

Government of India

Ministry of Minority Affairs

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Model Waqf Rules, 2016 prepared under Section 109 of the Waqf Act, 1995 as amended, for consideration/adoption by the State/UT Governments

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सत्यमेव जयते

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अल्पसंख्यक कार्य मंत्री
भारत सरकार



Message

Section 109 of the Waqf Act, 1995, as amended, has empowered the State Governments to make rules to carry out the purposes of this Act, other than those of Chapter III, and to notify these in the Official Gazette. It was observed by my Ministry that many State Governments have not notified the rules prescribed under the Act including rules relating to new amendments, which were incorporated into the Act during 2013. It is pertinent to mention here that the Sachar Committee, which was constituted for the study of social, economic and educational status of the Muslim community of India, had expressed concern over non framing of the Waqf Rules by large number of States. It was, therefore, decided to frame Model Waqf Rules for consideration of States / Uts.

I am happy to announce that this Ministry has prepared Model Waqf Rules under Section 109 of the Waqf Act 1995 (as amended). These rules have been framed by this Ministry not with a view to encroach upon the powers of the State / UT Governments, but to facilitate and guide them for early adoption and notification after suitable modifications of these rules. These rules, if adopted, will bring about near uniformity in the proper administration of auqaf in all the States / UTs. I would, however, like to reiterate here that these rules are not binding for adoption as a whole and the State/UT Governments are at liberty to adopt these in toto or with amendments as they deem fit.

Najma Heptulla

(Najma Heptulla)

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Model Waqf Rules, 2016

[To be published in the …….State] [Name of the Issuing Department]

NOTIFICATION

Dated the ……..,2016

In exercise of the powers conferred by section 109 of the Waqf Act, 1995 (43 of 1995), the State Government of …….hereby makes the following rules, namely:-

1. **Short title and commencement**.—

(1) These rules may be called the ..(Name of State/UT).. Waqf Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions.**—

(1) In these rules, unless the context otherwise requires, ——

(a) "Act" means The Waqf Act, 1995 (Central Act 43 of 1995) ;

(b) "authorised representative" means a person duly authorised to act for and on behalf of a person as his attorney by duly executed power of attorney or in the case of a legal practitioner by execution of a "Vakalatnama";

(c) "ballot box" includes any box, bag or other container used for the insertion of ballot papers by voters;

(d) "Chairperson" means the Chairperson of the..(Name of State/UT).. Waqf Board, elected under sub-section (8) of section 14 of the Act;

(e) "count" means all the operations involved in the counting of the votes recorded for candidates;

(f) "elector" in relation to election to any category of member of the Board means any person whose name is specified in the electoral roll of that category unless disqualified by the Returning Officer;

(g) "electoral roll" means the list of electors obtained under rule 9;

(h) "encroachment" in relation to any waqf premises means occupation by any person of the waqf premises without authority for such occupation, and includes the continuance in occupation by any person of the waqf premises after the lease or transfer authorising such occupation has expired or has been terminated for any reason whatsoever;

(i) "Form" means a form appended to these rules;

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(j) "Government" means Chief Secretary /Lieutenant Governor/Administrator ,as the case may be, of the State/Union Territory;

(k) "legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);

(l) "managing committee" means the Committees of Board established under section 18 of the Act;

(m) "premises" means any land or any building or part of building and includes.-

(i) the garden, water bodies, grounds, if any, appertaining to such building or part of the building;

(ii) any fittings affixed to such building or part of the building for the more beneficial enjoyment thereof; and

(iii) dargah, grave, graveyard, khanqah, peerkhana, karbala, maqbara, mosque, tomb and the courtyard appertaining thereto;

(n) "Registrar" means the Registrar of the Tribunal and includes Assistant Registrar or any other person to whom the Registrar may, with the approval of the Tribunal, delegate any function to be exercised by the Registrar;

(o) "Returning Officer" means an officer authorised or appointed by Election Authority to do any act or to perform any function in connection with the conduct of election under these rules;

(p) "section" means the section of the Act;

(q) "Tribunal" means the Tribunal constituted under sub--section (1) of section 83of the Act;

(r) "waqf premises" means-

(i) any premises dedicated by a person of movable or immovable property orally or by an instrument in writing and used for any purpose recognised by Muslim law as pious, religious or charitable;

(ii) premises notified as waqf property in the Official Gazette; or

(iii) premises registered as waqf in the Register of auqaf maintained by the Board; or

(iv) property treated as waqf by user;

(s) "waqf property" means any movable or immovable property referred to in clause (r) of section 3 of the Act and includes premises thereof.

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(2) All words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. **Qualifications of mutawalli.**—

(1) The mutawalli shall be a citizen of India.

(2) Qualifications of a mutawalli of a waqf shall be such as may be specified by a waqif in the waqf deed.

(3) Where no qualifications are specified by the waqif, a mutawalli shall have-

(a) knowledge of English, Urdu, Hindi or the regional language of the place where the waqf property is situated;

(b) knowledge of waqf law;

(c) working knowledge of Sharia; and

(d) perfect physical and mental health :

Provided that where no qualifications are specified by a waqif under sub-rule (2) or no person having the qualification specified under this sub-rule is available, the Board may appoint any hereditary mutawalli or a qualified graduate from any recognised college or university as the mutawalli for the concerned waqf.

4. **Other particulars which the report of Survey Commissioner may contain.**—The report to be submitted by the Survey Commissioner to the Government under sub-section (3) of section 4 of the Act shall be as specified in **Form 1.**

5. **Other powers of Inquiry of Survey Commissioner —** The Survey Commissioner shall, in addition to the powers specified under sub-section (4) of section 4 of the Act , have the powers in respect of the following matters, namely:—

(a) grant of temporary injunctions and interlocutory orders; and

(b) appointment of receivers :

Provided that no inquiry shall be instituted against the Board until the expiry of a period of two months from the date of a notice in writing delivered in the office of the Board stating the cause of action, description and place of the petitioner or the applicant and the relief claimed.

6. **Other particulars which a list of auqaf published may contain**.— The list of auqaf published under sub-section (2) of section 5 of the Act shall be as specified in **Form 2.**

7. **Entry of auqaf in revenue record.—**

(1) The Government, after receipt of the list of auqaf from the Board under sub-section (2) of section 5 of the Act, shall publish in the Official Gazette and send it within a period of one month to the revenue authorities.

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(2) On receipt of the lists under sub-rule (1) from the Government, the revenue authorities shall, after updating the record and deciding mutation in the land record, submit a copy of such entries to the Board within a period of six months from the date of receipt.

(3) If no intimation is sent by the revenue authorities to the Board within six months, the entry in the land record in mutation thereof shall be deemed to have been made.

8. **Conduct of elections.**—

(1) The Secretary (…Name of Deptt dealing with waqf matters….) to Government shall be the Election Authority for the purposes of conduct of elections of members under clause (b) of sub-section (1) of section 14 of the Act and he shall have powers of superintendence, direction and control of the conduct of election under these rules.

(2) The Joint Secretary (…Name of Deptt dealing with waqf matters….) to Government shall be the Deputy Election Authority for purposes of conduct of elections under these rules.

(3) Deputy Election Authority shall perform all or any of the functions of the Election Authority, subject to the control of the Election Authority.

(4) The Election Authority shall appoint a Returning Officer who shall be responsible for the smooth conduct of elections under these rules: Provided that such Returning Officer shall be appointed from amongst persons holding a Gazetted post in the Government.

(5) The Election Authority may appoint one or more persons from amongst officers of the Government as Assistant Returning Officers to assist the Returning Officer.

(6) Every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer subject to the control of the Returning Officer:

Provided that the Assistant Returning Officer shall not perform any function of the Returning Officer which relates to the scrutiny of nominations unless the Returning Officer directs him so to perform.

(7) Subject to other provisions of these rules, the Election Authority shall have power to perform the following functions, namely:—

(a) to fix date, place and time of election;

(b) to notify the form of notice, nomination, letter of intimation, declaration paper, ballot paper, ballot paper cover and the envelope for the election, the form of any other record to be prepared or maintained in relation to an election and the instructions to be contained in the notification for the conduct of election;

(c) to decide, in case of doubt, the validity or invalidity of each ballot paper of each vote recorded thereon;

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(d) to declare the result of each election; and

(e) to fix—

(i) the date of election;

(ii) the last date for receipt of nomination;

(iii) the date of scrutiny of nomination and publication of list of candidates validly nominated;

(iv) the last date and hour for withdrawal of candidature;

(v) the date of publication of the final list;

(vi) the date and hour for poll;

(vii) the date and hour of scrutiny and counting of votes.

(8) The election under these rules shall be held in accordance with the system of proportional representation by means of single transferrable vote.

9. **Electoral roll.**—

(1) The Election Authority shall obtain the list of persons eligible to vote in the categories mentioned in sub-clauses (i), (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 14 of the Act from the officers specified in sub-rule (2) and the list of such persons shall form the electoral college for that category and the persons whose names find place in the list, shall be electors for that category of members.

(2) The category-wise lists shall be obtained as follows:—

(a) For the election of Muslim Members of Parliament from the State or as the case may be, the National Capital Territory of Delhi under section 14(1)(b)(i) of the Act, from the Secretary General, Lok Sabha/ Rajya Sabha;

(b) For the election of Muslim Members of State Legislature under section 14(1)(b)(ii) of the Act, from the Secretary, Legislative Assembly/Council;

(c) For the election of Muslim Members of Bar Council of the concerned State or Union Territory under section 14(1)(b)(iii) of the Act, from the Secretary of State Bar Council;

(d) For the election of mutawallis under section 14(1)(b)(iv) of the Act, from the Chief Executive Officer of the Board.

10. **Election by mutawallis.**— For the purposes of preparing the electoral roll of the mutawalli under clause (d) of sub-rule (2) of rule 9, the Chief Executive Officer shall give one week's time to the mutawalli(s), or as the case may be, to the managing committees to select—

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(a) the senior most mutawalli, to be the representative of such waqf institution in the case of waqf institutions having more than one mutawalli; and

(b) the President of the managing committee, as the representative of such waqf institution in the case of waqf institution being administered by a managing committee:

Provided that if the waqf institution fails to so select and communicate to the Chief Executive Officer the name of the seniormost mutawalli and the President of the managing committee, then such seniormost mutawalli and the President of the managing committee shall be deemed to have been selected and their names shall be incorporated in the electoral rolls for the purpose of constituting the electoral college:

Provided further that only those mutawalli or the representatives of the managing committees shall be eligible to vote who are registered with the Board and having annual income of rupees one lakh in the preceding year and have paid annual contribution payable to the Board under section 72 of the Act upto the preceding year.

11. **Electoral rolls of ex Muslim Members of Parliament; ex Muslim Members of State Legislature and ex-Muslim Members of the Bar Council.—**

In case there are no Muslim Members in any of the categories mentioned in sub-clauses (i) to (iii) of clause (b) of sub-section (1) of section 14 of the Act, the ex-Muslim Members of Parliament, the State Legislature or ex-member of the State Bar Council, as the case may be, shall constitute the electoral college and a separate electoral roll shall be maintained for each such category.

12. **Displaying of lists.**— The electoral lists obtained under rule 9, shall be displayed on the notice board of the Election Authority and in the office of the Board, not less than fourteen days before the date of elections and shall be published in Urdu, Hindi and English/local language newspapers having circulation in the area.

13. **Filing of objections.**—

(1) Any person aggrieved by the publication of electoral lists under rule 12, may file the objection petition before the Election Authority within seven days of such publication, for addition, deletion or modification of any name.

(2) The Election Authority, after going through the objection petition, and after obtaining any further information from any source, as it may deem fit and after giving personal hearing to the objector or petitioner or to any other person, if it feels necessary, shall pass orders on the objection petition.

(3) In the light of the orders passed, under sub-rule (2) , if the electoral roll requires any modification, the Election Authority, after incorporating such modification, shall

publish the final electoral roll not less than seven days before the date of elections and such electoral roll shall be final and conclusive list of electors for election.

14. **Public notice of intended election.**—

(1) The Election Authority shall, subject to such directions as may be issued by the Government, by notification in **Form 3**, published in the Official Gazette, call upon on such date or dates as may be specified therein, to elect members of the Board in accordance with the provisions of the Act and these rules.

(2) The notification issued under sub-rule (1) shall specify the last date for making nominations, the date for scrutiny of nominations, the last date for withdrawal of candidature, the place and date on which and the time during which the poll shall, if necessary, be held.

(3) On the issue of the notification under sub-rule (1), the Returning Officer shall give public notice of the intended election for the members of the Board in **Form 4** in Urdu, Hindi and English/local language newspapers having circulation in the area.

15. **Special election programme.**— Notwithstanding anything contained in these rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any Court or for any other valid reason , to be recorded in writing, it shall be competent for the Election Authority either generally or in respect of specified category of members to cancel the election schedule notified under these rules and to re-notify the election schedule as it deems fit in the circumstances of the case:

Provided that where the election schedule is renotified under this rule, the nominations already made shall also be cancelled.

16. **Nomination of candidates.**—

(1) A person may be nominated as a candidate to fill the office of the member of the Board in **Form 5**, if he is qualified to be chosen to fill the seat under the provisions of the Act.

(2) The nomination shall be presented on or before the appointed date by the candidate in person, between the hours specified, to the Returning Officer at the place specified, and signed by the candidate or by a person duly authorised by him in this behalf.

(3) A candidate for any of the categories specified in clause (b) of sub-section (1) of section 14 of the Act shall be a person whose name is registered in the electoral roll of that category.

(4) Each candidate shall be nominated on a separate nomination paper.

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(5) A candidate may be nominated for more than one of the categories specified in sub-section (1) of section 14 of the Act.

