

16.25 hrs.

INDIAN PENAL CODE (AMENDMENT) BILL, 2001

(Insertion of new sections 298A to 298C)

Title: Consideration of the Indian Penal Code (Amendment) Bill, 2001 (Insertion of new sections 298A to 298C) moved by Shri G.M. Banatwalla on 24 August 2001. (Not concluded)

SHRI G.M. BANATWALLA (PONNANI): I beg to move:

"That the Bill further to amend the Indian Penal Code, 1860, be taken into consideration."

Sir, today is the 14th day of August. Tomorrow is our Independence Day. I extend my heartiest greetings to one and all here and, through you, to the entire nation.

Sir, my Bill which I have just moved addresses itself to a very important question of encroachments on wakf properties. The Bill is very simple and pertains to a very important and burning issue. We all know that there is widespread encroachment on wakf properties. Encroachments on wakf properties are not only widespread but are also on the increase. Encroachment on wakf properties is almost without impunity. It is necessary that we address to this important question.

Sir, the encroachment on wakf properties should be viewed very seriously. In the first place, it is an offence against religion. Wakf and wakf properties are dedicated to *Allah* and are so tied up in perpetuity. The sanctity of the wakf is also clear from the fact that even the wakif, that is, the person who has created the wakf, cannot take back the wakf property. It is not so allowed by the religion and also by the law of our land. It is, therefore, a serious offence against religion.

The encroachment on wakf property is also a serious offence against the society. Wakfs are created for religions or charitable objects. Wakfs are created for charitable objects for the benefit of the society without any distinction of class, caste or creed. They serve the society without distinguishing on grounds of religion, class, caste or creed. Wakfs can be created for the service and benefit of the society at large. These may be medical service or service with respect to alleviation of poverty or any charitable object.

We, therefore, say that an encroachment of Wakf property should be taken seriously because it is an offence against the society. The capability and the extent of the Wakf to serve the society is adversely affected by such encroachments.

MR. CHAIRMAN : Shri Banatwalla, you can continue next time.

SHRI G.M. BANATWALLA : I will continue later.