

**Copy of Letter from the Office of the Prime Minister to
State Governments regarding Protection of Wakfs**

No. 71-PMO/76

New Delhi
March 26, 1976

I have been concerned for some time about improving the administration of Wakfs. The State Governments must ensure that wakfs are properly maintained and administered by the State Wakf Boards in terms of the Wakf Act of 1954. The following are some matters, which require your urgent attention.

For a variety of reasons, including unsettled conditions after partition, a large number of wakf properties have gone into the adverse possession of private parties as well as State Government departments and local bodies. The Wakf Board could well start legal proceedings against the concerned State Government departments. Obviously such litigation would not be desirable. Hence you should settle the issue on an administrative basis. As far back as 1961, we had made the following three concrete suggestions for quick settlement of such cases:-

- i) Where feasible, the Wakf properties should be vacated and handed over to the Wakf Board concerned.
- ii) Where costly buildings have been put up on the land and their vacation is not feasible, the State Government may enter into permanent leases with the Wakf Boards, after paying to the Boards the bulk of the market value as premium; or
- iii) In the alternative, the State Governments may arrange to make over the fair market value of the lands to the Boards, which will relinquish their rights over the land, if in their direct management, or obtain from the Mutawallis concerned with their consent, the necessary deeds or relinquishment.

I understand that Wakf Boards have sent your Government lists of wakf properties in the possession of Government departments and local bodies. Please see that these are dealt with as suggested above. A periodic review should be undertaken and a monthly report sent to me and to the Minister of Wakfs.

Most wakf properties are leased out on very nominal rent which cannot be increased because of Rent Control Acts. In its Interim Report the Wakf Inquiry Committee has suggested that all public wakfs serving a religious or charitable purpose or for that matter all public trust and endowments belonging to any community, should be exempted from the provisions of the Rent Control Acts. The Committee rightly felt that Wakf, which are not meant to benefit individuals, should be treated differently from individual landlords. I understand that at the suggestion of the Centre, the State of Andhra Pradesh, Kerala, Karnataka and Tamil Nadu have already agreed to exempt public wakf properties from their respective Rent Control Acts. Please look into the possibility of making a similar exemption in your State.

Yours sincerely,

Sd/-
(Indira Gandhi)

To

1. Shri Giani Zail Singh, C.M., Punjab, Chandigarh.
2. Shri B.D. Gupta, C.M., Haryana, Chandigarh.
3. Dr. Y.S. Parmar, C.M., Himachal Pradesh, Simla.
4. Shri S.B. Chavan, C.M., Maharashtra, Bombay.
5. Shri S.C. Shukla, C.M., Madhya Pradesh, Bhopal.
6. Shri Harideo Joshi, C.M., Rajasthan, Jaipur.
7. Shri Krishan Chand, Lt. Governor of Delhi, Delhi.