

PRESENTATION ON THE WAQF AMENDMENT BILL, 2024 BASED ON KARNATAKA WAQF SCAM REPORT 2012

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The Great Wakf Land Heist: A Tale of Betrayal

Introduction: The Wakf Amendment Bill and Its Significance

The Wakf Amendment Bill has been presented in Parliament, and it has made big news all over the country. Without knowing what the Wakf Act is all about, the so-called leaders criticize and corrupt the minds of innocent and ignorant Muslims. In fact, the poor Muslims don't even know the benefits one should receive from waqf properties. Muslims are actually the richest community and their wealth is much greater than that of any other community. However, it's only a few people who benefit from these waqf properties illegally and they have amassed huge wealth fraudulently, keeping the common Muslim community in darkness. It's only these illegal wealth looters who oppose any development in the waqf board or the bringing in the amendments. If it were not so, why have they not fought against the embezzlement of waqf properties in Karnataka, despite the waqf scam report having won in all the courts, including the Supreme Court.

In any organization, from time to time, there have to be amendments in the organization's constitution. The same thing applies to the waqf board too. The Wakf Board is one of the three richest organizations in our country. The other two are Railways and Defense. Despite these riches, the poor Muslims have not benefited. being the member richest community

The Scale of Wakf Property Wealth

I remember when I submitted a report running to 7,000 pages, wherein 50% of the Wakf properties had been swindled by Wakf mafia, who are none other than 3% of Muslims and non-Muslims belonging to the ruling parties that ruled the country and the states. Again, due to the ignorance of Muslims, they were shocked to know the worth of the Wakf scam, which amounts to ₹2 lakh 30,000 crores. The poor Muslims could not comprehend the amount of corruption that had taken place, and instead of fighting for their Wakf property, they said it was false news to discredit the biggest political party, Congress and the man who came up with the Waqf scam report belonged to the BJP party, but the report has been accepted by all the courts in the country. The report was endorsed by the Upa Lokayukta Justice Shri Anand ji.

The Wakf Scam: An Overview

This report, known as the Wakf Scam Report of ₹2.3 lakh crores, was submitted by Anwar Manippady, then Chairman of the Minorities commission of Karnataka, to the then Chief Minister Sadananda Gowda on March 26, 2012. It contained 7,000 pages of documentary evidence as to how the scam took place. It included government survey reports, Apex Court judgments, Assistant Commissioner Court judgments, Deputy Commissioner Court judgments, Divisional Commissioner Court judgments, and High Court judgments. Chief Minister Sadananda Gowda forwarded the report to the Lokayukta under Act 7.2 for further investigation. The then BJP government tried to table the report in the legislature, both upper and lower houses, but it was stalled again in the Belgaum session of 2013 by the then opposition Congress, saying that the report was not legally vetted.

Government Response and Political Maneuvering

The government was forced to give it to the Advocate General for vetting during the last session of the then government of 2013 (Jan-Feb). The bureaucrats involved got the report misplaced and were absent during the session. Because of this opposition from the opposition benches the government of Karnataka brought it in the cabinet meeting held on March 16, 2013 and approved the report and enacted six significant acts for the recovery of Wakf property, which were gazette notified on October 10, 2013. These acts were enacted based on the historical judgment of Dr. A.S. Anand and Shri V.N. Khare, Honorable Judges of the Supreme Court of India in Civil Appeal No. 4372/1985 dated January 28, 1988, judgment "Once Wakf Always a Wakf" AIR 1998 Supreme Court.

Legal Battles and Court Orders

The ensuing Congress government refused to table the report in accordance with the Minority Commission Act. Then-Minority Welfare Minister, late Mr. Qamarul Islam, lied on the floor of the house with regard to Anwar Manippady's Wakf Scam Report. This prompted then-Chairman of the Legislative Council Shankar Murthy to appoint a Privilege Committee consisting of members of the Legislative Council from all political parties. The committee, headed by G. Madhusudan (MLC). The privilege committee gave a report where the committee unanimously said, the Anwar Manippady report is very correct and it needs to be tabled. Hence Shri, Shankar Murthy the chairman of legislative council ordered the Anwar Manippady Wakf Scam Report to be tabled in both houses.

