THE CENTRAL WAKF COUNCIL PROPOSED RULES, 1998

In exercise of the powers conferred by sub-sections (1) and (2) of section 12 of the Wakf Act,1995 (43 of 1995), the Central Government hereby makes the following rules, namely:-

1.**Short title and commencement**.-(1)These rules may be called the Central Wakf Council Rules, 1998.

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

2. **Definitions.-** In these rules, unless the context otherwise requires,-

(a) "Act" means the Wakf Act, 1995 (43 of 1995);
(b) "Chairperson" means the Chairperson of the Council;
(c) "Council" means the Central Wakf Council established under section 9 of the Act;
(d) "Fund" means the Central Wakf Fund formed under sub-section (2) of section 10 of the Act;
(e) "Member" means a member of the Council;
(f) "Secretary" means the Secretary of the Council.

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3. **Register of Members**.-(1) The Council shall maintain a roll of members indicating their name, occupation and address and every member shall sign the same.

(2) The member of the Council shall intimate the change of his address, if any, to the Secretary of the Council who shall cause to make the entry in the roll of members.

4. **Term of office, resignation and removal of members**.- (1) Save as otherwise provided in these rules, every member shall hold office for a term of five years from the date on which he assumed such office and shall be eligible for re appointment.

(2) A member may resign his office by writing under his hand address to the Central Government and such resignation shall take effect from the date on which it is accepted by the Central Government or on the expiry of thirty days from the date of resignation, whichever is earlier.

(3) The Central Government may remove a member from the Council if he –
(a) becomes an undischarged insolvent;
(b) is, in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body;
(c) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
(d) is without obtaining leave of absence from the Chairperson of the Council, absent from three consecutive meetings of the Council;
(e) in the opinion of the Central Government, has so abused the position of member as to render that person's continuance in the office detrimental to the purposes of the Act.

5. **Filling of casual vacancies**.- In the even of occurrence of any vacancy in the office of a member by reason of his death, resignation, removal or otherwise, the Central Government may appoint another person in his place and the person appointed to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was so appointed.

6. **Committees of the Council**.- (1)The Council may appoint, from amongst its members, such number of Committees as the Council deems necessary but not exceeding four, and assign to them such functions, duties and powers as it may consider necessary for the purpose.

(2) The members of the Committee shall hold office for such period as may be specified by the Council.

(3) A member shall cease to be a member of a Committee if he ceases to be a member of the Council.

(4) The Committee of the Council may meet frequently depending upon the exigencies of work.

(5) The recommendations or decisions of the Committee shall be placed before the Council for its approval:

Provide that when the Council is not holding its meetings the recommendations or decisions shall be placed before the Chairperson by the Secretary of the Council and the Chairperson shall inform the Council pf the recommendations or decisions taken in view thereof to the Council as soon as the Council meets:

Provided further that if the Committee is unable to meet for reasons beyond its control, the Secretary of the Council may submit the matter falling within purview of such Committee directly to the Chairperson for directions:

Provided also that all decisions taken by the Chairperson either on the recommendations of a Committee or otherwise shall be ratified forthwith by the Council.

7. **Secretary to the Council**.- (1) **There shall be a Secretary to the Council, who shall be a Muslim, appointed by the Chairperson on such terms and conditions as may be fixed by the Council.**

(2) The Secretary shall be the Chief Executive Officer of the Council and shall exercise powers of control, supervision and management over the office and staff of the Council.

(3) The Secretary shall give effect to the decisions of, and carry out the instructions

that may, from time to time, be given by the Council or the Chairperson:

Provided that when Council is in the process of reconstitution or unable to meet for reasons beyond its control, the Secretary may seek the orders or approval of the Chairperson on an urgent matter:

Provided further that all such orders or approval of the Chairperson shall be placed before the Council for its decision, as soon as the Council meets.

(4) The Secretary shall ensure that all the records of the Council are properly maintained and kept in the safe custody.

(5) The Secretary shall be responsible for the presentation of the annual statement of accounts of the Council duly authenticated in the proper form to the auditor appointed by the Central Government for this purpose.

(8). **Meeting of the Council**.-(1) There shall ordinarily be two meetings of the Council every year which may be increased to five, if necessary.