17. **Presentation of nomination paper and requirement of valid nomination.**—

(1) On receipt of the nomination paper, the Returning Officer shall forthwith number the nomination papers serially in the order in which it is presented and give a receipt in **Form 6**.

(2) The Returning Officer or such other authorised person shall satisfy himself that the name and number of the candidate, as entered in the nomination paper, is the same as entered in the electoral roll and wherever necessary, he shall direct that the nomination form be amended so as to be in accordance with the electoral roll.

(3) The Returning Officer may, while interpreting an entry in the electoral roll overlook merely clerical or printing errors, but he shall record the interpretation adopted by him, together with the reasons, while making the formal acceptance or rejection or scrutiny of a nomination.

18. **Publication of nominations received.—** Immediately after expiry of the time specified for receipt of nomination papers on the dates fixed for that purpose, the Returning Officer or such other authorised person shall publish at his office in Urdu, Hindi and English/local language a list in **Form 7** of all the nominations received, with a notice that the nomination papers shall be taken up by the Returning Officer for scrutiny at the specified place, date and the time.

19. **Oath of affirmation.—** Every candidate shall at the time of filing the nomination or at any time before its scrutiny of nomination take oath of affirmation in **Form 8** before the Returning Officer or the Assistant Returning Officer.

20. **Scrutiny of nomination papers.—**

(1) On the date appointed for scrutiny of the nominations, the candidate, and one other person duly authorised in writing by each candidate, may attend at such time and place as may be specified under rule 18.

(2) The Returning Officer may admit such other persons as he thinks fit to assist him and shall give to such persons all reasonable facilities to examine the nomination papers of all the candidates.

(3) The Returning Officer shall examine the nomination papers and all objections which may be made at the time to any nomination and may, either on such objection or on his own motion after such summary inquiry as he thinks necessary, reject any nomination on any of the following grounds, namely:—

(a) that the candidate is ineligible for election as a member of that particular category of the Board;

(b) that the candidate incurred any of the disqualifications specified in section 16 of the Act or these rules;

(c) that the name of the candidate is not entered in the electoral rolls;

(d) that the candidate has failed to comply with any of the provisions of these rules; or

(e) that the signature /thumb impression of the candidate in the nomination paper is not genuine:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of any other particulars relating to the candidate as entered in the electoral roll, if the identity of the candidate is otherwise established beyond reasonable doubt.

(4) The Returning Officer shall endorse on each nomination paper, his decision, accepting or rejecting the same and, if the nomination paper is rejected, he shall, record in writing a brief statement of his reasons for such rejection.

(5) The scrutiny of the nomination paper shall, as far as practicable, be completed on the date appointed in this behalf and no adjournment of the proceedings shall ordinarily be permissible, except at the discretion of the Returning Officer, to provide an opportunity to a candidate to rebut any contention raised against his candidature.

(6) For the purposes of this rule, a certified copy of an entry in the electoral roll for the time being in force of any of the category of member of the Board shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that category of member of the Board, unless it is proved that he is subject to any disqualification mentioned in the Act or in these rules.

(7) Immediately after the nomination papers have been scrutinised and the decisions, accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of nominations found valid under each category and display it on the notice board of his office in **Form 9.**

21. **Withdrawal of nomination.**— Any candidate may withdraw his nomination in writing in **Form 10** ,signed by him and delivered to the Retuning Officer either in person or by his authorised agent not later than five O'clock in the evening of the appointed last date for withdrawal and the Returning Officer shall give a receipt for the same on being satisfied as to the genuineness of the notice of withdrawal and the identity of the person delivering it.

22. **Publication of list of contesting candidates.**—

(1) On the following day, after the withdrawal of nominations, the Returning Officer shall prepare in Urdu, Hindi and English languages/local language a list in **Form 11** of the persons whose nominations have been found valid and display it on the notice board of his office and the office of the Board.

(2) The list prepared under sub-rule (1) shall contain the names of the candidates as described in their nomination paper in Urdu, Hindi and English languages/local language duly arranged in English alphabetical order.

23. **Declaration of result of uncontested candidate.**—

(1) If the number of contesting candidates is equal or less than the number of vacancy in a particular category, the Returning Officer shall forthwith declare such candidate as duly elected in **Form 12** and send the same to the Election Authority.

(2) If the number of contesting candidates is more than the number of vacancy or vacancies in a particular category, poll shall be conducted.

24. **Death of candidate before poll.**— If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and election proceedings shall be started afresh in all respect as if for a new election:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood validly nominated at the time of countermanding of the poll.

25. **Voting.**—

(1) If poll is to be conducted, the Returning Officer shall take necessary action for the conduct of poll and shall see that the election is fairly conducted at the polling station, and regulate the number of electors to be admitted at one time, and shall exclude all persons other than the following:—

(a) the candidate;

(b) the police officer or other public servants on duty;

(c) such persons as the Returning Officer may from time to time admit for the purpose of identifying electors;

(d) persons authorised by the Government;

(e) a child in arms accompanying an elector; and

(f) a person accompanying a blind or infirm elector who cannot move without help.

(2) Where a woman elector cannot be identified by the Returning Officer by reason of her observing purdah, she may be required to be identified by any mode to the satisfaction of the Returning Officer.

26. **Right of vote.**—

(1) Voting is to be in person.

(2) All electors voting at an election shall do so in person at the polling station provided for them under these rules.

(3) Counting shall be arranged at the end of the polling for the election of each category of members specified in clause (b) of sub-section (1) of section 14 of the Act.

(4) The Returning Officer shall provide at each polling station, sufficient number of ballot boxes, together with copies of the electoral roll containing the names of electors entitled to vote and such other papers and articles necessary for electors to mark the ballot papers, stationery and forms, as may be necessary.

(5) Immediately before the commencement of the poll, the Returning Officer shall demonstrate to the candidates or their polling agents that the ballot box is empty.

27. **Form of ballot paper.**—

(1) Every ballot paper shall contain serial number of list of contesting candidates in Urdu, Hindi and English/local language duly arranged in English alphabetical order.

(2) Every ballot paper shall, before issue to an elector, be—

(a) stamped or shall be written on its back—

(i) the name and category of member;

(ii) the place of election;

(b) signed in full on its back by the Returning Officer.

28. **Issue of ballot paper.**— Immediately after a ballot paper is issued to an elector, the Returning Officer shall obtain the signature of elector in token of having received the ballot paper, on the office copy of electoral roll to be retained by the polling officer for record.

29. **Maintenance of secrecy of voting by electors and voting procedure**.—

(1) Every elector to whom a ballot paper has been issued under rule 28 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper, shall forthwith—

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(a) proceed to the voting compartment;

(b) record his first, second, third and so on preference by writing numerical 1, 2 and 3 and so on against the names of the contestants, he intends to give the preference; and

(c) insert the folded ballot paper into the specified ballot box.

(3) Every elector shall vote without any delay.

30. **Blind and infirm voters.**—

(1) If owing to blindness or other physical infirmity, an elector is unable to recognise the names of the contestants on the ballot paper or to write preference thereon, the Returning Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it and insert it into the ballot box.

(2) While acting under this rule, the Returning Officer shall observe secrecy and shall keep a brief record of each such instance, but shall not indicate therein the manner in which any vote has been exercised.

31. **Challenge to identity.**—

(1) Any candidate may challenge the identity of a person claiming to be a particular elector by first depositing, a sum of one hundred rupees in cash with the Returning Officer for each such challenge.

(2) On such a deposit being made, the Returning Officer shall—

(a) warn the person challenged, of the penalty for impersonation; and

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in the entry or not.

(3) The Returning Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put the person challenged any question necessary for the purpose of establishing his identify and require him to answer them on oath; and

(c) administer an oath to the challenger and any other person offering to give evidence.

(4) If, after the inquiry, the Returning Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the challenged person from voting.

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(5) If the Returning Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

32. **Spoilt and returned ballot papers.—**

(1) An elector who has inadvertently dealt with his ballot paper may, by delivering it to the Returning Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Spoilt cancelled" by the Returning Officer

.(2) If an elector, after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned cancelled" by the Returning Officer.

(3) All ballot papers cancelled under sub-rules (1) and (2) shall be kept in a separate packet.

33. **Opening of Votes.—**

(1) The counting of votes shall commence immediately after the poll at the same place where voting took place.

(2) The Returning Officer immediately after the poll at the same place shall—

(a) open the ballot box, count the ballot papers and ensure that the number of ballot papers found in the box is the same as the number of ballot papers issued as per the office copy of the electoral roll;

(b) separate the ballot papers which he deems valid from those which he had rejected endorsing on each of the latter the word "Rejected" and the ground of rejection.

34. **Invalidity of ballot papers.**— A ballot paper shall be invalid in any one or more of the following cases:—

(a) same preference is recorded against more than one name;

(b) numerical preference is so placed as to render it doubtful to which candidate it is intended to apply;

(c) the numerical or such other figures are written opposite to the names in such a manner that it is not possible to ascertain the intended preference of the elector;

(d) there is any mark or writing by which the elector can be identified.

35. **Counting of votes.—**

(1) After rejecting the ballot papers which are invalid, the Returning Officer shall—

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(a) count the maximum number of first preference votes polled by a candidate, then count the maximum number of second preference votes polled by a candidate and so on and arrange the name of candidates in that order;

(b) after such counting, the candidate having obtained maximum number of first preference votes shall be declared elected if the number of vacancy is one and in case of vacancies being two, candidates having obtained maximum number of first and second preference votes shall be declared elected for the second vacancy.

(2) When at the end of counting, each of the contesting candidates has the same value of votes and no surplus remains capable of transfer, the Returning Officer shall decide by lot which of them shall be excluded, and the other candidates, by drawing lots, the candidate shall be declared elected:

Provided that the detailed procedure indicated in Part VII of the Conduct of Election Rules, 1961 framed under the Representation of the People's Act, 1951 (43 of 1951), shall be followed for this purpose.

36. **Provision of re-count.**—

(1) Any candidate or in his absence, his authorised agent may, at any time during the counting of votes, either before or after the completion of the counting of votes, request the Returning Officer to re--examine and re-count the votes of all or any candidate and the Returning Officer may re-examine and re-count the same accordingly.

(2) The Returning Officer may, in his discretion, re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count: Provided that nothing in this sub-rule shall make it obligatory on the Returning Officer to re-count the same votes more than once.

37. **Declaration of result and return by Returning Officer.**—

(1) Upon the completion of counting, the Returning Officer shall, subject to the foregoing provisions, declare the result of the election in **Form 12** , as may be appropriate and send signed copies thereof, to the Election Authority.

(2) The Returning Officer shall thereafter—

(a) place the valid ballot papers in one packet and the rejected ballot papers in another;

(b) seal with the seal of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals on each of the packets referred to in clause (a); and

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(c) record on each of the sealed packets the description of its contents and the date of election.

38. **Grant of certificate of election to candidate.—** As soon as may be, after a candidate has been declared elected, the Returning Officer shall grant to such candidate a certificate of election in **Form 13** and obtain from the candidate an acknowledgment of its receipt duly signed by him.

39. **Material to be submitted after election.—**

(1) After completion of the election, the Returning Officer shall submit the following to the Election Authority for being kept in safe custody for record:—

(a) packet of ballot papers;

(b) office copy of the electoral roll and counterfoils of ballot papers issued with signatures of the electors having received the ballot paper;

(c) brief report about fair and peaceful conduct of poll mentioning important incidents, if any, during the poll, including challenges made about the identity of any elector and the decision of Returning Officer thereon;

(d) office copy of certificate of election issued to elected candidates and acknowledgment receipts of the same; and

(e) any other relevant paper(s).

(2) The record submitted to the Election Authority shall be preserved for a period of one year or till the final disposal of petition relating to election, if any, whichever is later.

40. **Making of necessary nominations.—** Government shall make necessary nominations for filling up of the vacancies under categories (c), (d) and (e) of sub-section (1) and sub-section (3) of section 14 of the Act.

41. **Appointment of members of the Board.—**

(1) After receipt of the names of the elected members under clause (b) of sub--section (1) and the nominated members under clauses (c), (d) and (e) of sub-section (1) and sub-section (3) of section 14 of the Act, the Government shall issue a notification under sub-section (9) of section 14 appointing the members of the Board:

Provided that the date, place and time of election of Chairperson shall also be specified in the notification issued under this sub-rule, giving the members, one week's notice.

(2) The notification issued under sub-rule (1) shall be published in the Official Gazette and in one newspaper of Hindi, English and Urdu/regional language of the area.

(3) At least two members appointed on the Board shall be women.

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42. **Filling up of casual vacancy.—**

(1) If any casual vacancy occurs in any of the categories specified in clause (b) of sub-section (1) of section 14 of the Act, by virtue of resignation or death or otherwise of a member, a new member shall be elected in his place, in accordance with the provisions of these rules.

(2) On receipt of the result of the election from the Returning Officer, the Government shall issue notification in the Official Gazette under sub-section (9) of section 14 of the Act, appointing such person as member of the Board.

43. **Election of Chairperson.—**

(1) On appointment of the members to the Board under rule 41, the Government shall notify the first meeting of the Board, for the election of the Chairperson from amongst the members of the Board.

(2) The meeting shall be presided over by the Secretary (…Name of Deptt dealing with waqf matters….) to the Government who shall conduct the proceedings for the election of the Chairperson.

(3) The name of the candidate to the post of Chairperson shall be proposed by a member , which shall be seconded by another member and the voting shall be by secret ballot.

(4) A member shall have only one vote and the candidate securing the highest number of votes shall be declared to have been elected as Chairperson.

(5) The election of the Chairperson and the proceedings of the meeting convened to elect the Chairperson shall be recorded by the officer appointed by the Government and it shall form the minutes of the meeting.

