

Business Standard

Uttarakhand mosque, madrasa demolition: Understanding Nazul & Waqf lands

Nazul land belongs to the state, Waqf land constitutes properties permanently dedicated for religious purposes under Muslim law

Vasudha Mukherjee | New Delhi



A recent violent clash in Uttarakhand's Banbhoolpura area has left at least four dead and over 60 injured, sparking a curfew and internet shutdown, according to a report by ANI. The turmoil ensued over the demolition of a local madrasa and mosque, escalating into clashes between residents and security forces, prompting Chief Minister Pushkar Singh Dhami to issue orders to shoot rioters on sight.

The root of the conflict lies in the ownership of the land on which the demolished structures stood. Allegedly built on "Nazul" (also spelt "Nazool") land, the demolition was met with resistance from locals, leading to the confrontation. To understand the situation, here is a look into the concept of Nazul and Waqf lands in India.

What is Nazul land?

Nazul land refers to government-owned land leased out for various purposes, including non-agricultural uses. This land has been escheated to the state government under section 29 of The Hindu Succession Act 1956.

In the state of Punjab, Nazul land had been allocated for public welfare initiatives, such as housing schemes for marginalised communities, including landless families belonging to scheduled castes, in pursuance of land reforms. **READ: Haldwani violence: Attack was pre-planned, says Nainital DM - 10 points**

Disputes on Nazul land

In an earlier case of the Gafoor Basti in Haldwani, Uttarakhand, residents claimed ownership over disputed railway land, based on historical records dating back to 1907. They asserted that the land was Nazul land. However, a 1959 notification vested the land with the Railways, leading to a legal conflict. The High Court's ruling invalidated transactions stemming from the 1907 document, calling for the eviction of nearly 50,000 people on the railway land. The Supreme Court later halted the eviction and asked the state to find a more practical solution.

What is Waqf land?

While Nazul land belongs to the state, Waqf land constitutes properties permanently dedicated for religious, charitable, or pious purposes, as per Muslim law. These endowments play a vital role in supporting mosques, educational institutions, and welfare initiatives within the Muslim community.

Legislative framework for Waqf land

The Waqf Act of 1995 governs the administration and supervision of Waqf properties in India. Establishing bodies such as the Central Waqf Council and State Waqf Boards, the Act outlines the powers and duties of trustees (mutawallis) and provides for the resolution of disputes through Waqf Tribunals. **READ: 60 injured, curfew imposed in Uttarakhand's Haldwani after violence**

In 2022, the Supreme Court (SC) declined to entertain a petition challenging the constitutionality of the Waqf Act, emphasising that abstract challenges to laws are not tenable in court.

Additionally, in a recent hearing, the Delhi High Court directed the Delhi Development Authority (DDA) to maintain the status quo regarding the disputed land where a mosque was demolished in Mehrauli. In this case the DDA has argued that the removal was in line with the Religious Committee's recommendations. The petition filed by the Delhi Waqf Board, has been scheduled to be heard on February 12, 2024.

Uttarakhand mosque and madrasa demolition

The removal, demolition or relocation of religious structures in public spaces requires permission. In Uttarakhand, the district magistrate stated that the demolition had been carried out following a High Court order. However, Local councillor Shakeel Ahmad told the Indian Express that the HC had not made a final decision, and the matter was scheduled to be heard on February 14.

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