

**GOVERNMENT OF INDIA
MINISTRY OF MINORITY AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO.1684
TO BE ANSWERED ON 13.02.2019**

Justice Zakiullah Khan Committee

1684. SHRI P. K. KUNHALIKUTTY:

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) the terms of reference for which Justice Zakiullah Khan Committee was setup;
- (b) the details of recommendations of the Committee; and
- (c) the modalities for implementation of the recommendations?

ANSWER

**MINISTER OF MINORITY AFFAIRS
(SHRI MUKHTAR ABBAS NAQVI)**

(a): A Committee headed by Justice (Retd) Zakiullah Khan, Allahabad High Court was constituted by this Ministry with the following terms of reference :

- (i) Review implementation of Waqf Properties Lease Rules (WPLRs) , 2014 in various States and analyze the outcomes vis a vis objectives of the WPLRs specially in terms of enhancement of income of State Waqf Boards(SWBs),greater realization of rental income from Waqf properties and the like;
- (ii) Critically examine the need for modifications if any, in the WPLRs, in the light of requests received from various SWBs and other stake holders;
- (iii) Critically examine whether State specific dispensation can be given to SWBs directly managing Waqf properties in a legally sustainable way;
- (iv) Recommend specific changes that may be required in the existing WPLRs;
- (v) Examine any other issues relevant to the subject; and
- (vi) Examine the need and recommend the amendments in the Waqf Act 1995 in light of request from various stakeholders.

(b) : The details of recommendations made by Justice Zakiullah Khan Committee, in its report pertaining to WPLRs , submitted on 17.1.2019 are as under :

(1) The proviso to Rule 5 be amended to exclude applicability of bidding process to immovable properties whose lease rental as on 03.06.2014 was Rs 3000/- per month.

(2) A proviso to be added in the existing Rule 18 relating to renewal of lease whereby discretion be given to Board not to apply the procedure for bidding in case of a lessee occupying waqf property uninterruptedly from 1995 or prior thereto and has been regularly paying rent and as a measure of one time concession, the lease may be renewed upto a period of 10 years if the lessee files an undertaking with the Board to the effect that;

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(a).The lessee shall handover peaceful, unencumbered and vacant possession of the waqf property to the lessor on the expiry of the period for which the renewal has been given, and

(b). The lessee or its legal heir shall not in future claim any benefit or right whatsoever out of this one time concession, and

(c). The lessee shall forthwith make all payments towards arrears and continue to make lease rental determined as per Rule 7 of the WPLR, 2014, and

(d). The lessee shall forthwith withdraw all cases filed by the lessee against the lessor before any Authority/Tribunal/Court of Law in respect of or in relation to the leased property.

(3) The reserve price in case of hospitals, educational institutions and social sectors to be reduced from 2% to 1% and in case of commercial activities, it is to be reduced from 2.5% to 1.5%. In case of land for agriculture purpose, the reserve price be reduced to 1% of the market value.

(4) Upon entering lease, the lessee is required to make security deposit. It has been recommended to reduce it to;

(a). One month from 3 months in case of lease of one year,

(b). Three months from 11 months for a lease of upto 5 years

(c). Six months from 18 months for a lease of more than 5 to 10 years

(d). Twelve months from 24 months for a lease of more than 10 to 30 years.

Further security deposit to be refunded within one month of handing over peaceful possession to the satisfaction of the lessor.

(5) Under Rule 19, the lease period for shop to be increased from 5 years to 10 years and for agricultural purpose the lease period to be increased from one year to 3 years.

(6) A proviso to be added to Rule 18 whereby the legal heir of a deceased lessee be made entitled to transfer of unexpired period of lease in his/her favour on payment of transfer fee which would be equivalent to three months rental.

(7) Three notices with a gap of one month in place of one notice be given in case of termination of lease.

(8) Lease rental and security deposits to be deposited in F.D. in the account of the lessor in a Nationalised Bank.

(c) : The recommendations made by the Committee are being examined .