(6) In case of a tie, the names of the candidates shall be put to lot and the Chairperson shall be selected from the lot.

(7) (a) Where a dispute arises as to the validity of election of the Chairperson or any member of the Board, any person interested may within thirty days of the declaration of the result of the election file an application before the Tribunal and the decision of the Tribunal thereon shall be final.

(b) No suit or other legal proceedings shall lie in any civil court in respect of any dispute/question or other matter relating to the election of Chairperson or member of the Board.

(8) The Tribunal shall dispose of the application within one year of its filing.

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(9) Expenses for the conduct of election of the members and the Chairperson of the Board shall be borne by the Government.

44. **Terms and conditions of service of the Chief Executive Officer of Board.**—

(1) If the person appointed as Chief Executive Officer (CEO) under section 23 of the Act, is an officer who has retired from Government service, he shall draw pay in the sanctioned scale plus his pension in full subject to the condition that the total of the pay and pension so drawn (including pension equivalent to any gratuity drawn by him) shall not exceed the pay at the time of retirement and the rules relating to Government employees lent on foreign service shall mutatis mutandis apply to such officers.

(2) The person appointed as Chief Executive Officer on deputation basis shall be allowed to draw pay in his own pay scale along with other allowances admissible to him in the previous employment under Government, Union Territory Administration or local body, as the case may be, plus deputation allowance as admissible under the Government rules:Provided that the period of deputation shall ordinarily not exceed three years: Provided further that the Government shall have powers to enhance or reduce the deputation period to the post in public interest either on the recommendation of the Board or own its own motion.

(3) In case a vacancy to the post of Chief Executive Officer (CEO) arises due to his repatriation/removal, the Government shall have powers to appoint any senior officer of the Board as Acting Chief Executive Officer till the vacancy is filled.

(4) The confidential report on the work and conduct of the Chief Executive Officer (CEO) shall be written by the Chairperson of the Board and shall be forwarded to the Joint Secretary to the Government in charge of waqf matters, for a review.

(5) If residential accommodation is provided by the Board to the Chief Executive Officer (CEO), he shall pay rent to the Board at such rates as may be specified from time to time on the basis of his monthly emoluments or the standard rent as may be determined by the Board, whichever is lower, plus additional charge for furniture specified by the Board, in case any furniture is provided.

(6) The travelling allowance for the time being in force as applicable to an officer of equivalent rank in the Government shall apply to the Chief Executive Officer.

(7) Periodical increments in the time scale of pay to the Chief Executive Officer shall be sanctioned by the Board.

(8) Leave rules applicable to the Government employees and the rules relating to the casual leave applicable to the Board employees shall apply to the Chief Executive Officer.

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(9) Casual leave shall be sanctioned by the Chairperson of the Board and leave other than casual leave by the Government.

(10) The date of retirement on superannuation of the holder of the post of Chief Executive Officer shall be the last day of the month on which he completes the age of 60 years.

(11) All other terms and conditions of service relating to disciplinary matters as applicable to the officers of equivalent rank in the Government shall apply to the Chief Executive Officer.

45. **Conditions and restrictions subject to which Chief Executive Officer or any other officer may inspect any public office record and registers.—**

(1) The Chief Executive Officer or any other officer of the Board, duly authorised by it in writing shall, for the purposes of carrying out inspection under section 29 of the Act, make an application in writing to the officer in charge of the office expressing his intention so to do.

(2) The officer in charge shall allow the inspection within seven days of the receipt of the application under sub-rule (1).

(3) The mutawalli or any other person having the custody of any document relating to waqf property shall produce the same within ten days before the Chief Executive Officer on being called upon to do so in writing and if so desired shall supply the copies of the documents within the next ten days.

(4) (a) On a written request by the Chief Executive Officer, an agency of the Government or any other organisation shall supply, within ten working days, copies of the record, register of properties or other documents relating to waqf properties or claimed to be waqf properties.

(b) If for any reason the required documents cannot be supplied within ten working days, the concerned agency of the Government or the organisation shall seek further time, not exceeding ten working days to supply the information/ documents.

(5) The supply of documents as required by Chief Executive Officer shall be free of cost:

Provided that before seeking information/documents under sub-rules (3) and (4), the Chief Executive Officer shall obtain the approval of the Board.

46. **Inspection and issuance of copy of document.—**

(1) All applications for inspection of Board's record shall be made to the Chief Executive Officer in **Form 14** of the amount specified under sub-rule (2):

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Provided that this sub-rule shall not apply to applications submitted in response to notices calling for applications unless otherwise stated in the notice or to the applications made for scholarships and stipends.

(2) Permission on application for inspection of record or proceedings of the Board or any committee may be granted by the Chief Executive Officer on payment of twenty rupees per hour or fraction thereof, which shall be deposited by the applicant in advance with the office of the Board.

(3) Certified copy, in the manner provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), of record or proceedings of the Board, or any committee may be granted by the Chief Executive Officer on an application in **Form 15** and on payment of twenty rupees per hundred words or fraction thereof:

Provided that the application in **Form 15** shall be accompanied by the receipt of the Board for twenty rupees:

(4) The following persons shall be entitled to inspect records under this rule, namely:-

(a) for any waqf other than waqf-alal-aulad, the person interested in such waqf;

(b) for a waqf-alal-aulad, the waqif, his descendents, mutawalli and the beneficiaries of the waqf.

(5) The applicants shall be provided the relevant copies as applicable within fifteen days from the date of application.

47. **Appointment of Executive Officer .—-**

(1) Board shall appoint a person from any of the following categories to be Executive Officer under sub-section (1) of section 38 of the Act , namely:-

(a) a retired officer of the State/Central Government not below the rank of Group B and who is not more than sixty two years of age: or

(b) an officer in the equivalent grade from any of the State/Central Civil Services: or

(c) any official of the Board in the cadre of Superintendent/Manager of equivalent cadre who -

(i) possesses a Bachelor's degree of any recognised University: and

(ii) have a minimum of ten years of service.

(2) The appointment of a retired officer under sub-rule (1) shall be on contract basis and the scale of pay and other allowances admissible for the post of Executive Officer shall be fixed by the Board.

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(3) If the appointment is a part time appointment, a suitable honorarium may be fixed by the Board.

(4) If the appointment is by deputation of a Government Servant, his period of deputation, terms of service and the pay and allowances shall be regulated as per Civil Services Rules.

(5) If the appointment of Government servant is in addition to his own duties, he shall be entitled to draw such remuneration as may be fixed by the Board.

(6) If the appointment is by promotion of a Superintendent/Manager, the post must carry the scale of pay as fixed by the Board.

(7) An Executive Officer may also be considered for appointment on an Honorary basis.

(8) For any waqf having a gross annual income of not less than five lakhs rupees, the Executive Officer may be provided with the following supporting staff as deemed necessary, namely:-

(a) Rent Collector/Manager/Sheristedar : One

(b) Clerk-cum-Typist : One

(c) Revenue Clerk/Patwari /Bill Collector : One

48. Inquiry by Chief Executive Officer of property which has ceased to become waqf property.—

(1) The Chief Executive Officer shall be an Inquiry Officer for the purposes of carrying out an inquiry under sub-section (1) of section 39 of the Act.

(2) The Chief Executive Officer shall issue a notice of an inquiry in **Form 16** to the interested parties informing them the date, time and place for holding an inquiry in relation to any waqf whose object or any part thereof have ceased to exist.

(3) All persons who appear in response to the notice issued under sub-rule (2) shall be heard at the time fixed for hearing and the inquiry officer may grant adjournment from time to time for filing written statement containing objections and suggestion, if any.

(4) Any party to the proceedings shall have the right to appear in person or through pleader to adduce oral or documentary evidence and to apply for summoning witnesses or documents.

(5) The inquiry officer shall record oral evidence of the witnesses and shall follow the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the appearance of pleader, filing of affidavits, production of documents, examination of witnesses, recording of oral evidence, issue of commission and return of documents and to pass interim order.

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(6) The inquiry officer shall complete inquiry within six months and submit report to the Board within thirty days from the date on which the inquiry is concluded.

49. Time and manner for preparation of budget by mutawalli.—

(1) Every mutawalli of a waqf shall submit a budget at least thirty days before the beginning of the financial year to the Board showing its estimated receipts and expenditure for the ensuing financial year in **Form 17:**

Provided that the budget so prepared shall be sustainable and deficit budget may be avoided.

(2) The State/Union Territory Administration may give financial assistance in the form of grants-in-aid to Board for meeting establishment expenditure.

(3) The Board shall scrutinise the budget proposal and ensure that provision has been made therein for the obligatory expenditure referred to in sub-section (2) of section 44 of the Act and for carrying out the purpose which may have been specifically enjoined on the waqf by the deed of waqf.

(4) The Board may give such directions to modify the budget in case any item is considered to be contrary to the objects of the waqf or the provisions of the Act.

(5) If the Board is satisfied that adequate provision for certain items has not been made in the budget, it shall have power to modify it in such manner as may be necessary to secure such provision and return it to the mutawalli concerned.

(6) Every mutawalli shall consider the suggestions and incorporate the modifications made by the Board in the budget and pass the budget before the beginning of the financial year to which it relates.

(7) Notwithstanding anything contained in these rules, the Board may direct a mutawalli to modify its estimates to be in keeping with the provisions of the Act and the waqf deed and such mutawalli shall comply with the direction of the Board.

(8) As soon as the budget is passed, every mutawalli shall forthwith submit copies thereof to the Board.

(9) No sum shall be expended by or on behalf of a waqf unless such sum is included in the budget estimates sanctioned under section 44 of the Act and in force at the time of incurring the expenditure.

(10) If in the course of the year, a mutawalli finds it necessary to alter the figures shown in the budget with regard to receipts or the distribution of the amounts to be expended on the

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different services undertaken by him on behalf of the waqf, a supplementary or revised budget may be submitted to the Board.

50. Budget of auqafs under the direct management of Board .—

(1) the Chief Executive Officer shall prepare the budget for all the auqafs under the direct management of the Board for the next ensuing financial year by January of the current financial year in **Form 18** containing all details of estimates of receipts and expenditure for the next financial year.

(2) (a) The Chief Executive Officer shall prepare the list of all the auqafs under the direct management of the Board for which budget for the next ensuing financial year is to be prepared under sub-rule (1) by the month of December of the current financial year in **Form 19**.

(b) The Chief Executive Officer shall direct each of the officials of the auqafs under the direct management by the Board to furnish the budget in respect of the next ensuing financial year in **Form 20**.

(3) The budget so prepared under sub-rule (1) shall have a statement furnishing details of the increase, if any, in the income of the auqafs during the current financial year and also the steps taken for its better management and results obtained in **Form 21**.

(4) If the Board is satisfied that adequate provision has not been made in the budget, it shall have power to modify it in such manner as may be necessary to secure such provision and pass the budget before the beginning of the financial year to which it relates.

(5) If in the course of the year, the Chief Executive Officer finds it necessary to alter the figures shown in the budget with regard to the receipts or the distribution of the amounts to be expended on the different services undertaken by the Board on behalf of the waqf, a supplemental or revised budget may be framed and submitted to the Board.

51. Interval at which accounts of auqaf may be audited.—

(1) The accounts of the auqafs having net annual income exceeding fifty thousand rupees shall be submitted to the Board by the mutawalli or the managing committee for audit within three months of the close of the financial year.

(2) The accounts submitted under sub-rule (1) shall be audited by an auditor referred to in clause (b) of sub-section (1) of section 47of the Act, within a period of one year of the close of the financial year:

Provided that such account may be audited within a period of two years, with the approval of the Chairperson for reasons to be recorded in writing.

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52. Recovery of property transferred in contravention of Act.—

(1) Upon receiving report from any person residing in the locality where the waqf property is situated or upon receiving information otherwise that a waqf property has been transferred in contravention of the provisions of sections 51 or section 56 of the Act, the Board, on being satisfied from the register of auqaf, maintained under section 37 of the Act that the property alleged to have been transferred is waqf property, shall obtain a certified copy of the deed of transfer from the registration office concerned.

(2) The Chief Executive Officer shall draw up a report specifying therein fully the waqf property, the details of the transfer deed executed in respect of the property, the name and full particulars of the person executing the deed or other document and the name with particulars of person or persons to whom the property has been transferred.

(3) The report shall be put up for orders of the Board which, after considering the report of the Chief Executive Officer and inspecting such of the documents as may appear necessary and/or making inquiry from such persons as is considered reasonable, pass orders for sending a requisition to the Collector of the respective district to obtain and deliver possession of the property to the Board.

(4) The requisition to the Collector shall be drawn by the Chief Executive Officer in **Form 22** and sent to the Collector of the respective district through special messenger or by registered post with acknowledgment due.

(5) The order passed by the Collector under sub-section (2) of section 52 of the Act, shall be in **Form 23**.

(6) If the person against whom an order under sub-section (2) of section 52 of the Act is issued, prefers an appeal to the Tribunal under sub-section (4) of the said section, he shall send a copy of the memorandum of appeal to the Collector immediately on the day of filing the appeal and the Collector shall arrange for its defence and shall also give intimation of such appeal to the Board.

(7) While obtaining possession of the property under sub-section (5) of section 52of the Act,-

(a) no person executing the Collector's orders, shall enter any dwelling house without giving forty-eight hours' notice to the occupants of the dwelling house;

(b) no outer door of any dwelling house shall be broken open unless the occupants of such dwelling house refuse or in any way prevent access thereto;

(c) no person executing the Collector's order shall enter any dwelling house after sunset and before sun rise.

(8) After obtaining possession of the property, the Collector or any person duly authorised by him in this behalf shall hand over the said property to the Board or to any person duly authorised by the Board on proper acknowledgement.

