

MINISTRY OF MINORITY AFFAIRS

NOTIFICATION

New Delhi, the 18th February, 2020

G.S.R. 126(E).—In exercise of the powers conferred by sub-section (1) of section 56 of the Waqf Act, 1995 (43 of 1995), the Central Government hereby makes the following rules further to amend the Waqf Properties Lease Rules, 2014, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Waqf Properties Lease (Amendment) Rules, 2020.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Waqf Properties Lease Rules, 2014,—
 - (a) in rule 4, in sub-rule (3), after the word “person”, the words “or organization or society” shall be substituted;

- (b) in rule 5, in the first proviso, for the letters, figures, brackets and words “is less than Rs. 1000/- (Rupees One Thousand) per month”, the letters, figures, brackets and words “is up to Rs. 3000/- (Rupees Three Thousand) per month as on 3rd June 2014” shall be substituted;
- (c) in rule 6, for the letters, figures, brackets and words “in which the rental income from the leased property is more than Rs. 1000/- (Rupees One Thousand) per month”, the letters, figures, brackets and words “in which the assessed rental income from the leased property is more than Rs. 3000/- (Rupees Three Thousand) per month as on 3rd June, 2014” shall be substituted;
- (d) for rule 7, the following rule shall be substituted, namely :—

“ **7. Reserve price.**—(1) The reserve price per square feet for lease of an immovable waqf property shall -

- (a) for hospitals, educational institutions and social sectors, be not less than 1% per annum;
- (b) for commercial activities, be not less than 2.5% per annum;
- of the market value of the property:

Provided that the Board may in cases where the bid fails twice and on the recommendation of a Committee to be formed for the purpose, reduce the reserve price for a locality, if the same is approved by two-thirds members of the board present and voting.

Provided further that the reserve price upon such reduction shall in no case be lower than 1.5% of the market value.

(2) The market value referred to in sub-rule (1) shall be the price fixed for registering a conveyance at the office of the Registrar or Sub-registrar.”;

- (e) for rule 8, the following rule shall be substituted, namely :—

“**8. Payment of security deposit.**—(1) Upon the execution of lease, the lessee shall make payment of a security deposit of the amount based on the period of lease, as under, namely :-

- (i) one month lease rent on lease period of up to one year ;
- (ii) three months lease rent on lease period of more than one year and up to five years ;
- (iii) six months lease rent on lease period of more than five years and up to ten years; and
- (iv) twelve months lease rent on lease period of more than ten years and up to thirty years.

(2) The security deposit received under sub-rule (1) shall be kept in fixed deposit in an account of the Waqf Board in a nationalised Bank and the Board may utilise the amount for development of waqf properties, with the sanction of not less than two-thirds of the members of the Board.

(3) The waqf property under lease shall be maintained by the lessee.

(4) The security deposit shall be refunded without any interest to the lessees within one month of handing over of vacant premises or land in good condition to the satisfaction of the Waqf Board after adjustment of dues or damages, if any, caused to the Waqf premises.”;

- (f) for rule 10, the following rule shall be substituted, namely :—

“**10. Lease rent.**—(1) The lessee shall pay to the lessor for the leased premises lease rent, in respect of each year of the term or renewal terms, as the case may be, payable in advance and without notice or demand, in monthly or annual instalments as agreed upon between the parties, from the date of execution of the lease agreement, preferably only in the account of the lessor in nationalised bank.

(2) The lease rent tendered by the lessee on time by way of money order for amount not exceeding rupees three thousand only , if refused by the lessor in accepting or giving receipt, may be deposited in the account of the concerned lessor in nationalised bank and the Lease rent shall be treated as validly deposited if deposited by the lessee within fifteen days of such refusal by the lessor.

Provided that a valid lease agreement between the parties on the date of making such deposit has not been cancelled, expired or lost validity, for some other reasons.”;

(g) in rule 12, in sub-rule (3), for the words “continue to pay”, the words “pay double” shall be substituted;

(h) for rule 18, the following rule shall be substituted, namely :—

“18. Renewal of lease.—(1) No lease agreement shall contain a clause providing for automatic renewal.

(2) The Board shall, while renewing the lease, give preference to the present lessee if such lessee participates in the bid and matches the highest bid :

Provided that the Board may not apply the procedure for bidding in case of a lessee occupying waqf property uninterruptedly from 1995 onwards or prior thereto and as a measure of one time concession, renew the lease deed for a period upto ten years if the lessee files an undertaking with the Board to the effect that —

- (i) the lessee shall hand over peaceful, unencumbered and vacant possession of the waqf property to the lessor on the expiry of the period for which the lease has been renewed;
- (ii) the lessee or their legal heir shall not in future claim any benefit or right whatsoever out of this one time concession;
- (iii) the lessee shall forthwith make all payments towards arrears and continue to pay lease rental determined as per rule 7 of these rules; and
- (iv) the lessee shall forthwith withdraw all cases filed against the lessor before any Authority or Tribunal or Court in respect of or in relation to the leased property:

Provided further that the lessee has to fulfil the conditions mentioned at (iii) and (iv) above within thirty days of furnishing the undertaking failing which the lease agreement shall stand cancelled:

Provided also that in case of death of a lessee during the currency of lease period, the lease agreement of the deceased lessee for the unexpired period of lease shall be transferred in the name of his or her’s son or daughter or spouse for which transfer fee equivalent to three months rental shall be charged by the Waqf Board.;

(i) for rule 19, the following rule shall be substituted, namely :—

“19. Purpose and period of lease.—(1) The Board may give on lease any immovable waqf property, built-up spaces or vacant land for the purposes and for the period relating thereto as under, namely:—

- (i) for shops, cold storages, marriage halls or small industries, lease shall be granted for a period of up to ten years;
- (ii) for establishing or running of shopping malls, residential buildings, hotels, restaurants or Inns, lease shall be granted for a period of up to thirty years;
- (iii) for establishing or running educational institutions like schools, colleges, universities, hospitals, dispensaries, madarasas or maktabas, lease shall be granted for a period of up to thirty years;
- (iv) for agricultural purposes, the lease shall be granted for a period up to three years.

(2) The commencement date of the lease shall mean the date of execution of lease deed or agreement or the effective date of lease mentioned in the lease deed or agreement.

(j) in rule 23, —

(a) in sub-section (1), clause (iv) shall be omitted;

(b) in sub-section (2), in clause (iv), for the words “one months’ notice”, the words “three notices one after another with a gap of one month” shall be substituted;

(k) in rule 24, for sub-rule (2), the following sub-rule shall be substituted, namely :—

“(2) If after the expiration or termination of the lease, despite given three notices one after another with a gap of one month, the lessee continues to occupy the leased premises, it shall be treated as an

encroachment and such encroachment shall be removed in accordance with the procedure specified in section 54 of the Act.”

(l) in rule 25 , for the words “and delivered to the lessor at his address; and”, the words “or e mail and delivered to the lessee at his address; or” shall be substituted;

(m) in the Appendix ,

(a) for the words, brackets and figures “Form (see rule 15)”, the words, brackets and figures “Form for submission of details of Waqf Property (see rule 15)” shall be substituted;

(b) in Sl. No. 6, after the words “Place where the waqf property is situated”, the words “including survey No., village, tehsil and district.” shall be inserted .

[F. No. 12/13/2014-Waqf(Vol. I)]

S. K. DEV VERMAN, Addl. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 380(E) dated the 3rd June, 2014 and subsequently amended *vide* number G.S.R. 663(E), dated the 25th August, 2015 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) .