Public interest litigation was planned along with Shri S.K. Kantha, former minister, to file in a High Court for tabling Anwar Manippady Wakf Report on September 10, 2015. A double bench consisting of Honorable Justice Subro Kamal Mukherjee (Acting Chief Justice) and Honorable Justice B.V. Nagarathna ordered the Manippady Report to be tabled in the ensuing session, and Mr. AG Shivanna, Additional Advocate General, was directed to do the needful. This order was issued by the honorable judges following the acceptance of the report by the Additional Advocate General, Mr. A.G. Shivanna, who assured the court that the report would be presented in the upcoming sessions of both the Legislative Assembly and the Legislative Council. The government went back on its word and filed Review Petition No. 227/2016. Honorable Justices B.V. Nagarathna and B.A. Patil ordered again for the Anwar Manippady Wakf Scam Report to be tabled immediately.

In the meantime, Upa Lokayukta Justice Shri Anand ji investigated the Manippady Report and submitted it to the government. The government did not bother to table the Upa Lokayukta report too. The government further went on and appealed to the Supreme Court (SLP No. 35519/2019) on March 15, 2019. The Supreme Court, in a double bench of Honorable Mr. Justice S.A. Bobde and Honorable Mr. Justice S.A. Nazeer, dismissed the

special leave petition requiring the Manippady Report to be tabled. The ensuing BJP government tabled the Manippady Wakf Scam Report on September 3, 2020.

The total land held by the Karnataka Wakf Board was 54,000 acres. On the date of submitting the report (March 26, 2012), the embezzled Property was around 29,000 acres. The number of medical colleges that existed was 2, engineering colleges 8, other professional colleges and schools 14 and above, 5-Star Hotels One, commercial complexes 5 and above, with an income loss per month to the Wakf Board of around ₹100 crores and these same people who had embezzled the waqf properties are opposing the amendments.

Methods of Embezzlement and Mismanagement

The various modus operandi used in the embezzlement of the Wakf Properties are as follows:

All the Wakf Properties are donations by landowners, big philanthropists, kings, and institutions. When these properties are handed out as Wakf (Adah), there can be Mutawallis (managers) appointed either by the Wakif(Donor) or concerned mosques or dargah committees or any other institutions Connected with islamic religion. The Mutawallis can be for a year, for three years, or by Khandani. or by people from the same khandan Their duty is only to take care and utilize the returns from the property for clean and good causes in accordance with the conditions laid. The Mutawallis, as the years passed by, paid the land tax, took electrical connections and water connections in their name, and even erected the sign board in the property with their name. These Mutawallis, when they approach the sub-registrar to sell the property, the registrar objects, saying that it is Wakf Property and they cannot sell it. Mutawalli goes to the Wakf Board, deals with the Wakf Board members, officers, connected leaders, and political parties And takes an NOC (No Objection Certificate) from the waqf board and with that document, the registrar registers the properties in the illegal buyer's name.

After such illegal registration, some good Samaritans go to the Apex Court, regular court, and even file complaints with the Wakf Board. The Wakf Board undertakes responsibility for saving these properties, but the Wakf lawyers neither attend the court nor fight it seriously. Hence, the culprits get the decision ex parte or win the cases. The Wakf Board is so corrupt that, in most cases, it either keeps mum or misplaces the files and supports the culprits in return for a very big bribe.

Whenever a new survey report or gazette notification is issued, if the property has 10 acres in the latest report it will be shown 4 acres only and 6 acres will be shown in the name of unauthorized individuals or institutions in the new gazette notification thus wakf board losing 6 acres. This I am sure must be happening all over and not just karnataka.

The leaders and ministers involved even denotify the lands owned by the Wakf board and transfer in the name of some illegal buyers or members of their own family by selling it fraudulently. On the whole, every leader, every office bearer, and everyone involved in the Wakf board not only loots by themselves but also passes it on to their party leaders or members of other communities too.