53. Notice for removal of encroachment.—

(1) A notice for removal of encroachment under sub-section (1) of section 54 of the Act shall be served in **Form 24** through serving officer/special messenger so appointed by the Chief Executive Officer to the person for whom it is intended or to any adult member of his family, or by sending by registered post in a letter addressed to that person at his usual or last known place of residence or business.

(2) Where the notice under sub-rule (1) is delivered or tendered, the signature of the person to whom the copy is delivered or tendered shall be obtained in token of acknowledgement of the service.

(3) Where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where such person cannot be found after using all due and reasonable diligence and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and where no constructions is made and the premises are agricultural or non agricultural land , the notice shall be affixed on some part of the property and the other notice shall be returned to the Chief Executive Officer who issued the notice, with a report endorsed thereon or annexed thereto, stating that a copy has been so affixed, the circumstances under which it was so done and the name and address of the person, if any, who identified the ordinary residence or usual place of business and in whose presence the copy was affixed.

(4) If the notice issued cannot be served in the manner specified above, the Chief Executive Officer may, if he thinks fit, direct that such notice shall also be published in atleast one newspaper having circulation in the locality and he may also proclaim the contents of any notice in the locality by beat of drum or in any other manner which he may think appropriate, in the facts and circumstances of each case.

54. Conducting of inquiry on encroachment of waqf property.—

(1) In cases relating to encroachment of waqf property, the Chief Executive Officer may call upon the parties to appear in person on specified date and time to put up their respective claims in regard to encroachment over the property in dispute.

(2) Where any person who has received notice under rule 53, desires to be heard in person or through his representative, the Chief Executive Officer shall authorise such hearing in writing and the party may be authorised to produce evidence which he intend to

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produce in support of the cause shown and the Chief Executive Officer shall fix a date for personal hearing and scrutiny of evidence as he considers appropriate in each case.

(3) The Chief Executive Officer may hear the parties, receive all such evidence as may be produced by them, take such further evidence, if any, as he thinks necessary in the facts and circumstances of each case, record summary of the evidence tendered before him and the summary of such evidence and any relevant documents filed before him shall form part of the records of the proceeding.

(4) The records of enquiry in every case shall include.---

(a) a minute of the proceedings;

(b) notice calling for objections and objection received at the inquiry ;

(c) evidence received at the inquiry; and

(d) a brief record of reasons and the decision.

(5) Nothing shall preclude the Chief Executive Officer to listen to any party or required to attend any other person interested to make statement regarding the subject matter in dispute.

(6) After hearing the parties, perusing the objections and going through the evidence, if Chief Executive Officer is satisfied that the property in question is waqf property and there has been an encroachment on any such waqf property, he may by an order in **Form 25**, require the encroacher to remove such encroachment and deliver possession of the land, building, space or other property encroached upon to the Board or a mutawalli of the Board.

(7) When any party to any such proceeding dies, the Chief Executive Officer may cause the legal representatives of the deceased party to be made a party to the proceedings and shall thereupon continue the inquiry and if any question arises as to who shall be the legal representatives of a deceased party for the purpose of such proceedings, then all the persons claiming to be representatives of the deceased party shall be made parties.

(8) If the waqf property is not vacated within fifteen days of the receipt of the order under sub-rule (6), the Chief Executive Officer may make an application before the Tribunal for grant of order of eviction under sub-section (3) of section 54 of the Act for removing such encroachment and deliver possession of the waqf property to the Board or the mutawalli.

(9) The Tribunal, after giving an opportunity of being heard, to the person against whom application has been made, pass order of eviction and cause a copy of the order of eviction to be pasted on the waqf property.

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(10) If any person fails to comply with the order of eviction passed by the Tribunal within forty-five days of the service of the order, the Chief Executive Officer shall refer the matter, in **Form 26**, to the Executive Magistrate of the area .

55. Assessment of damages.— In assessing damages for unauthorised use and encroachment of any waqf premises, the Chief Executive Officer shall take into consideration the following matters, namely:

(a) the purpose and the period for which the waqf premises remained in unauthorised use;

(b) the nature, size and standard of the accommodation available in such premises;

(c) the rent that would have been released if the premises had been let out; on rent for the period of encroachment to any other person;

(d) any damage done to the premises during the period of encroachment;

(e) any other matter relevant for the purpose of assessing the damages.

56. Procedure regarding removal of mutawalli.—

(1) The Chief Executive Officer shall issue a notice in **Form 27** to the mutawalli against whom action for removal is contemplated under section 64 of the Act for the purposes of holding an inquiry against him.

(2) The Board shall conduct summary inquiry in the manner specified under rule 48.

(3) Upon the conduct of inquiry under sub-rule (2), and upon the order of suspension of the mutawalli by the Board under sub-section (5) of section 64 of the Act, the Chief Executive Officer shall issue a notice of suspension in **Form 28** to the concerned mutawalli calling upon him to explain as to why such order of suspension shall not be issued to him.

57. Annual report relating to waqf under direct management of the Board.— The other details to be furnished in the report to be sent by the Board to the State Government under sub-section (3) of section 65 of the Act shall be in **Form 29**.

58. Order of supersession of waqf management committees.—

(1) Any committee entrusted with the supervision or management of a waqf shall have a maximum term of three years unless the committee is superseded by the Board or it is in contravention of waqf deed or approved scheme of management of the waqf.

(2) The Board shall, before issuing any order of suspension, issue a show cause notice in **Form 30** to a committee against whom action for suspension is contemplated under

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sub-section (2) of section 67 of the Act calling upon the committee within such time, not being less than one month as may be specified in notice, as to why such action shall not be taken.

(3) The order of suspension passed by the Board under the proviso to sub- section (2) of section 67 of the Act shall be published on the notice board of the concerned waqf, District Waqf Advisory Committee office, and office of the State Board of Waqfs and shall also be served on the concerned mutawalli.

(4) A copy of the order passed by the Board under sub-section (2) of section 67 shall be supplied free of cost to the person adversely affected thereby and one copy of the same shall be published in Urdu, Hindi and English/local language newspaper having circulation in the area and on such publication, the order shall be binding on all persons having any interest in the waqf.

(5) The Board shall, before issuing an order for removal of a member of the committee from the membership of the managing committee under sub-section (6) of section 62 of the Act, shall issue a show cause notice in **Form 31** to such member calling upon him to show cause as to why he shall not be removed from the membership of the committee.

59. Consultation relating to scheme for administration of waqf.—

(1) Where the Board takes a decision to frame a scheme for the administration of a waqf under sub-section (2) of section 69 of the Act, it shall issue a notice in **Form 32** to the mutawalli concerned, managing committee or the applicant.

(2) The proposed scheme shall contain the following details, namely:-

(a) name of the waqf;

(b) address;

(c) whether under the management of the mutawalli/managing committee or under the direct management of the Board;

(d) details of the scheme/proposal;

(e) expenditure involved;

(f) income to be generated.

(3) The proposal of the mutawalli or the managing committee or the applicant shall be considered by the Board who shall accord approval to the scheme with such modifications as it may deem fit and shall communicate the same within fifteen days to the mutawalli/managing committee or the applicant.

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(4) Every scheme framed by the Board under sub-rule (1) shall be published in Urdu/local language newspaper having circulation in the area.

60. Manner of holding inquiry under section 71 of the Act.—

(1) The Board or any person authorised by the Board may, either on an application received or on its own motion, hold an enquiry under section 71 of the Act.

(2) The Board shall send a copy of the allegations made against the waqf to the management of the waqf and obtain its explanation on each of the allegations.

(3) The inquiry relating to administration of the waqf shall be held in the manner specified under rule 48.

61. Annual contribution payable by a mutawalli of waqf to the Board under section 72 of the Act.—

(1) The mutawalli of every waqf, the net annual income of which is not less than five thousand rupees, shall pay annually to the Board, seven per cent of such annual income as annual contribution.

(2) The mutawalli of a waqf shall , before the 15th day of June every year, submit a return of the net annual income of the waqf and the contribution payable by it, in **Form 33**, to the Chief Executive Officer.

(3) On receipt of a return under sub-rule (2), the Chief Executive Officer shall verify the return submitted by the mutawalli and if he is satisfied as to the correctness of the return, may fix the annual contribution in accordance with such return and if no return is filed within the specified time, the Chief Executive Officer shall suo moto fix the annual contribution to be paid by the mutawalli.

(4) In case the Chief Executive Officer is of the opinion that the return submitted under sub-rule (2) is incorrect or false in any material particular, or the contents of such return do not comply with the provisions of the Act or the rules made or any order issued by the Board, he may, call upon the mutawalli to show cause within the time specified in the notice as to why such assessment of the return shall not be revised.

(5) The Chief Executive Officer, after considering the reply if any, received from the mutawalli concerned, may assess the net annual income of the waqf to the best of his judgment or revise the net annual income as shown in the return submitted by the mutawalli and the net annual income as assessed or revised shall be deemed to be the net annual income of the waqf.

(6) No contribution payable by a mutawalli under the rule shall be remitted or reduced except with the previous sanction of the Board.

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(7) The reduction or remission sanctioned by the Board shall be operative only for the year for which it is sanctioned provided that where its continuance in subsequent year is found necessary, the Board shall give fresh sanction.

(8) The Board may, on an application from a mutawalli, by order, sanction remission or reduction of the contribution to be paid by mutawalli in the following cases, namely:-

(a) loss of money, stores of articles of the waqf not due to the negligence of the mutawalli or other employees of the waqf;

(b) loss of income due to failure of crop on account of drought or other unforeseen causes like flood;

(c) paucity of funds due to the mismanagement of the previous mutawalli;

(d) paucity of funds due to non-recovery of loans, advances and debt;

(e) where the waqf supports an orphanage whose resources are insufficient for its due management; and

(f) other causes, approved by the Board with three-fourths majority.

(9) Before a reduction or remission of contribution is sanctioned, the Board shall make a thorough investigation into the circumstances of each case and satisfy itself that such reduction or remission is necessary.

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62. Payment of monies into Waqf Fund and investment of such money under section 77 of the Act.—

(1) The Board shall authorise one of its officers (hereinafter referred to as "the authorised officer") to receive all payments to the Waqf Fund, to issue receipts and to make payments on behalf of the Board.

(2) (a) The authorised officer shall be required to furnish to the Board, securities or sureties for such amount as the Board may specify in that behalf.

(b) Solvency of sureties shall be verified by the Sub-Divisional Magistrate of the area where the official is residing at the beginning of each year.

(3) The authorised officer shall grant receipts for all moneys received by him to the credit of the Waqf Fund and counterfoil receipt bearing printed receipt numbers shall be maintained for the purpose.

(4) All such monies shall immediately be deposited in-

(a) a Scheduled Bank as defined in the Reserve Bank of India, Act, 1934 (2 of 1934), or

(b) a Post Office Savings Bank Account.

(5) (a) All deposits shall be made in the name of the Board.

(b) The Chairperson and any other member or officer of the Board authorised in this behalf by the Board shall have the powers to withdraw such deposit or any part thereof and operate on the bank account, subject to such conditions as the Board may think proper.

(6) No money shall be withdrawn from the bank unless it is required for immediate payment for the purpose of the Board.

(7) The appropriation of receipts to expenditure shall be avoided.

(8) (a) Payments from the Waqf Fund shall be made by cash or cheque.

(b) Cheque shall not be issued for sums less than five hundred rupees.

(9) Monies indisputably payable shall not be left unpaid and money paid shall not be kept out of the account a day longer than absolutely necessary.

(10) (a) Any person having a claim against the Board shall present a voucher duly verified and stamped.

(b) All vouchers shall be filled and signed in ink.

(c) The amount shall be written in figures as well as in words.

(d) All corrections and alterations in the vouchers shall be attested by the dated initials of the person signing the voucher.

(11) Receipts for all sums exceeding five thousand rupees either by cash or cheque shall bear the revenue stamp of the requisite value.

(12) An officer authorised to handle the monies of the Waqf Fund shall be responsible for their custody and also for reimbursing to the Board, in case of any loss by theft, fraud, fire or any other cause:

Provided that if in any case, after such inquiry as the Board may make, the Board is satisfied that the loss was unavoidable and was not due to any negligence on the part of the officer responsible for the proper custody of the amount, the Board may not insist on reimbursement of the amount of the loss by the officer concerned, but may write it off.

(13) Amount not required for expenditure during the year shall be invested by the Board-

(a) in one or other of the following securities:-

(i) promissory notes, debentures, stocks or other securities of the Central Government;

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(ii) stock or debentures of, or shares in companies, the interest wherein shall have been guaranteed by the State Government or the Central Government;

(iii) debentures or other securities for money issued by or on behalf of any Municipal body under the authority of any Act; or

(b) in fixed deposits for a period not exceeding three years in-

(i) a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (2 of 1934); or

(ii) for the purchase or for the first mortgage of immovable property with the previous sanction of the Government.

(14) The investment under sub-rule (13) shall not be pledged, encashed or withdrawn without the prior sanction of the Board.

(15) (a) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be specified by it.

(b) The pages in the account books, registers, receipts, etc., shall be serially numbered and each page shall be affixed with the seal of the Board.

(c) The number of pages that each book or register contains shall be noted on the first page after actual verification by the Chief Executive Officer.

(16) It shall be the responsibility of the Chief Executive Officer to ensure that the contributions, fees, rents and other amounts due to the Board are promptly demanded, released and credited to the Waqf Fund.

(17) The Chief Executive Officer shall be in charge of the work relating to the finance, budget and accounts of the Board.

