under encroachment, State-wise:
- (b) whether the Government proposes to bring out any new legislation to protect the waqf lands/properties from encroachment and if so, the details thereof including the present status of the proposed legislation:
- (c) whether the Government has held consultations with all stakeholders in this regard and if so, the details thereof along with their views; and
- (d) the time by which new legislation is likely to be enacted to protect Waqf properties?

Answer

MINISTER OF MINORITY AFFAIRS (DR. NAJMA A. HEPTULLA)

(a) to (d); A statement is laid on the T able of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to d) of LOK SABHA STARRED QUESTION No.408 ASKED BY SHRI MAGANTTI VENKATESWARA RAO (BABU) REGARDING WAQF LAND/PROPERTY TO BE ANSWERED ON 22.04.2015.

(a) to (d): As per Section 32(1) of the Waqf Act, 1995, the general superintendence of all auqaf in a State vest in the State Waqf Board established or the State and it is the duty of the Board to ensure that the auqaf under its superintendence are properly maintained, controlled and administered. In view of the above provision, the Central Government does not maintain lists of waqf properties including encroached properties in each State/UT and such details are maintained by the concerned State/UT Waqf Boards. This Ministry has formulated a new stand-alone legislation named "The Waqf Properties (Eviction of Unauthorised Occupants) Bill, 2014` to protect Waqf Lands/Properties from encroachment in the country. This Bill was introduced in the Rajya Sabha on 18.02.2014 and it has been referred to the Standing Committee on Social Justice and Empowerment for examination. A Joint Parliamentary Committee (JPC) on Wakf was constituted on the 2`- January, 2006 to ascertain the status of the implementation of the Wakf Act, 1995 by various State Governments and 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 property encroached upon, etc. One of the recommendations of the JPC was that all the State Governments may bring the wakf properties under the purview of the State Public Premises (Eviction of Unauthorised Occupants) Act for the purpose of removal of encroachment. Subsequently, the Bill was referred to the Select Committee and the Select Committee in its report to the Rajya Sahha on 16.12 2011 had also recommended under "Additional (General) Recommendation1' that the relevant provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 might be incorporated into the Bill or alternatively. State produce legislation of their own to the same effect. Various Ministries/Departments of Central Government and State Governments were consulted in this matter The views/comments received from the Ministries/Departments of Centra) Government and the State Governments have been suitably incorporated into the draft. Gist of the views received is at Annexure. The enactment of a new legislation depends on the passage of the proposed Bill by the Parliament