The modus operandi of looting money:

Generally, Wakf institutions have their own properties, either lands or built-up areas, or both. These are given out to people on lease or rent. The total rent may be 100 x's should come to waqf intuitions, unfortunately 20x's, comes to the waqf institutions and the 80 x's are pocketed right from Mutawallis, Wakf Board officers, Wakf Board members and the leaders of the political party under whose control the institution is.

There will be prime lands in cities and towns or in educational hub areas. It is either leased out for mere ₹5,000 - ₹50,000 for Ex a 5-star hotel (in some cases, after the court's intervention, it might have been raised to ₹5 lakhs; it might have been raised to ₹5 lakhs or more). These leases/sales are

absolutely and totally illegal. There are huge prime places leased out for medical or engineering colleges for a paltry sum, and they, in turn, earn in crores.

Similarly, they lease out the Wakf premises for commercial complexes, where again the looters earn in crores and crores.

The Wakf Board, the Masjid committees and Dargah committees allow or permit to lease or rent out the prime properties for a long period. Such practices are not authorized in the Wakf Act. Amendments may have deceitfully been made after the submission of the Anwar Manippady Scam Report. This is again against the 1998 Supreme Court Judgment "**Once Wakf, Always a Wakf.**"

The properties can be leased to the Government or government-approved bodies for charitable purposes such as hospitals, educational institutions, and activities benefiting the poor in society. The Government may even take these properties for the sake of the general public, such as for courts or Taluk offices, and other government officers provided the Government pays the market value or gives secured lands of equal value elsewhere to waqf board. If any properties are with the government, they can either be retrieved or reclaimed in accordance with the methods mentioned above. Hence, there is no fear of losing them.

Major Players and Alleged Culprits

The Wakf land heist involved a wide range of individuals, including government officials, politicians, and members of the Wakf Board. Some of the key culprits identified in the Anwar Manippady Report include:

- **Late, Qamarul Islam:** Former Minister, involved in numerous illegal transactions involving Wakf properties.
- **Suryavamshi:** Ex-MP, implicated in the sale of Wakf lands at below market value.

- **C.M. Ibrahim:** Ex-Union Minister, accused of misusing his position to benefit from Wakf properties.
- **Mallikarjun Kharge:** Opposition Leader, alleged to have been involved in Wakf land scams.
- **Rehman Khan:** Ex-Union Minister, implicated in the illegal sale of Wakf properties.
- **Late, Iqbal Sardagi:** Former MP, involved in fraudulent land deals involving Wakf properties.
- **Obedulla Sharif:** Wakf Board official accused of embezzling funds.
- **Roshan Baig:** Former Minister, implicated in the illegal sale of Wakf properties.
- **Dr. Syed Shah Mohammed Gesudaraz Khusro Hussaini:** Sajjada of Hazrat Khwaja Bande Nawaz, accused of misusing Wakf funds.
- **N.A. Haris:** MLA, involved in fraudulent land deals involving Wakf properties.
- **M.A. Khalid:** Ex-CEO of Wakf Board, accused of corruption.
- **Dr. Mumtaz Ahmed Khan:** Chairman, Al Ameen Educational Institutions, accused of misusing Waqf funds.
- **Mohamed Sanulla IAS:** Retired IAS officer, involved in fraudulent land deals involving Wakf properties.
- **Shri Hindusgiri:** Former Minister, implicated in the illegal sale of Wakf properties.
- **M.F. Pasha IPS:** Retired IPS officer, accused of corruption.
- **Khaneez Fathima:** MLA, involved in fraudulent land deals involving Wakf properties.
- **C.K. Jaffer Shariff:** Former Minister, accused of misusing his position to benefit from Wakf properties.
- **Tanveer Sait:** MLA, involved in fraudulent land deals involving Wakf properties.