(18) The Chief Executive Officer shall, in relation to the budget, account, and audit of the Board, -

(a) be responsible for ensuring that the budget estimates of the Board are properly framed keeping in view the instructions issued by the Board and the Government in this behalf and submitted to the Board within the time schedule;

(b) scrutinise the budget proposals submitted by the mutawallis thoroughly and assist the Board in scrutinising the budget proposals;

(c) examine and advise on all scheme of new expenditure for which it is proposed to make a provision in the budget;

(d) ensure that monthly and annual accounts of the Board are compiled properly and promptly;

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(e) obtain necessary periodical returns of progress of expenditure, watch and review the progress against sanctioned amounts and issue such instructions as may be found necessary to the officers and employees of the Board;

(f) scrutinise the proposals for supplementary grants and advise the Board suitably;

(g) keep himself in regular touch with the audit objections and inspection reports of the audit and for their early settlement;

(h) keep a close watch on the recoveries of dues to the Board and repayment of loan and interest;

(i) be responsible for the maintenance of accounts of the Board;

(j) obtain periodical returns of stores and stocks and their value from the officers and review them and offer his remarks on such accounts and place it before the Board;

(k) furnish any information and statistics that may be called for by the Board on matters relating to budget, accounts and audit;

(l) arrange for internal audit of accounts of the Board periodically and take urgent steps to rectify any defects noticed during such audit;

(m) report to the Board all instances of payments made contrary to the rules and regulations including cases where payments are made in the absence of any provision in the budget estimates.

(13) The Board may prepare revised estimates during the financial year keeping in view the actual and probable expenditure during the year.

63. Budget of Board .—

(1) The Chief Executive Officer shall in every year prepare in **Form 34,** a budget in respect of the ensuing financial year , showing the estimated receipts and expenditure during that financial year and place before the Board by 31st December.

(2) The Board shall scrutinise the budget proposal and make suitable modification, if necessary, and forward a copy of the same to the Government before 31st January.

(3) On receipt of the budget forwarded to it, the Government shall examine the same and suggest such alterations, corrections or modifications, to be made therein as it may think fit and forward such suggestions to the Board for its consideration.

(4) On receipt of the suggestions from the Government, if the Board does not agree with any modifications, corrections or alterations made by the Government in the Budget, the Board may forthwith make written representation to the Government with regard to the alterations, corrections or modifications suggested by the Government.

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(5) The Government shall consider the representation of the Board and pass final orders in the matter and communicate its decision within a period of three weeks from the date of receipt of such representation.

(6) On receipt of the suggestions from the Government and if no representation has been made by the Board to such suggestions or the Government has communicated its decision regarding any representation, if any, made by the Board, the Board shall incorporate in its budget all the alterations, corrections, modifications finally suggested by the Government and the budget so altered corrected or modified, shall be passed by the Board.

(7) A copy of the budget so passed shall be forwarded to the Government and in case no objection is received from the Government within fifteen days, the budget shall be declared to be final.

(8) If, in the course of the year, the Board finds it necessary to alter the figures shown in the budget with regard to the receipts or the distribution of the amounts to be expended on the different services undertaken by the Board, a supplemental or revised budget may be framed and got sanctioned in the manner provided in these rules and copies thereof forwarded to the Government.

(9) No sum shall be expended by the Board unless such sum is included in the budget estimates sanctioned under section 78 of the Act and in force at the time of incurring the expenditure.

64. Time limit for filing application to Tribunal.—

(1) Any party aggrieved by the decision of the Board under sub-section (1) or sub-section (3) of section 40 of the Act, may file an appeal to the Tribunal within thirty days from the date of the decision.

(2) Any person aggrieved by an order of the Chief Executive Officer under sub-section (3) of section 54 of the Act may institute a suit in the Tribunal within sixty days from the date of the said order.

65. Terms and conditions of appointment of Chairman and members of Tribunal.—

(1) The appointment of Chairman under clause (a) and a member under clause (b) of sub-section (4) of section 83 of the Act shall be on deputation basis, subject to usual terms of deputation as applicable.

(2) A person shall not be qualified for appointment as member under clause (c) of sub-section (4) of section 83 unless he possess Masters degree in Islamic studies /Urdu/Persian/Arabic or a Bachelor of Law, having knowledge of Urdu and Arabic:

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Provided that the candidate must have adequate knowledge of English.

(3) Selection of a member referred to in clause (c) of sub-section (4) of section 83 of the Act shall be made by a Board headed by the Secretary (Law) in the Government as Chairperson; an Islamic Scholar of repute; and Chairman/Member of Bar Council as members.

(4) Tenure of the member so selected under sub-rule (3) shall be for a period of three years, extendable for a further period of two years at a time.

(5) Age of the member so selected under sub-rule (3) shall be below 50 years.

(6) Scale of pay of the member referred to in sub-rule (3) shall be Rupees 15,600-39,100 with the grade pay of Rupees 7,600 plus usual allowances as admissible to group A officers.

(7) Leave of various kinds to members under this rule shall be as admissible to Government employees.

(8) (a) The deputation of Chairman and member of the Tribunal referred to sub-rule (1), shall be for a period of three years, which may be extended for a further period of two years at the direction of the Government.

(b) The age of superannuation of the Chairman and the member referred to in sub-rule (1) shall be the last day of the month in which the officer attains the age of sixty two years.

66. Filing of application for suits/appeal before Tribunal.—

(1) An application under rule 64 shall be made in **Form 35.**

(2) An application filed before the Tribunal under sub-rule (1) shall be signed by the applicant and shall be presented by him in person or by his authorised representative to the Registrar or to an officer authorised by him in this behalf.

(3) The application filed under sub-rule (1) shall be accompanied by documents upon which the petitioner seeks to rely.

(4) The applicant shall file along with the application as many as additional copies of the application and documents as are the number of the respondents.

(5) The Tribunal may, in its discretion, accept an application for hearing under sub-rule (1), which is not accompanied by all or any of the documents, referred to above.

(6) Every application filed under this rule shall set forth a clear statement of facts concisely and under distinct and separate heads, and such ground of facts and relief claimed therein, shall be numbered consecutively.

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(7) The application for interim relief shall set forth clearly and precisely any loss being caused to the applicant which cannot be adequately compensated in terms of money.

(8) Any applications before the Tribunal relating to suits against the Board which do not comply with the mandatory provision of two months notice under section 89 of the Act shall be dismissed summarily.

67. Other procedure to be followed by Tribunal.—

(1) The Registrar or an officer authorised by him in this behalf shall endorse on every application, the date on which it was presented and fix the date for appearance before the Tribunal and shall sign the endorsement in token thereof.

(2) Every application shall be registered or numbered by the Registrar or the officer authorised by him in his behalf in a register to be kept for this purpose.

(3) The Tribunal shall maintain such registers as prescribed for use in civil courts as may be necessary.

(4) A copy of the memorandum of application, shall be served on the other party prior to filing of the same before the Tribunal:

Provided that in cases of extreme urgency, the Tribunal may, on an application if considers expedient so to do, dispense with the service of the copy of the application on the other party.

(5) Every application, plaint or memorandum of appeal or an application for execution or other application shall be accompanied by court fee.

(6) Written statement to the application preferred before the Tribunal may not be entertained from the respondent after sixty days have elapsed from the date of filing the application:

Provided that if the Tribunal is satisfied that the respondent was prevented by sufficient cause from filing the written statement within the said period of sixty days, it may entertain the written statement within a further period of thirty days, but not thereafter.

(7) Reply to the written statement preferred before the Tribunal may not be entertained after sixty days have elapsed from the date of filing the written statement:

Provided that if the Tribunal is satisfied that the applicant was prevented by sufficient cause from filing the reply within the said period of sixty days, it may entertain the reply within a further period of thirty days, but not thereafter.

(8) Maximum three applications each by the applicant and the respondent shall be allowed for adjournments on any ground and not thereafter.

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(9) In case of division between the members of the Tribunal, decision of the majority of the members of the Tribunal shall prevail.

(10) Final hearing of any matter shall take place before the full bench:

Provided that matters other than final hearing may be entertained by a single member or two members in the absence of the third member.

68. Powers to dismiss application without sending notice to the respondent.— The Tribunal, after considering all aspects of the application and after hearing the applicant or his authorised representative, may dismiss the application, without sending notice to the respondents.

69. Service of notices :

(1) Every notice to petitioner/respondents in the application shall be sent and served through Registered Post with acknowledgment due.

(2) Where the Tribunal is satisfied that the notice cannot be served in ordinary way and there are reasons to believe that the petitioner/respondents are keeping themselves away for the purposes of avoiding service of the notice, the Tribunal shall order substitute service of notice in accordance with the provisions of order 5 of rule 20 of the Code of Civil Procedure, 1908 (5 of 1908).

70. Date of hearing of application, etc.— Unless the Tribunal dismisses the application , it shall notify the parties the date and place of hearing of the application, etc.

71. Proceedings to be open to public.— The proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may, if it thinks fit, order at any stage of the proceedings that the public generally or any person in particular shall not have access to or remain in the room of the Tribunal.

72. Order of Tribunal. —

(1) Every application filed before the Tribunal shall be heard and disposed of in accordance with the procedure set out for hearing of suits and appeals in the Code of Civil Procedure, 1908 (5 of 1905) and the (… Name of State…) Civil Rules of Practice.

(2) Every order of the Tribunal shall be in writing and shall be signed and dated under its seal.

73. Supply of copies of the order to parties.— Every order of the Tribunal dismissing or allowing the application, shall be communicated to the parties or to their authorised representatives free of cost.

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74. Orders and directions in certain cases.— The Tribunal may, notwithstanding any of the foregoing provisions, give such orders or give such directions as may be necessary or expedient to secure the ends of justice.

75. Language of Tribunal.— The language of the Tribunal shall be English:

Provided that the parties to proceedings before the Tribunal may file documents/proceedings drawn up in Urdu or Hindi or the regional language, if they so desire:

Provided further that every such document/proceedings in Urdu/Hindi/local language shall be accompanied by its true translation into English:

Provided that the Tribunal may, in its discretion, permit the use of local regional language in the proceedings but the final order shall be in English.

76. Seal of the Tribunal.— The official seal of the Tribunal shall be such as the Government may specify.

77. Code of Civil Procedure and the ……(Name of the State)…… High Court rules to be generally followed.— In deciding any question relating to the procedure not specially provided by the Act or these rules, the Tribunal shall, as far as possible, be guided by the provisions contained in the Code of Civil Procedure, 1908 (5 of 1908) and the……. High Court Rules.

78. Annual report.—

(1) The Government shall, as soon as after 1st day of April in every year, cause the annual report of the Board to be prepared in **Form 36**.

(2) The Board shall submit its annual report detailing activities of the preceding financial year, to the Government by the end of July every year.

(3) The Government shall finalise the annual report of the Board by the end of September and such report shall be laid before the House or both the Houses of State Legislature, as the case may be, in its next session.

79. Suits by or against the Board.—

(1) The Chairperson or the Chief Executive Officer shall be competent to sanction -

(a) filing of suit, writ, appeal or cases connected with a waqf matter/ property before the Tribunal/Court or any other authority;

(b) defending of suit, writ, appeal or cases connected with a waqf matter/ property before the Tribunal/Court or any other authority.

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(2) The Chairperson or the Chief Executive Officer shall be competent to appoint a legal representative to file or defend a suit, writ, appeal or any other proceedings connected with a waqf matter/property before the Tribunal/Court or any other authority.

(3) The Board or any other person, authorised by the Board shall be competent to sign suit, writ, appeal, and affidavit or counter reply in the cases or proceedings connected with a waqf matter/property before the Tribunal/Court or any other authority.

(4) The Chairperson or Chief Executive Officer shall be competent to authorise any employee of the Board to tender evidence or produce record on behalf of the Board before the Tribunal/Court or any other authority.

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Formats of Forms

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FORM 1
[See rule 4]

REPORT OF SURVEY COMMISSIONER TO THE GOVERNMENT

1. The number of auqaf in the State, showing Shia auqaf and Sunni auqaf separately.
2. The nature and object of each waqf.
3. The gross income of the property from each waqf.
4. The amount of land revenue, cess, rates and taxes payable in respect of each waqf.
5. The expenses incurred in the realisation of income and the pay or other remuneration of the mutawalli, if any, of each waqf.
6. Particulars relating to each waqf to be given as under:
   - (a) name of the waqf;
   - (b) name of the waqif, if any;
   - (c) date or the year of the creation of the waqf;
   - (d) details of the Waqf Deed;
   - (e) name of the mutawalli and his pay or remuneration, if any;
   - (f) location and nature of immovable property showing the village or town where situated along with the municipal or survey number, area, description of the tenure and the estimated value thereof;
   - (g) description of movable property and value thereof, including investments and their particulars;
   - (h) site plan of the waqf property;
   - (i) encumbrances, if any, on the properties mentioned in clauses (f) to (h) above;
   - (j) manner of administration of waqf, whether under the scheme settled by a court of law or by a registered document or established custom or usage;
   - (k) whether the waqf is already under the general supervision of the Board;
   - (l) nature and value of grant received; and
   - (m) total cost of survey.

SIGNATURE OF
SURVEY COMMISSIONER

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FORM 2
[See rule 6]

PARTICULARS OF LIST OF AUQAF

1. Name of waqf with description of waqf property (e.g. land building, graveyard etc.).
2. Location of waqf property, stating khasra no., village in rural areas and mohalla, ward, road, and municipal number in case of urban property.
3. Nature and object of waqf.
4. Details of waqf properties, if immovable:
   (a) area, showing built up area separately;
   (b) boundaries; and
   (c) value.
5. Nature and value of movable property.
6. Date or year of creation of waqf.
7. Details of Waqf Deed.
8. Gross receipts.
9. Grants received.
10. Gross income of property comprised in each waqf.
11. Amount of land revenue, cess, rates and taxes payable in respect of such property.
12. Expenses incurred in realisation of income.
13. Details of Administration
    (i) By Custom/Usage
    (ii) By scheme settle dby court
    (iii) By Schemes of Management approved by the Board.
14. Name and address of mutawalli.
15. Pay or remuneration of mutawalli of each waqf, if any.

