Conclusion and Suggestions
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The wakfs all over India including those in Uttar Pradesh possess properties worth thousand of crores. If a proper mechanism is evolved for the effective management, control and supervision of the wakfs properties with proper accounts and audit and their income is judiciously spent for the benefit of mankind in general and for the upliftment of Muslim community in particular, it would herald a new era of progress and prosperity for Muslim community.

The management of Wakf properties is seriously impaired both due to high incidence of litigation and poor management. Often important Wakf cases, and thereby valuable properties, are lost because of lack of financial and administrative resources. Therefore strengthening the Wakf Boards administratively with necessary financial and legal backup is absolutely necessary. High legislative, administrative and judicial priority should be accorded to Wakf in order to improve the management of about five lakhs Wakf properties spread across the country. The management of Wakf properties can be revitalized so as to make them not only financially viable but also rewarding.

In the present scenario where in the society dishonesty, corruption, indifference and illegal activities are rampant, it is rather very difficult to see the case of wakf in an isolated way. But still if there is a will there is a way. Keeping this fact in view, some of the following suggestions are designed to improve the management and functioning of the Wakfs across India:

- There is no denial of the fact that the working of the Wakf Board is not satisfactory and in most of the cases, they have failed to achieve
the very purpose for which they were established. There is an urgent need to ensure the proper working of the State Wakf Boards.

- It appears to be essential to provide a Technical Advisory Body for development of Wakf properties both at the state and national levels. This body may comprise representatives from state Wakfs Boards, experts from institutions such as School of Planning and Architecture, IIT's and academics such as sociologists, economist, financial and legal experts. A representative from appropriate government department should also be part of this body. All Wakf properties should be developed, mortgage or encumbered only with the concurrence of the State or Central Technical Advisory Body as the case may be.

- A Union Minister occupies the position of the ex-officio President of the Central Wakf Council. Due to his preoccupations, often the Council is not able to prepare and take timely action on matters of urgency. It is, therefore, proposed that a full time President should be appointed from out of eminent persons like retired High Court Judges, Chancellor and Vice-Chancellor of Central Universities and former Chiefs of the state Wakf Boards. The President may hold office for a period of five years. The other members of the Central Wakf Council could be nominated from a list of eminent Muslims drawn from various professions such as architects, doctors, lawyers, chartered accountants and academicians. The representation of MPs and MLAs as at present may be combined and their gross number in each state Wakf Board may be reduced from the existing four to two. The Secretary of the Central Wakf Council should be an officer of the rank of at least Joint Secretary to Government of India so that meaningful and effective communication and interaction with government authorities is facilitated. In order to be effective, this
officer must have a good knowledge of Wakf matters, Muslim scriptures and proficiency in Urdu.

- The Chairmen and members of the state Wakf Boards can be selected from a list of eminent persons in each state. For example, a retired High Court Judge, the former Vice-Chancellors, and those who have established Muslim educational institutions of repute should be considered for appointment in the Wakf Board. The other members of the Wakf Boards can be nominated from a list of Muslim professionals drawn from various professions such as the architects, doctors, lawyers, chartered accountants and academicians. The representation of MPs and MLAs as at present may be combined and their gross number in each state Wakf Board may be reduced from the existing four or two. The Act does not provide any qualification for a person to be appointed by the State Government as Chief Executive Officer of the Board. It has been found that in cases where the Chief Executive Officer is not high ranking in the hierarchy of state bureaucracy the interests of the Wakf Board often suffer. It is, therefore, necessary that the Chief Executive Officer must be full time and must be of the rank of senior officers of the state Government. Ideally a Class I Officer of All India or Central Services directly recruited through UPSC should be appointed as CEO.

- There is strong case to create new cadre of officers to manage the affairs of State Wakf Board and Central Wakf Council. It is estimated that upto 100 Group-A officers are needed to serve the Wakfs affairs across U.P. The government may, therefore, consider creating a new cadre of officer to be recruited by the UPPSC so that they can deal with the specific affairs of the Wakfs efficiently. Such officers
however, should have the knowledge of Islamic law and Urdu, as most of the documents relating to Wakfs are in that language.

- It is strongly recommended that all the Wakfs are compulsorily brought under the scheme of financial audit.

- The maximum period of lease of Wakf properties should be increased from 3 years to 30 years where the property is used by registered charitable societies or trusts for building or running educational or health care institutions, or for other social and economic developmental purposes consistent with the objects of the Wakf.

- The definition of 'Encroacher' needs to be inserted in Section 3. This definition should be as such that 'Encroacher' means "any person occupying the Wakf premises without the authority of law and includes a person whose tenancy, lease or license has expired or has been terminated by the Board, or who has altered the property leased out or occupied by him without the prior written permission of the Wakf Board concerned." The inclusion of this definition will help the Wakf Boards in removing encroachments. A person occupying the Wakf premises should be included in the definition of "person interested." The "Wakf premises" should be defined to mean "any mosque, Graveyard, Mazar, Takiya, Eidgah, Imambara, Dargah, Khanqah, Maqbara, Anjuman and land appurtenant or belonging to them, the property dedicated for their maintenance, the property purchased from their income, the land garden, well, baoli, school, hospital and other institutions dedicated as Wakf and the passages used leading to the Wakf premises." This definition will help in the proceedings under Section 54, for removal of unauthorized occupants of Wakf property.