(2) An extraordinary meeting of the Council may be convened by the Secretary, if the Chairperson so desires, or if a requisition in that behalf is presented to the Chairperson

by at least one third members of the Council and such requisition shall set out matters for consideration in the meeting.

(3) The date and venue of the meeting shall be such as may be decided by the Chairperson.

(4) An ordinary meeting of the Council may be called by giving not less than one month's notice in writing and an extraordinary meeting by giving not less than one week's notice in writing:

Provided that an extraordinary meeting may be called by giving shorter notice if the urgency of the business to be transacted, so requires.

9. **Procedure at meeting.-(**1) An agenda for every meeting of the Council shall be prepared by the Secretary with the approval of the Chairperson and shall be circulated to the members.

(2) The quorum necessary for the transaction of business at a meeting of the Council shall be one-third of the total number of members.

(3) Where a meeting has been adjourned for lack of quorum, the business which would have been brought before the original meeting if there had been quorum present threat, shall be brought before, and may be transacted at an adjourned meeting whether there is quorum present or not.

(4) The Chairperson or in his absence such other member present as is decided by the Council shall preside at every meeting of the Council.

(5) All matters brought before any meeting of the Council shall be decided by the majority of the votes of the members present and voting.

(6) The Chairperson or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of votes.

(7) It shall be open to any member to raise any matter not included in the agenda with permission of the Chairperson.

(8) The minutes of the meeting shall be recorded by the Secretary and circulated to the members, as early as possible, after approval by the Chairperson.

(9) At the next meeting of the Council, the approved minutes of the previous meeting shall be read and confirmed.

10. Invites to the Council meeting.-The Chairperson of the Council may invite any person or persons to attend any meeting of the Council but such persons shall have no right to vote.

11. Travelling and daily allowances-(1) Every member, not being an officer of the Government, performing journeys to attend meeting of the Council or in connection

with any work relating to the Council shall be entitled to travel, at his discretion, by air or by rail in first class or in second class AC coach wherever available.

(2) Every such member shall be entitled to the following travelling and daily allowances, namely:-

Travelling Allowance:

(a) By Air
  (i) One standard air fare;
  (ii) Incidental expenses subject to a maximum of rupees fifty.

(b) By Rail
  (i) First Class/II A.C. Coach rail fare, as the case may be;
  (ii) Incidental expenses subject to a maximum of rupees fifty.

Note:- In case of air journeys involving overnight halt(either due to non-availability of connective service or due to the cancellation of connective service) at intermediary stations, for which the Airlines does not provide, at its expense, any facility for boarding or lodging to the touring member, he shall be entitled in respect of such overnight halt, one-half of the daily allowance admissible to him in addition to the incidental expenses.

(II) While performing journeys by air, he shall purchase return ticket, wherever it is available, when it is expected that the return journey can be performed before the expiry of the period for which the return ticket is available.

(III) In respect of journeys by road from residence to the air booking office or railway station and from these points to the place where a meeting of the Council is being held, he shall also be entitled to a road mileage at rupees eight per kilometre.

Daily Allowance:

(a) For each day of the meeting, he shall be entitled to a daily allowance of rupees five hundred per day.

(b) In addition to the daily allowance for the days of the meeting, he shall be entitled to full day allowance for the day preceding and the day following the day of the meeting if----
  (i) he arrives in the forenoon of the day immediately preceding the day of the meeting or on an earlier day;
  (ii) he departs in the afternoon of the day following the day of the meeting or on a later day;

  Provided that he shall be entitled to only one-half of the daily allowance for the day preceding the day of the meeting and the day following the day of the meeting if--
  (i) he arrives in the afternoon of the day preceding the day of the meeting;
  or
  (ii) he departs in the forenoon of the day following the day of the meeting.

(3) When a person attends any meeting of the Council or its Committee as an invitee, he may be paid travelling allowance and daily allowance at the rates admissible to a member of the Council.

(4) A claim of the member travelling by his own transport shall be restricted to rail fare by II class AC coach by the shortest route.

(5) Notwithstanding anything contained in sub-rules (1), (2) and (3), if a member of the Council, is a Member of Parliament, or a State Legislature, he shall not be entitled to any remuneration other than the allowances, defined in clause (a) of Section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959), or as the case may be, other than the allowances, if any, which a member of the Legislature of the State may, under any law for the time being in force in the State relating to the prevention of disqualification for Membership of the State Legislature, receive without incurring such disqualification.

