

Wakf (Amendment) Act, 2013, (Central)

Section 29 - Amendment of Section 51

In section 51 of the principal Act,--

(i) for sub-section (1), the following sub-sections shall be substituted, namely:--

"(1) Notwithstanding anything contained in the waqf deed, any lease of any immovable property which is waqf property, shall be void unless such lease is effected with the prior sanction of the Board:

Provided that no mosque, dargah, khanqah, graveyard, or imambara shall be leased except any unused graveyards in the States of Punjab, Haryana and Himachal Pradesh where such graveyard has been leased out before the date of commencement of the Wakf (Amendment) Act, 2013.

(1A) Any sale, gift, exchange, mortgage or transfer of waqf property shall be void ab initio:

Provided that in case the Board is satisfied that any waqf property may be developed for the purposes of the Act, it may, after recording reasons in writing, take up the development of such property through such agency and in such manner as the Board may determine and move a resolution containing recommendation of development of such waqf property, which shall be passed by a majority of two-thirds of the total membership of the Board:

Provided further that nothing contained in this sub-section shall affect any acquisition of waqf properties for a public purpose under the Land Acquisition Act, 1894(1 of 1894) or any other law relating to acquisition of land if such acquisition is made in consultation with the Board:

Provided also that--

(a) the acquisition shall not be in contravention of the Places of Public Worship (Special Provisions) Act, 1991(42 of 1951);

(b) the purpose for which the land is being acquired shall be undisputedly for a public purpose;

(c) no alternative land is available which shall be considered as more or less suitable for that purpose; and

(d) to safeguard adequately the interest and objective of the waqf, the compensation shall be at the prevailing market value or a suitable land

with reasonable solatium in lieu of the acquired property.";

(ii) sub-sections (2), (3), (4) and (5) shall be omitted.

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