Note— Separate list shall be prepared for Sunni and Shia auqaf.

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FORM 3
[See rule 14(1)]

NOTICE FOR ELECTION OF MEMBERS OF THE……BOARD

1. Name of the category for which election is to be held
2. Nomination papers shall be presented:
   (a) time between:
   (b) place
   (c) to whom with office address
3. Scrutiny of nomination papers:
   (a) place
   (b) date
   (c) time
4. Withdrawal of nomination:
   (a) place
   (b) date
   (c) time
5. Polling shall be held:
   (a) place
   (b) date
   (c) time
6. Counting of votes by the Election Officer:
   (a) place
   (b) date
   (c) time
7. Declaration of results:
   (a) place
   (b) date
   (c) Time

Place: **(Election Authority)**

Date:

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FORM 4
[See rule 14(3)]

NOTICE OF ELECTION FOR THE OFFICE OF MEMBERS OF …… WAQF BOARD

Notice is hereby given that:

1. An election is to be held for the election of members of the ……. Waqf Board.
2. Forms of nomination papers may be obtained from the place and at the time aforesaid
3. Nomination paper may be delivered by a candidate or his proposer to the undersigned or to……. between.10.30 A.M to 5-00 P.M. from……. to……
4. The nomination papers will be taken up for scrutiny at…… on……. at…….
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the undersigned or to…….. at his office before 3.00 P.M. on ……..
6. In the event of election being contested the poll will be held on …….. between …… the hours…….. at……..

(Specify the place where voting is to be conducted).

RETURNING OFFICER

Place:

Date:

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FORM 5
[See rule 16(1)]

ELECTION FOR THE OFFICE OF MEMBER OF …….. WAQF BOARD IN CATEGORY OF CLAUSE (b) OF SUB--SECTION (1) OF SECTION 14

NOMINATION PAPER

I nominate……...as a candidate for election to the Waqf Board, under category…….of clause (b) of sub-section (1) of Section 14:

1. Full name of candidate
2. Father's or husband's name
3. Serial number of candidate in electoral roll
4. Age
5. Sex
6. Occupation
7. Address

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My name is …….and it is entered at …….(name of place) of electoral roll for the above category.

Date: **(Name and signature of the proposer)**

CANDIDATE'S DECLARATION

I …….. declare that I am willing to stand for election and my age as shown above is correct. I also declare that:

1. I am a Muslim.
2. I am not an undischarged insolvent.
3. I have not been convicted of an offence involving moral turpitude or such conviction has been reversed or I have been given full pardon in respect of such offence.
4. I have not been in any previous occasion:

(a) removed from office as a member or as a mutawalli; or

(b) removed by an order of competent court or Tribunal from any position of trust either for mismanagement or corruption.

SIGNATURE OF CANDIDATE

Endorsement by Returning Officer or other authorised person :

This nomination paper was presented to me.. (person) on … (date) at……. date and hour)

SIGNATURE OF THE RETURNING OFFICER/ OR OTHER AUTHORISED PERSON.

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Decision of Returning Officer accepting or rejecting the nomination paper:

I have examined this nomination paper in accordance with rule 16(1) and decide as follows:—

Date……. **RETURNING OFFICER**

FORM 6
[See rule 17(1)]

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

(To be handed over to the person presenting the nomination paper)

Serial no. of nomination paper……..

The nomination paper of …… a candidate for the election of member for category ……of the ……..Waqf Board was delivered to me at …….. (hour) on …….. by the …… candidate or a person duly authorised by him in this behalf.

All nomination papers will be taken up for scrutiny at ……. (hour) on …… (date) at ……. (Place).

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Date: **RETURNING OFFICER**

FORM 7
[See rule 18]

LIST OF NOMINATIONS RECEIVED AS ON …….. (DATE) …… FOR THE OFFICE OF MEMBER OF THE ……..WAQF BOARD IN CATEGORY OF…… SECTION 14(1) (B) OF THE ACT

Serial no of nomination	Name of the candidate	Father or husband's name	Age	Occupation and address	Electoral roll no of candidate	Sex
1	2	3	4	5	6	7

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The nomination paper will be taken up for scrutiny at ……. A.M./P.M. on……..the date of…… at (place).

Place:
Date:

SIGNATURE OF RETURNING OFFICER
Or Other Authorised Person

FORM 8
[See rule 19]

FORM OF OATH OF AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION TO ……STATE BOARD OF WAQFS

I, …… having been nominated as candidate to fill a seat in the ……State Board of Waqfs do swear in the name of Allah that I will bear true faith and allegiance to the Constitution of India as by law established and I will uphold the Sovereignty and Integrity of India.

Date: **(Signature of the Candidate)**

Acknowledgement of Oath

……., candidate has taken oath on ……(date) at ……..(time).

Returning Officer
…….

Certificate of Oath

This is to certify that …….has signed and read the Oath of Affirmation before me on ……..(date) .. at……(time).

(Signature)
Returning/Asstt Returning Officer

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FORM 9
[See rule 20 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to members of the …….. Waqf Board in category …….....of clause (b) of sub-section (1) of section 14.

Sl. No.	Name of the candidate	Address of the candidate
(1)	(2)	(3)
1.		
2.		
3.		
4.		
so on		

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RETURNING OFFICER

Place:

Date:

FORM 10
[See rule 21]

NOTICE TO THE RETURNING OFFICER BY A CANDIDATE FOR WITHDRAWAL OF NOMINATION
Section 14(1) (b) of the Act

To

The Returning Officer,

I……., a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date: **SIGNATURE OF CANDIDATE**

This notice was delivered to me at my office at (hour) …….. on (date)…….

By……(name).

Place:

Date:

RETURNING OFFICER

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidate by a candidate at the election to the office of the …….. Waqf Board in the category of section 14 (1) (b) of the Act as delivered to me at the office at …… (hour) on (date).

Place:

Date: **RETURNING OFFICER**

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FORM 11
[See rule 22(1)]
LIST OF CONTESTING CANDIDATES

Election to the office of the member of the ……Waqf Board in the category …….. of section 14(l) (b) of the Act

SI No.	Name of the candidate	Address of the candidate	Electoral Roll No.
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
etc.			

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Place

Date: **RETURNING OFFICER**

FORM 12
[See rules 23 (1) and 37(1)]

DECLARATION OF RESULT OF ELECTION

In accordance with rule ……. of the …….Waqf Rules, 2016, I declare that the following candidate has been duly elected for the office of the member of the ……. Waqf Board in the category of sub-clause …….. of clause (b) of sub-section (1) of section 14 of the Waqf Act, 1995.

	Name	Address
1.		
2.		

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Place

Date: **SIGNATURE OF RETURNING OFFICER**

FORM 13
[See rule 38]

CERTIFICATE OF ELECTION

I, ... Returning Officer for the member/members of the ..... Waqf Board hereby certify and declare Shri/Smt..... s/o,w/o ..... to have been duly elected to the office of the member of the ..... Waqf Board in the category of sub-clause ..... of clause (b) of sub-section (1) of section 14 of the Waqf Act, 1995 and that in token thereof I have granted him/her this certificate of election.

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RETURNING OFFICER

Place:

Date :

Secretary (.....)
to the Government

FORM 14
[See rule 46(1)]

APPLICATION FOR INSPECTION OF BOARD'S RECORD

Paste duplicate receipt here of application fee

To

The Chief Executive Officer,
…… Waqf Board,
…….

Name of the applicant…… s/o,w/o Shri …… Resident of ……..

Description of the file the record of which is to be inspected …….

Name of the tenant (if any) ……..

Name of the parties (if any) …….

Purpose of inspection ……..

Date: **SIGNATURE OF APPLICANT**

Order passed on the application by Chief Executive Officer:……

Time of inspection ……..from…… to …… viz ……hours.

Inspection fee paid

Signature of official with designation in whose presence inspection was made…..

Date: **SIGNATURE OF APPLICANT**
AFTER INSPECTION MADE

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FORM 15
[See rule 46 (3)]
APPLICATION FOR PROVIDING CERTIFIED COPY

Paste duplicate copies of: (i) Application fee receipt (ii) Copying charges fee receipt Rs. 10/- per entry of Gazette notification, (iii) Rs. 20/- per 100 words or part thereof. (iv) Rs. 20/- per hour of inspection or fraction thereof.

To

The Chief Executive Officer,
……. Waqf Board,

Name of applicant ……s/o, w/o…….. Resident of…….

Description of the file etc. from which the copy is required……

Description of property including location ……..

Name of tenant (if any) ……

Name of parties (if any)……...

Nature of the case ……

Name and description of the Gazette or record of which copy is required……

Purpose for which copy is required i.e. whether it is required for private use or for filing in some court etc. ……

Dated: **SIGNATURE OF APPLICANT**

No. of applicant in the copying registers……..
Copying fee received with application ……..
Order passed……

SIGNATURE OF CHIEF EXECUTIVE OFFICER

Date:

Signature of copyist
Signature of recipient of the copy……

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FORM 16
[See rule 48 (2)]

N O T I C E

Whereas it is learnt/informed/reported that the Waqf……..has ceased to exist or that the objects or parts thereof shown in the schedule below have ceased to exist.

Schedule

Sl.No.	Name of the Wakf/Wakf property which has ceasedto exist	Details of moveable property	Details of immovable property					Details of funds if anyif any
			Sy. No.	Area/Extent	Village Town	City	Usage	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

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It is therefore hereby notified that an inquiry will be taken up regarding the said cessation and to ascertain the property and the funds of that waqfs and to order for recovery of the said property or funds and its utilization under Sec. 39(2) of the Waqf Act.

Any objections in this behalf shall be furnished to the undersigned on ……(date) at……(place and time) when the inquiry will be taken up.

Chief Executive Officer/
Authorised Officer

To

_____

_____

FORM 17
[See rule 49 (1)]

SEPARATE BUDGET BY MUTAWALLIES AND AUQAF UNDER THE DIRECT MANAGEMENT OF THE BOARD FOR THE YEAR 20…-20….

Estimated Receipts	**Estimated Expenditure**
Receipts of rent from the properties	Salary of the employees of
Donation/contribution	Miscellaneous receipt, if any
Maintenance of property expenditure	Miscellaneous expenditure with details
Excess of expenditure over receipt	Excess of receipt over expenditure
2. Actual for the current year	
3. Actual for the preceding year proposed	

Date:

Place:

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FORM 18
[See rule 50(1)]

ANNUAL BUDGET ESTIMATE OF WAQF FOR 20…… 20……

A B S T R A C T

Actuals for 20……20…..	Sanctioned estimate for Current year 20…….20…….	Revised estimate for current year		Total Budget Estimate for year 20…..20……
		Actuals for 8 months	Probable or Expected expenditure for 4 months	
(1)	(2)	(3)	(4)	(5)

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Opening Balance

Total…….

Receipts (Statement I)

Total……..

Expenditure (Statement II)

Total……..

Closing Balance

Total……

Statement I (Receipts)

Sl. No.	Particulars	Actuals for previous year	Actuals for year of report	Revised Budget for ensuring year	Budget Estimates	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. Opening Balance
2. Cash at Bank
3. On hand (Cash, Cheque & DD)
4. Income from Rent:
   a) Residence
   b) Office Complex's
   c) Shops
   d) Schools
   e) Shadi Mahal
   f) Others

Total:

5. Security Deposits
6. Goodwill
7. Income from Hundi
8. Income from Agriculture Land:
   a) Sale of Agricultural Crops
   b) Sale of usufructs of trees (income from fasal)
   c) Sale of trees
   d) Annuity
   e) Tasdik Allowance
   f) Cash Grants

Total:

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9.A. Miscellaneous receipts :

a) Nazar/Presents
b) Subscription fee
c) Meelad/Ramzan Donation
d) Nikah fee
e) Hide & Skin
f) Golak collections

Total

9. B. Receipts from :

a) Grant-in-aid
b) Loan recovery
c) Salary & Festival Advance recovery
d) Interest from bank
e) Loan from Central Waqf Council, New Delhi
f) Fixed Deposit Receipts
g) Royalty/E.M.D

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Total

10. Any other receipts

Grand Total:

Statement II (Expenditure)

Sl. No.	Particulars	Actuals for previous year	Actuals for year of report	Revised Budget for ensuring year	Budget Estimates	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. General Administration

1. Salaries
2. T.A.
3. Office Expenses:
   - (i) Purchase of furniture
   - (ii) Purchase of Stationery & forms:
     - a) Printing Receipts
     - b) Printing/Purchase of Books of Accounts.
   - (iii) Postal Charges
   - (iv) Telephone Charges
   - (v) Water Charges
   - (vi) Electric Charges
   - (vii) Office imprest amount
   - (viii) Purchase of Vessels
   - (ix) Purchase of Machinery & Electrical items
   - (x) Meeting Expenses

Total:

4. Legal Expenses
5. Audit Expenses
6. Corporation/Municipal/Land Tax
7. Waqf Contribution to Board

Total:

II. Capital Expenditure:

- (i) Construction Expenses
- (ii) Repayment of Loan/Advances
- (iii) Security deposit
- (iv) Building Licence/Plan Fee
- (v) Royalty
- (vi) E.M.D.
- (vii)

Total:

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III. Charitable Expenses:

(i) Scholarship/Freeship
(ii) Medical Expenses
(iii) Marriage Expenses
(iv) _____

Total:

IV Festival Expenses

(i) Meelad
(ii) Shab-e-Meraj
(iii) Shab-e-Qadar
(iv) Shab-e-Barat
(v) Idgah/Mosque/Dargah expenses
(vi) Urs
(vii)

Total:

V. Miscellaneous Expenses

(i)

(ii)

Total:

Grand Total:

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FORM 19
[See rule 50(2)(a)]

LIST OF WAQFS

List of Wakfs under direct management as on …….for preparation of Budget under Section 45.