12. Travelling and daily allowances to members who are officers of Government.- (1) Every member, being an officer of the Government, shall be entitled to such travelling allowance and daily allowance as are admissible under the rules applicable to him for journeys performed on official duty.

(2) Where any travelling or daily allowance is paid to a member being an officer of the government, the Council shall make necessary arrangements for the reimbursement of the amount so paid to the authority employing such officer.

13. Staff of the Council.-(1) the Council shall, from time to time, and on the recommendation of the Secretary, create such posts as are necessary for the efficient performance of the functions of the Council.

(2) (i) the Chairperson shall make appointments to the posts in the category of Upper Division Clerk or its equivalent and above.

(ii) The Secretary shall make appointments to the posts in the category of Lower Division Clerk or its equivalent and below.

(iii) The appointing authority of the employees of the Council be the disciplinary authority and shall be competent to impose all kinds of punishments including dismissal as per the Central Civil Services (Classification, Control and Appeal) Rules 1965, as amended from time to time.

(iv)In case disciplinary proceedings against the employees of the Council, where the disciplinary authority is the Chairperson, the Council shall be the appellate authority and where the disciplinary authority is the Secretary, Chairperson shall be the appellate authority.

(3) Except as otherwise provided by the Council, with the prior concurrence of the Central Government, the scale of pay, leave, conduct rules, and other terms and conditions of service for the various categories of posts shall be the same as may for the time being in force be applicable to the officers and servants, holding posts of corresponding scale of pay under the Central Government.

14. Control of the Fund.-(1) The Secretary shall receive all payments to the fund and pass receipts on behalf of the Council.

(2) All monies received by the Council shall be deposited in the name and with the approval of the Council in the State Bank of India or any other nationalised bank as per instructions and guidelines of the Ministry of Finance issued in this regard from time to time.

Provided that for the purpose of disbursement of salary to the staff of the Council an account of the Council shall also be opened in a branch of a nationalised bank in the vicinity of the Council's office.

15. Power to sanction expenditure by Chairperson and Secretary.-(1) Subject to the provision made in the budget in this regard-

(a) The Chairperson may sanction a recurring expenditure up to Rs.10,000(Rupees ten thousand only) and a non-recurring expenditure of Rs.50,000(Rupees fifty thousand only) on an item per annum.

(b) The Secretary may sanction a recurring expenditure up to Rs.4000(Rupees four thousand only) and a non-recurring expenditure of Rs.8000(Rupees eight thousand only) on an item per annum.

(2) The Secretary or in his absence an officer subordinate to him, if so authorised, may draw cheques for the sanctioned expenditure.

(3) The officer, so authorised by the Secretary, may supervise the maintenance of all registers in the Council's office and certify the entries made therein.

16. Annual Statement of Accounts.- The Council shall maintain accounts and other records and cause its books of accounts to be balanced on the last working day of the month of March in each financial year and the annual statement of accounts shall be as set out in the Form appended to these rules.

17. Powers of the Secretary in respect of staff and contingent expenditure.- (1) The Secretary shall, in respect of all the staff of the Council under his control and supervision, have the power to sanction,-

(i) Increment;

(ii) Leave;

(iii) Allowances and advances as admissible to the Government employees.

(2) The Secretary shall have the power to sanction,-

(i) expenditure up to Rs.2000 (Rupees two thousand only) for repair of furniture, typewriter, bicycle, clock, water-cooler, electric heater, which are on the stock register of the council office and an expenditure up to Rs.500 (Rupees five hundred only)if any of the aforesaid article needs servicing;

(ii) expenditure up to Rs.2000 (two thousand rupees only) for arranging , entertainment such as dinner, lunch or at home for members and invitees of the Council or its Committees.

18. **Additional qualifications for appointment to a post in the Council.-** In addition to the qualifications required of a person under the rules for the time being in force in the Central Government for appointment to the posts sanctioned for the Council, under rule 13, a candidate shall preferably have a working knowledge of Urdu.

19. **Exemption from recruitment through Employment Exchange.-** Where persons having the requisite qualifications are not available through Employment Exchanges for appointment to the posts in the Council, then direct recruitment of the staff of the Council from the outside may be made.

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