- Often the Rent Control Act (RCA) provides protection to the tenants in such a way that the owners lose incentive to develop and maintain
properties. Wakf properties are in the purview of RCA’s in most of the states. Thus, the application of the RCA to Wakfs is damaging the noble interests of Wakfs and hurting the entitlements of the beneficiaries. Therefore, an amendment exempting the Wakf properties from the purview of the RCA within the Wakf Act is urgently needed. This can be done by introducing an over-riding provision in the Wakf Act. Moreover, a suitable provision in the Wakf Act, 1995 should be added for the evacuation of tenants from wakf properties.

- Even after a lapse of thirteen years since the Wakf Act 1995 was enacted, a large number of states have not framed the Wakf Rules; this is one of the main reasons for non-implementation of the provisions of the Wakf Act and perpetuation of corruption and lack of accountability. Refresher training courses are to be offered regularly so that the staffs of the State Wakf Boards are adequately trained. This work should be supervised by the Central Wakf Council.

- It is also suggested that the following issues should be dealt within the Wakf Act 1995 in such a way that the state Wakf Boards become effective and are empowered to properly deal with the removal of encroachment of Wakf properties. Additionally, it has been observed that the Wakf Tribunals as notified in the Wakf Act have been found to be not as effective as they were envisaged to be (Section 83 and 84). The primary reason is that the members of the state judicial service who preside over the Wakf Tribunals normally hold dual or multiple charges, i.e., as district, sessions or civil judge. Consequently, they have paucity of time in attending to Wakf matters and the Tribunals in some instance sit only a few days in a month. It is common knowledge that delays in adjudication of
properties especially suffering from encroachment, unauthorized construction, illegal occupation and mis-user creates its own resultant problems. Additionally, the Wakf Board is deprived of the legitimate use of and profits accruing from the property. It would, therefore, be appropriate to amend Section 83 (4) of the Wakf Act to specify that the Wakf Tribunal will be manned by full time presiding officer appointed exclusively for Wakf purposes. The Wakf Tribunal would also have the power to give the interim relief and award damages etc., as the case may be.

- All Wakfs as notified in the Gazette should be treated as public premises. Wakfs are meant for a large section of the public. Some activities of Wakf such as running schools, orphanages, monthly financial assistance to the needy, are philanthropic and secular in nature. Any encroachment on these properties should be treated like encroachment on government land. The Public Premises (Eviction of Unauthorized Occupation) Act, 1971 should be applied to remove encroachment from Wakf properties and arrears of rent, at market rates, should be recovered as arrears of land revenue.

- The character of Wakf properties is quite different from privately occupied properties. The ownership of Wakf properties is vested in God, understood in worldly sense as an artificial juridical persons and, the usufruct invariably belongs to the downtrodden, the poor and the needy. Yet, the state and central legislation, does not usually take cognizance of such difference. While the exemption of Wakf properties from some enactments would serve the greater philanthropic purpose of Wakf properties.

- Generally, the purpose of every wakf is the benefit of the poor. But those wakf which are meant particularly for the benefit of poor human being, the wakf Board should take possession of such
properties and design and improve the properties (like commercial complex, malls and schools). This will be in the best interest of the poor. This will not only fetch good revenue but the wakf properties may be used in a way as it should be.

- In educational institutions, the person Incharge to look after this department should be made accountable for the negligence on his part while dealing affairs relating to wakf property.

- The problem of Muslim Education is grave. It indicates that awkaf are not contributing well in the development of education for Muslims. It leads to the conclusion that Educational Awkaf needs strengthening.

- It is matter of grave concern that many of Awkaf registered for the AMU are not surviving. It is suggested that a high level meeting should be called and problems and needs of the present situation should be discussed. The wakf properties of AMU need a proper study and documentation. A large number of wakf properties are either unidentified or unregistered. The AMU administration should undertake an intensive and exhaustive survey to identify the wakf properties and then a comprehensive action should be taken for managing these properties.

- The department of Property and Wakfs is headed by a Member Incharge holding it as an additional charge. Due to his pre-occupations, he is unable to manage the affairs effectively. It is, therefore, suggested that a full time position should be created to look into the matters of this important department. Moreover, there is strong case to increase the other trained and well-equipped staff to manage the affairs of University’s wakf property. An independent legal cell, under the office of Property and Wakf,
should be created for the sake of proper pairvi of numerous litigations pending in the different courts.

The level of education among Muslim all over the India is low. In Uttar Pradesh the condition is even worst. This study is of vital importance to the cause of Muslim Education. I hope that my suggestions will be incorporated in any action programme prepared in future for the utilization of wakf property for educational purposes.

This study brings to light the deeper malaise and misuse of the Wakf properties both by individuals and institutions. Such a state of affairs exists due to a number of organizational, managerial and legal impediments.