are to name a few. In fact, you can name some whose names are not mentioned above and they will be there, and will be involved in these illegal activities. The most sad and shocking part is, in spite of the hue and cry over

the Wakf Board scam for the past 11 years, the Wakf Board crimes are still taking place unabated. For example:

The recent Minorities Welfare and Development Secretary, Mr. A.B. Ibrahim IAS; the CEO Mr. Ghadiyal KAS; and CEO, Mr. Zulfiqar KAS, have committed the crime of looting the wakf board A Wakf property in Davangere has been sold/leased by Mr. A.B. Ibrahim IAS. A.B. Ibrahim has looted, in the name of water filters purchased through the Wakf Board, anywhere between ₹18-70 crores. The costliest water filter from Bluestar is about ₹35,000, but in the Waqf Board records, it has been shown as ₹1,42,000. The water filters were meant to be distributed to all madrasas, churches, and other minority institutions, totaling over 5,000 and above. He even helped the former CEO of the Waqf Board, Mr. Zulfiqar KAS, who had embezzled ₹4.5 crores from the deposit at Vijaya Bank in Chintamani town, by covering up the case as the inquiry officer. A.B. Ibrahim IAS and Mr. Islahuddin Gadiyal KAS Misused the government-granted scholarship funds of crores by diverting them to rogue and wrongful institutions against whom the government/court has passed strictures, during the covid era and pocketed fat commissions from them,

The Wakf Board punishes a few honest committees that run dargahs and mosques honestly and encourages rogs of a major number of dargah and other institutional committee's who commit fraud and thus illegal activities.

The above wakf board scam, the biggest scam in the country, should be investigated by the CBI. The crux of the report being the Wakf Board and its officers, its members, political leaders, and other connected persons, the Board should be kept under suspended animation for at least 12 months or until the investigations reach their logical end.

Missed Opportunities and the Cost of Corruption

There is no reason for the Muslim community to be concerned about the proposed amendments. Historically, no laws or acts have significantly benefited poor Muslims or led to meaningful developments such as the establishment of medical colleges, engineering institutions, hospitals or other essential facilities like women empowerment and girl child education. With the substantial income the Board earns, there could have been phenomenal developments, but these have been stifled by mismanagement and corruption.

Consider the elections for the Waqf Board directorship, where each candidate spends between 8 to 10 crores, with an electoral college of just 1,200 members. This alone highlights the extent of corruption within the Waqf Board. Why would someone spend such a large amount on an insignificant position unless they were looking to recover investment and to further amass wealth through dishonest means?

This does not mean that the amendment should result in masjids, dargahs, minority educational institutions, or any other institutions losing their properties. On the contrary, the government should introduce amendments to Waqf property laws that ensure these assets are safeguarded, making them secure and protected from mafia-related activities.

The Urgent Need for Accountability and Community Support

Over the past decade, despite submitting detailed reports on Waqf Board scams, these reports have not been Properly tabled in the Houses. These scams represent some of the most egregious instances of financial mismanagement and corruption in the waqf boards of india. Addressing these issues is not just about restoring the integrity of the Waqf Board; it's about ensuring that the community benefits as intended by the Waqf donors. By supporting these amendments, it should ensure that Waqf assets are managed in a way that maximizes their potential and serves the best interests of society. Proper and secure amendments are necessary to ensure

justice and foster accountability within the management of public assets, ultimately benefiting the minorities and society as a whole.

The reason for highlighting the Waqf scam report of Karnataka is to provide an example of the activities occurring within Waqf Boards across the country.

I would urge the Muslim minority community not to oppose the proposed amendments. Over the years, the community has not received the benefits or development opportunities it deserves, particularly in the management of Waqf properties. It is crucial to give the central government a chance to implement these reforms, which are designed to prevent fraud and embezzlement and ensure that Waqf assets are used to genuinely benefit the community. In some cases, it is necessary to protect properties belonging to individuals or institutions that are not connected with the Waqf Board but have been fraudulently added to the Waqf Board list by fraudsters within the board. This is essential to build trust and confidence between the majority and minority communities, thereby fostering development.