IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governer is pleased to order the publication of the following English translation of notification no. 1468/LII-2–2017-2(279)-2013 T.C., dated December 14, 2017 :

No. 1468/LII-2–2017-2(279)-2013 T.C.

Dated Lucknow, December 14, 2017

IN exercise of the powers under section 109 of the Waqf Act,1995 *read* with section 21 of the General Clause Act, 1897 (Act no. 10 of 1897) and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating appointment and terms and conditions of service under the Uttar Pradesh Waqf Tribunal.

THE UTTAR PRADESH WAQF TRIBUNAL RULES, 2017

Short title and commencement

1. (1) These rules may be called the Uttar Pradesh Waqf Tribunal Rules, 2017.

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

Definitions

2. (1) In these rules, unless there is anything repugnant in the subject or context,–

(a) 'Act' means waqf Tribunal Act, 1995;

(b) 'Chairman' means the Chairman of the Tribunal appointed under rule 3;

(c) 'Member' means a member of the Tribunal appointed under rule 4.

(2) Words and expressions used in these rules but not defined shall have the meaning assigned them in the Act.

Procedure

3. (1) Any mutawalli, person interested in a waqf property or any other person aggrieved by an order made under this Act, or rules made thereunder, may make an application within the time specified in the Act or the rules for resolution of any dispute, question or other matter relating to the waqf.

(2) Where any application made under sub-rule (I) relates to any waqf property which falls within the territorial limits of the jurisdiction of the Tribunals, such application may be made to the Tribunal within the local limits of whose jurisdiction the mutawalli or any one of the mutawallies of the waqf actually and voluntarily resides, carries on business or personally works for gain, and, where any such application is made to the Tribunal as aforesaid, the other Tribunals shall not entertain any application for the determination of such dispute, question or other matter.

(3) Every application, plaint or memorandum of appeal or an application for execution or recovery of possession shall be accompanied by Court fee as prescribed in Schedule I and Schedule II of Court Fees Act, 1870 (Act no. VII of 1870) as amended from time to time .

(4) The Chairman of the Tribunal will constitute three benches comprising of two members each. The bench will be competent to decide a case. In case of disagreement between the two members of a bench, the matter will be decided by the full tribunal comprising of the three members with the majority decision.

(5) The decision of the Tribunal shall be final and binding upon the parties to the application and it shall have the force of a decree made by a civil court .

(6) The Tribunal will generally sit in Lucknow. However, in the public interest, the Chairman may fix sittings of a bench at divisional level, by issuing a quaterly calendar well in advance.

Appointment of Chairman

4. The Chairman shall be appointed by the State Government in consultation with the High Court of Juridicature at Allahabad for a period of three years or till the age of sixty years, whichever is earlier.

Appointment of Members

5. A member of the Tribunal shall be appointed by the State Government for a period of three years or till the age of sixty years, whichever is earlier.

Salaries and allowances of the Chairman and other members

6. The salaries and allowances of the Chairman and other members shall be such as may be determined from time to time by the State Government.

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Appointment of the employees of the tribunal and their service

7. (1) The employees will be posted in the Tribunal by the Chairman on deputation. However, on the request of the Registrar of the Tribunal, the State Government will post such staff on transfer from respective department.

(2) The service conditions of the employees will be regulated by G.O. No. 1354/LII-2–14-2(279)-13, dated October 10, 2014 issued by Alpsankhyak Kalyan Evam Waqf Anubhag-2 as amended from time to time.

Miscellaneous

8. (1) Henceforth the cases will be decided by a bench of two members or full Tribunal as mentioned in rule 3(4) above. However, if any case has been decided by a single member after dated March 3, 2014, it will be treated as null and void, the order is set aside and the case will be decided afresh by the full Tribunal of three members.

(2) Notwithstanding the Waqf Act of 1995 as amended in 2013, in case of any confusion, contradition or ambuiguity, the Central Waqf Act will prevail.

By order,
MONIKA S. GARG,
Pramukh Sachiv.

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पी०एस०यू०पी०–ए०पी० 710 राजपत्र (हि०)–2017–(2294)–599 प्रतियां (कम्प्यूटर/टी०/आफसेट)।
पी०एस०यू०पी०–ए०पी० 3 सा0 अल्प संख्यक कल्याण–2017–(2295)–250 प्रतियां (कम्प्यूटर/टी०/आफसेट)।