

Bill Summary

The Waqf Properties (Eviction of Unauthorised Occupants), Bill, 2014

- The Waqf Properties (Eviction of Unauthorised Occupants), Bill, 2014 was introduced in Rajya Sabha on February 18, 2014 by the Minister of Minority Affairs, Mr. K. Rahman Khan. It was referred to the Standing Committee on Personnel, Public Grievances, Law and Justice on March 5, 2014.
- According to the Statement of Objects and Reasons, The Waqf Act, 1995 provides for removal of encroachment, but does not adequately address the issue of illegal occupation of waqf properties. The Bill provides for the eviction of unauthorised occupants from waqf properties. This would provide for a faster mechanism for the eviction of unauthorised occupants.
- **Application:** The Bill would apply to waqf properties under all auqaf and waqf properties administered under the Durgah Khawaja Saheb Act, 1955. This Act creates a Dargah Committee to manage the Dargah Sharif in Ajmer. Auqaf property refers to assets that are donated or purchased for the purpose of being held in perpetual trust for charitable causes. However, the Bill would not apply to properties under the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
- **Eviction from temporary occupation:** The Waqf Estate Officer (the officer) will inquire after any person who was allowed temporary occupation of any waqf property. If the officer is satisfied that he is an unauthorised occupant, he may make an order of eviction. He must also record his reasons in writing. If the person refuses to comply with the order, the officer may evict him by the use of force.
- **Notice to show cause against eviction:** The officer shall issue a notice, to the person believed to be an unauthorised occupant, to establish why he should not be evicted. The notice shall: (i) specify the grounds on which the order of eviction was made, and (ii) require the person who claims an interest in the said property to establish his reasons against the order.
- **Eviction of unauthorised occupants:** After considering the evidence and personal hearing, the officer may make an order of eviction, specifying the date by which the property is to be vacated. If the person doesn't comply with the order, or within 15 days of its publication (whichever is later), the officer may use force to evict him.
- **Removal of unauthorised construction:** The erection of immovable structures, displaying of goods or keeping of animals on or in front of any waqf property is prohibited. This is subject to the permissions obtained in this regard. The Officer shall issue a show cause notice to the person, following which make an order of removal of the unauthorised fixture. Further, the officer shall have the power to order its demolition, and seal the unauthorised construction.
- **Disposal of property of evicted person:** The Officer may, after giving 14 days notice, dispose of the goods of the evicted person that remains on the waqf property.
- **Penalties:** Unlawful occupation attracts imprisonment up to six months, or a fine up to Rs. 5000, or both.
- **Appeals:** Any order of the officer may be challenged in appeal before a tribunal (established under the Waqf Act, 1955) having jurisdiction in the area where such property is situated.

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