Sl.No.	Name of the Waqf	Name of the Administrator	Order No. date period of Direct Management
(1)	(2)	(3)	(4)

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Date:

Chief Executive Officer
…… State Board of Waqfs

FORM 20
[See rule 50(2)(b)]

PREPARATION OF BUDGET PROPOSALS BY WAQFS UNDER DIRECT MANAGEMENT

From:

The Chief Executive Officer,
…… State Board of Waqfs,

To
_____
_____
_____

Sir,

Sub.: Preparation of Budget proposals by waqfs under direct management.

The ……waqf is under direct management of the ……. State Board of Waqf u/s 45 as per Order No. ……dated for a period of ……

As per Sec. 45 of Waqf Act, 1995, the budget of the above institution needs to be placed before the Board. Therefore you are requested to prepare and furnish the budget covering the estimated receipts and expenditure in the prescribed proforma with a statement giving details of the increase if any with income of the waqf and also steps taken for its better management

The budget prepared shall reach the under signed by 31st December…….(Year).

Date:

Chief Executive Officer/
Authorised Officer
…… State Board of Waqfs, Bangalore

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FORM 21
[See rule 50(3)]

STATEMENT GIVING DETAILS OF INCREASE IN THE INCOME OF AUQAF UNDER DIRECT MANAGEMENT.

Name of Waqf : District :

Sl.No.	Details of income sources	Brief detail of audit of the previous year 19_____	Order No. date of taking over under direct management	Details of increase in immovable property after taking over under direct management	Increase in the income if any
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
(1)					
(2)					

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(Details to be adopted from the Statement In receipts of Budget)

Steps taken for better management:

1.

2.

3.

Results:

1.

2.

3.

Signature of Administrator

FORM 22
[See rule 52(4)]

REQUISITION UNDER SUB-SECTION (1) OF SECTION 52 OF THE WAQF ACT 1995 TO THE COLLECTOR FOR RECOVERY OF WAQF IMMOVABLE PROPERTY TRANSFERRED IN CONTRAVENTION OF SECTION 51 OR SECTION 56

1. Details of waqf property
2. Particulars of transfer deed, if any, executed in respect of the above property.
3. Name and full particulars of the person executing the deed, if any.
4. Name and full particulars of the person to whom the property has been transferred.
5. Result of comparison of the details of waqf property with the entries in the register of auqaf maintained under section 37 of the Waqf Act, 1995
6. Result of inquiry from the record of the Board regarding absence of sanction for the said transfer as required under section 51 or transferred in violation of section 56 of the Waqf Act.
7. Request to pass reasonable order to obtain and deliver possession of property to the Board.

Place:

Date:

CHIEF EXECUTIVE OFFICER
…….WAQF BOARD

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FORM 23
[See rule 52(5)]

ORDER OF THE COLLECTOR FOR DELIVERING POSSESSION OF WAQF PROPERTY

To

Shri .....

.....

Whereas a requisition has been received under sub-rule (2) of rule 61 of the ……..Waqf Rules, from the Chief Executive Officer, ……. Waqf Board, regarding transfer of waqf property, detailed in the Schedule below in your favor by Shri …….. in contravention of section 51 or section 56 of the Waqf Act, 1995.

Now, therefore in exercise of the powers conferred by sub-section (2) of section 52 of the said Act, I, ……. Collector, District …….. hereby direct you to deliver possession of the said property to the …… Waqf Board or to any person duly authorised by the said Board, within a period of thirty days from the date of service of this order failing which eviction proceedings shall be initiated against you. If you are aggrieved by the order, you may, within a period of thirty days from the date of service of this order, prefer an appeal to the Tribunal. In case you fail to comply with this order, and do not prefer an appeal within the time specified, the said property shall be taken possession of by me or by any person duly authorised using such force, as may be necessary for the purpose, and deliver it to the said Board.

Date

SIGNATURE OF THE COLLECTOR
SEAL

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FORM 24
[See rule 53(1)]

FORM OF NOTICE UNDER SUB-SECTION (1) OF SECTION 54 OF THE WAQF ACT, 1995

To

Shri .....

.....

Whereas I, …….. the undersigned, am of the opinion, on the grounds specified below that you are an encroacher of the waqf property mentioned in the schedule below and that you should vacate the said premises:

Grounds

……

……

Now, therefore, in pursuance of the provisions of sub-section (1) of section 54 of the Waqf Act, 1995, I hereby call upon you to show cause on ……. why such an order should not be made;

And in pursuance of sub-section (3) of section 54 of the Act, I also call upon you to appear before the undersigned in person or through a duly authorised representative, capable to answer all questions connected with the matter along the evidence which you intend to produce in support of the cause shown, on……. at …… for personal hearing. In case, you fail to appear on the said date and time, it will be presumed that you are an encroacher on the said waqf property and further action shall be taken for your eviction according to law.

SCHEDULE:

Details of Waqf Property:

Signature and seal of the Chief Executive Officer

Date:

Copy to: Mutawalli

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FORM 25
[See rule 54(6)]

ORDER FOR VACATION OF THE UNAUTHORIZED OCCUPATION OF WAQF PROPERTY

Whereas, I the undersigned, am satisfied for the reasons recorded below that Shri/Smt./Km. …….. is an encroacher and unauthorised occupant of the waqf premises specified in the Scheduled below:—

REASONS:

SCHEDULE

Details of waqf property:

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Now, therefore, the undersigned under section 54 of the Waqf Act, 1995, hereby order Shri/Smt./Km …… and all persons who are in unauthorised occupation of the waqf property or any part thereof to vacate the said premises within 15 days of the service of this notice. In the event of refusal or failure to comply with this order within the period specified above, the matter shall be referred to the Tribunal for passing appropriate order.

DATE:

SIGNATURE AND SEAL OF THE CHIEF EXECUTIVE OFFICER

FORM 26
[See rule 54(10)]

APPLICATION TO EXECUTIVE MAGISTRATE UNDER SECTION 55 OF THE WAQF ACT 1995

To

The Executive Magistrate,

……..

Whereas the Waqf Tribunal has passed an order under sub-section (4) of section 54 of the Waqf Act 1995 on …….. (copy annexed);

Whereas Shri./Smt./Km. …….. has failed to vacate the land, building, space or other property to which the order relates, within the time specified in the order;

Whereas under section 55 of the Waqf Act 1995, you are requested to make an order, directing the encroacher to remove the encroachment, as the case may be, vacate the land, building, space or other property and to deliver possession thereof to Shri ……. mutawalli/Secretary of the Managing Committee of the property / Waqf Board. In default of compliance with the order, remove the encroachment or evict the encroacher within one month of the receipt of this application from the waqf premises with the assistance of police.

Whereas your attention is drawn to proviso to sub-section (6) of section 7 of the Waqf Act, 1995 (as amended).

Date:

SIGNATURE AND SEAL OF THE CHIEF EXECUTIVE OFFICER

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FORM 27
[See rule 56(1)]

NOTICE FOR HOLDING OF ENQUIRY

Notice to Mutawalli/Secretary of _____(Waqf institution) under Sec. 64(3) of the Waqf Act, 1995 to conduct an enquiry. Whereas, you Sri _____ S/o _____ _____ were appointed as Mutawalli/Secretary of (Waqf Institution) vide Board's Order No. _____dated for a period of years and whereas, it is now established that you have violated the provisions of the Waqf Act, 1995, and liable for action under Sec. 64(1) for anyone/more than one reasons indicated below (tick whichever is appropriate)

(a) has been convicted more than once of an offence punishable under Sec. 61 of the Waqf Act, 1995

(b) has been convicted of offence of criminal breach of trust or any other offence involving moral turpitude, and such .conviction has not been reversed and he has not been granted full pardon with respect to such offence; or

(c) is of unsound mind or is suffering from any other mental or physical defects or infirmity which would render him unfit to perform the functions and discharge the duties of a mutawalli; or

(d) is an undischarged insolvent; or

(e) is proved to be addicted to drinking liquor or other spirituous preparations, or is addicted to the taking of any narcotic drugs; or

(f) is employed as a paid legal practitioner on behalf of or against the waqf or;

(g) has failed, without reasonable excuse, to maintain regular accounts for two consecutive years or has failed to submit, in two consecutive years, the yearly statement of accounts, as required by sub-section (2) of Section 46; or

(h) is interested, directly or indirectly,, in a subsisting lease in respect of any waqf property, or in any contract made with or any work being done for, the waqf or is in arrears in respect of any sum due by him to such waqf; or

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(i) continuously neglects his duties or commits any misfeasance, malfeasance misappropriation/misapplication of funds or breach of trust in relation to the waqf or in respect of any money or other waqf property: or

(j) wilfully and persistently disobeyed the lawful orders made by the Central Government, State Government, Board under any provision of this Act or rule or order made thereunder;

(k) misappropriate or fraudulently dealt with the property of the waqf.

(l) as per the information/ audit report/report before the Board;

(1)

(2)

(3)

Therefore, by virtue of the powers conferred under Sec. 64(3) of the Waqf Act, 1995, notice is hereby given that an enquiry will be held under Sub Rule (1) of Rule 66 of ……. Waqf Rules 1996 by the ……. State Board of Waqfs.

You are therefore called upon to file your objections, if any, to the said enquiry, within seven days, from the date of service of this Notice. If you fail to file your objections, the Board shall proceed with the enquiry and take a decision under Sec. 64 of the Waqf Act, 1995 as required under law.

Chief Executive Officer

To

Shri
Copy to the concerned.

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FORM 28
[See rule 56(3)]

NOTICE

(NOTICE FOR SUSPENSION OF MUTAWALLI/MANAGING COMMITTEE OF _____(WAQF INSTITUTION) UNDER SEC. 64(5) OF THE WAQF ACT, 1995)

Whereas, action under Sec. 64(1) is contemplated against you Sri _____ S/o _____Mutawalli/ Managing Committee of (Waqf Institution).

Whereas, the …….. State Board of Waqfs has taken up an enquiry under Sec. 64(3) of the Waqf Act, 1995 in this connection, and therefore your continuance in this office may hamper the proceedings of the enquiry. Now therefore, in exercise of the powers conferred under Sec. 64(4), …….. State Board of Waqfs has decided to keep you under suspension from the office of the Mutawalli/Secretary of Managing Committee of (Waqf institution).

You are therefore, called upon to explain as to why orders keeping you under suspension should not be issued. If you fail to furnish an explanation, the Board shall proceed in accordance with law and action will be taken to suspend you from the office of the Mutawalli/Secretary of the Managing Committee of the above said institution, until the conclusion of enquiry initiated under Sec. 64(3) of the Waqf Act, 1995.

Chief Executive Officer

Date:

Sri
Mutawalli/Secretary

_____

_____

Copy to the concerned

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FORM 29
[See rule 57]

ANNUAL REPORT REGARDING WAQF INSTITUTIONS UNDER THE DIRECT MANAGEMENT OF THE BOARD UNDER SEC. 65 OF THE WAQF ACT.

1. Name of the Waqf Institution.
2. Details of Registration of Institution under Section 37.
3. Order No. & date of taking the Institutions under direct management.
4. Name of the Official/person appointed as Administrator of Waqf Institution.
5. Income of the Waqf for the preceding year
6. Steps taken by the Administrator to improve the income of Waqf.
7. Period for which the Waqf is under the direct management and reasons for not entrusting the waqf to the Mutawalli/Managing Committee during the year.
8. Details of immoveable property and the income therefrom.
9. Details of project intended after taking the institution under direct management.
10. No. of Resolutions made after taking the Institution under the direct management.
11. Details of collection of arrears by way of rents/lease amount etc.
12. Details of Waqf contribution paid.
13. Recommendation of Board to the state Government regarding continuance under direct management.

    (i)

    (ii)

    (iii)

    (iv)

Chief Executive Officer
…..State Waqf Board

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FORM 30
[See rule 58(2)]

SHOW CAUSE NOTICE

Show Cause Notice under sub-section 2 of section 67 of the Waqf Act, 1995 for superseding a Committee for supervision/management of (Waqf institution) _____constituted under Sec 67(1) of the Wakf Act, 1995, for a term of _____period by the Board because the Committee so constituted is not performing/managing the issue in the interest of Wakfs for the reasons:

i)

ii)

iii)

iv)

(reasons shown above shall be the complaints and written objections about the same, observation of mis-management and misuse during the course of inspection etc., shall be indicated specifically).

Now therefore by virtue of the powers conferred with the ……. State Board of Waqfs under Sub Sec. (2) of Sec 67 of the Wakf Act, 1995, you are called upon to explain within one month from the date of issue of this Notice as to why an order of suppression of the Committee should not be passed. If no reply is received from you within the stipulated time, then the Board will proceed to pass an order under Sub Sec (2) of Sec, 67 of the Waqf Act, 1995.

By Order of the Board

Date: **Chief Executive Officer**

To

The Secretary/President,
Managing Committee
_____
_____

Copy to the Chairman, Distt. Waqf Advisory Committee _____the concerned.

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FORM 31
[See rule 58(5)]

SHOW CAUSE NOTICE

Show Cause Notice to be issued to a Member for his removal from a committee under Sec. 67(6) of the Waqf Act, 1995)

Whereas Janab _____S/o_____was appointed as a Member of the Managing Committee of (Waqf institution) _____ by the Board under Sec. 67 (1) of the Waqf Act, 1995 on _____Whereas, now there is sufficient evidence that Janab _____Member of the above said committee has abused his position in such member or has knowingly acted in a manner prejudicial to the interests of the Wakfs for the following reasons:

(i)

(ii)

(iii)

(iv)

(v)

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(contents be taken from complaints, report of mis-conduct of the member in the meetings of the managing committee, report from the Mutawalli/Secretary of the Committee duly verified shall be indicated specifically)

Therefore, by virtue of powers conferred with the …….. State Board of Waqfs under Sub Sec (6) of Sec. 67 of the Wakf Act, 1995, Janab _____is hereby called upon to show cause as to why an order should not be passed for your removal from the membership of the above said committee within seven days from the date of service of this Notice. If no reply is received, the Board shall proceed with in accordance with law under Sec.67(6) of the Waqf Act, 1995.

By Order of the Board

Date: **Chief Executive Officer**

To

Janab_____
Member, Managing Committee

Copy to the Chairman, Distt. Waqf Advisory Committee _____the concerned.

FORM 32
[See rule 59(1)]

NOTICE

(NOTICE UNDER SUB-SECTION (1) OF SECTION 69 OF THE WAQF ACT, 1995 TO THE MUTAWALLI/MANAGING COMMITTEE OR THE APPLICANT TO ADOPT THE SCHEME OF MANAGEMENT APPROVED BY THE BOARD FOR PROPER ADMINISTRATION OF WAQF)

Whereas, under sub section (1) of Section 69 of the Waqf Act 1995, a Model Scheme of Management is prescribed for any Waqfs and whereas, in view of provision prescribed in above sub section, the Muthavalli/Secretary of Managing Committee of (Waqf institution) _____is required to propose to prepare Scheme of Management with reference to Mansha-e-Waqif of _____(Waqf institution).

It is hereby notified that the Mutawalli/applicant under Sub Sec (1) of Sec. 69 of the Waqf Act, 1995, shall furnish the said Scheme alongwith the Resolution of the Managing Committee/General Body within fifteen days from the date of receipt of this Notice.

Date: **Chief Executive Officer**

To

The Mutawalli/applicant
Of Managing Committee,
_____
_____

Copy to the Chairman, Distt. Waqf Advisory Committee, _____the concerned.

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FORM 33
[Refer rule 61(2)]

(STATEMENT INDICATING THE NET ANNUAL INCOME OF THE WAQF AND THE CONTRIBUTION PAYABLE TO BE FURNISHED BY 15TH JUNE EVERY YEAR).

1. Name of the Waqf
2. The income assessed as per Statement of Accounts
3. Deduction from the income as per Sub Sec. (1) of Sec. 75
   i)
   ii)
   iii)
   iv)
   v)
4. Net profit derived from the Waqf
5. 7% Waqf Contribution payable to the Waqf Board.

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Signature of Mutawalli/
Secretary of the Managing Committee

To

The Chief Executive Officer
Karnataka State Board of Waqfs

Or

Authorised Officer

_____
_____

Copy to the Chairman, DWAC _____

FORM 34
[See rule 63(1)]

(Part-A)
BUDGET ESTIMATE OF INCOME AND EXPENDITURE FOR THE FINANCIAL YEAR 20….-20…..

DETAILS

INCOME					**EXPENDITURE**				
Head of income	Actual for immediately preceding year	Budget estimate of current year	Revised estimate of current year	Budget estimate for next financial year	Head of expen-diture year	Actual for year immediately preceding current year	Budget estimates of current year year	Revised budget estimate for the current	Budget estimates for next financial year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. Contributions from auqaf under section 72 (1)					1. Deficit from previous year.				
2. Other income:-									
(a) Interest on investments and advances.					(a) Allowance of fees to the Chairperson or members of the Board or Committees				
(b) Fees for supply of documents and other petty items.					(b) (i) Pay of Chief Executive Officer (ii) Pay of establishment in the Board's office				
(c) Rents of land and building					(c) (i) Travelling allowance(ii) Other allowances				
(d) Cash grants and amenities					(d) (i) Rents, (ii) Postage (iii) Stationary (iv) Books and periodicals (v) Electric and lighting charges (vi) Telephone charges (vii) Printing charges				

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	(viii) Furniture
	(ix) Miscellaneous
(e) Sale of securities, stocks, debenture or other valuable charges	(e) (i) Lawyer's fee
	(ii) Stamp charges
	(iii) Court fees
(f) Sale of immovable properties	(f) (i) Interest on loans
	(ii) Loans and advances
(g) other receipts	(g) (i) Grants and scholarships
	(ii) Capital expenditure on land and building
	(iii) Maintenance and repair
	(iv) Purchase of securities
	(h) (i) Fuel for vehicles
	(ii) Maintenance for vehicles
Total	

DEFICIT/Surplus at the end of the next financial year .....

(Part-B)

BUDGET ESTIMATE OF RECEIPTS AND PAYMENTS FOR THE FINANCIAL YEAR

Receipt	Actual for the year immediately preceding current year	Budget estimate of current year	Revised budget estimate for current year	Budget estimate for next financial year	Head of payments	Actuals for year immediately preceding current year	Budget estimate of current year	Revised budget estimate for current year	Budget estimate for next financial year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Cash balance from previous year									
(i) Income					(i) Expenditure				
(ii) Loans					(ii) Payment of loans*				
					Cash balance at the end of year **				

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* From the surplus of income over expenditure or from balance of loans, etc. when there is no surplus.

** Includes advances of pay, travelling allowances and lawyer's fees.

(Part-C)

Actual for year immediately preceding current year	Budget estimate of current year	Revised budget estimate for current year	Head of assets	Budget estimate for next financial year	Head of liabilities	Budget estimate for next financial year	Revised estimate for current year	Budget estimate for current year	Actuals for year immediately preceding current year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
			Cash balance*					**Loans**	
			Deficit /Surplus at the end of the year						

*** Includes advances of pay, travelling allowances and lawyer's fees.**

(Part-D)

BUDGET ESTIMATES OF INCOME AND EXPENDITURE DURING THE FINANCIAL YEAR ABSTRACTS

Actual for the immediately preceding year	Budget estimate for current year	Revised budget estimate for current year	Budget estimates for next year	Remarks
(1)	(2)	(3)	(4)	(5)

Deficit/Surplus at the end of the next financial year…….

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FORM 35
[See rule 66(1)]

BEFORE THE TRIBUNAL ……..

Between (A) : Name and Full address ……..Applicant

V/S

B, C and D ……..... Respondent

DETAILS OF THE APPLICATION

1. Particulars of the orders against which the application is made. The application is made against the following order:
   (a) Order number
   (b) Date
   (c) Passed by
   (d) Subject in brief
2. (a) Facts of the case
   (b) Grounds for relief, including the relevant legal provisions in support of relief
3. Matters not previously filed or pending with the Tribunal or any Court including High Court/Supreme Court.

   The Applicant further declares that he had not previously filed any application/Writ Petition regarding the matter in respect of which this application is made. In case the applicant had previously filed any application/Writ Petition, the copy of the decision should be given.
4. Relief/Prayer

Verification: 1 (Name of the Application) …….. S/o…….. W/o …… D/o ……... age…….. Occupation…… residing at ……..... ……do hereby verify that the contents of the Paras 1 to 4 are true to my knowledge and information and that I have not suppressed any material facts.

(Note: Application shall be accompanied by a Court fee of rupees five hundred)

(SIGNATURE OF APPLICANT)

Date:

Place:

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FORM 36

[See rule 78]

CONTENT OF THE ANNUAL REPORT ON THE WORKING AND ADMINISTRATION OF THE ……..WAQF BOARD AND THE ADMINISTRATION OF AUQAF IN ……

INDEX

Section I: ———— Administration and management

Section II: ———— Financial position

Section III: ———— Remunerative enterprises

Section IV: ———— Removal of encroachment, protection and leasing of waqf property

Section V: ———— Status of litigation with details of number of cases filed/defended in Tribunals and courts and the results

Section VI: ———— Development works

Section VII: ————Religious works including maintenance of mosques and shrines.

Section VIII: ———— Charity

Section IX: ———— Grant of educational and vocational institutions and centres

Section X: ———— Any other activity

Section 1: Administration and management

1. Jurisdiction:-

(i) The area and population of Muslims.

(ii) Number of auqaf.

(iii) Number of circle and branches, if any.

(iv) Number of mutawallis.

(v) Number of waqf institutions.

(vi) Status of survey of waqf properties.

(vii) Number of new waqf registered during the year.

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2. Personnel:-

(i) Number and names of Board members

(ii) Number of members by election and their names along with the electoral colleges.

(iii) Number of members by nomination, their names and category.

(iv) Chairperson-name and date of election.

(v) Chief Executive Officer – name and period from which working

(vi) Names of other officers (office and field)

3. Meetings and attendance:-

(i) Number of ordinary and special meetings of the Board and meetings adjourned meetings.

(ii) Regularity in holding of Board's meetings and attendance of members in the meetings.

(iii) Whether meetings of the Board held as per Rules and Regulations. If not, reason thereof.

(iv) Information regarding agenda and resolution-number of resolution

(a) tabled during the year;

(b) passed;

(c) discussed and withdrawn;

(d) referred again by the Chief Executive Officer to the Board;

(e) referred by the Chief Executive Officer to the State Government, and

(f) dropped.

4. Committees

(i) Number of Standing Committees, their functions alongwith names of members.

(ii) General summary of work of each Committee, average attendance and comments of the Board regarding the Standing Committees.

5. Summary of other meetings held in the head office or elsewhere during the year.

6. Date and details of Annual General meeting of the Board

Section II: Financial Position

1. Summary of the accounts during the year

Head of account	Opening balance	Receipt during the year	Expenditure during the year	Closing balance
(1)	(2)	(3)	(4)	(5)
Auqaf account				

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2. Investments, loans and grants: Details of capital investments, loans and grants may be given.

3. Audit:-

   (i) The period for which the audit has been completed under section 80, and action taken on the audit report.

   (ii) Cases of mis-appropriation of money by the waqf institions and action taken under the provisions of the Waqf Act, 1995 by the …….. Waqf Board.

   (iii) Cases of improvement in the finances of any waqf, whether under direct management.

   (iv) Vigilance cases against the staff of Board.

Section III: Remunerative enterprises

1. Development of waqf properties from the funds of the Board or form loans from Central Waqf Council or any other institution and the achievements thereof and increase in the income by the development of the waqf.

2. Details of any other commercial project taken by the Board.

Section IV: Removal of encroachments, protection and leasing of waqf property.

1. Whether the list of encroachments is maintained by the Board and a programme to identify the encroachment on waqf properties is taken up by the Board. If so, details thereof.

2. Progress in implementation of the relevant provisions of the Waqf Act, 1995 to remove encroachments. Implementation of the orders and requisition sent to the Collector and Executive Magistrates regarding the removal of encroachment and restoration of waqf properties to be given with the action taken in detail. Problems faced by the Board in enforcement of orders to be highlighted. Information for removal of encroachment to be given in the following table:

Sl. No.	Category of waqf	Number of encroachments detected	Number of encroachments removed	Number of cases where proceedings are pending
(1)	(2)	(3)	(4)	(5)

3. Leasing of waqf properties: Total number of waqf properties leased,. Number of proposals for lease received and disposed of by the Board. Amount of lease, donation etc. received to be given in details.

Section V: Status of litigation

1. Details of applications, suits and writ petition pending in various courts to be given.

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Expenditure incurred by way of counsel fees to be given in the report. The efficiency of the panel of Advocates to be examined by checking number of cases in which orders are passed in favour of the Board.

2. Number of applications filed and defended in Tribunal and writs and suits filed in other courts during the year. Expenditure on counsel fee and other expenditure in legal cases during the year to be given.
3. Regarding Tribunals, the number of appeals and applications filed their disposal by each Tribunal may be reviewed. Problems faced by the Tribunal(s) in the disposal of cases may be highlighted. The Tribunal fee collected and its remittance to the waqf fund to be examined.

Section VI: Development works

1. Details of construction of buildings in head office and branch offices and schools etc. with their estimate and expenditure during the year.
2. Maintenance of all such buildings mentioned in para (1) to be given with estimate and expenditure on maintenance.
3. Development and maintenance of waqf property (not religious) like boundary walls etc, with estimate and expenditure during the year.

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Section VII: Religious work

1. Details of construction of mosques with estimate and expenditure.
2. Details of maintenance expenditure of mosques, dargahs etc, along with amount of electricity bills.
3. Amount spent on urs and other festivals.
4. Details of salary of Imams and moazzins with number in different categories.
5. Details of grants to mosques.

Section VIII: Charity

1. Amount of pension of widows and orphans and details of their number district wise.
2. Amount of pension of retired Imams with details
3. Amount of other charity, like marriage of poor girls and others.
4. Amount of scholarship and number of students with classes.
5. Any other expenditure.

Section IX: Grant to educational and vocational institutions and centers

1. Details of expenditure on schools directly managed by the Board with their names, number of teaching staff etc.
2. Details of recurring grants to school, college etc. run by private organizations with the names

of educational institutions.

3. Details of recurring grants to madarsa's with their names and place.
4. Information of one time grant of schools, colleges, madarsa's etc. with name of institution, their address and amount of grant.
5. Details of grants to vocational centre.
6. Details of activities with expenditure on the promotion or Urdu.

Section X: Any other activity

1. Visit of distinguished persons and address.
2. Relationship between the Board and the Chief Executive Officer in the smooth administration of the Board.
3. Inspection of Waqf Committees, Waqf Institutions and inspection by the Chief Executive Officer or other officers and the compliance of the said inspection.
4. Action taken on the review by the Government on the annual report of the preceding year.

Conclusion

Any other important matter affecting the general Administration of the Board and the waqf institutions.

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CHIEF EXECUTIVE OFFICER

CHAIRPERSON OF ……..
WAQF BOARD