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**MADHYA PRADESH
WAKF BOARD**

**REGULATIONS
FOR
DISTRICT WAKF COMMITTEES**

MADHYA PRADESH WAKF BOARD

Bhopal.

Resolution No. 40 for Regulations for the District Wakf Committees passed by the M. P. Wakf Board and adopted on 23 - 3 - 70.

In exercise of the powers conferred by the Wakf Act, 1954 read with Regulation (20) (1) & (2) (a), the M. P. Wakf Board hereby resolves and determines the constitution, functions and duties of the District Wakf Committees in Madhya Pradesh as under :—

Short title and Commencement

1. These regulations may be called the District Wakf Committee regulations.
They shall come into force at once.

Definitions

2. In these regulations unless the context otherwise requires :—

- (a) Act means the Wakf Act, 1954 (29 of 1954)
- (b) Board means Madhya Pradesh Wakf Board.
- (c) **President** means the **President** of the Committee
- (d) Committee means the District Wakf Committee established under Section 16 of the Act by the Board for a particular District in the State.
- (e) District means a specified area of one or more Revenue Districts or a part thereof which from time to time may be determined and declared by the Board to be a District for purposes of these Regulations.

(f) Member means a member of the Committee and includes a **President**.

(g) Secretary means the Secretary of the Committee

(h) State means the State of Madhya Pradesh.

(i) All words and expressions used under these Regulations and not defined herein shall have the meaning respectively assigned to them in the Act, and the rules and Regulations made thereunder.

Establishment of Committee.

3. (1) The Board may form as many Districts in the State as it may deem necessary under such names as may be specified by the Board.

(2) The Board shall establish in every such district a Committee by the name of the district.

(3) The Committee shall have its office at such place in the district as may be fixed by the Board.

The constitution of the committee

✓ 4. The Committee shall consist of members appointed by the Board and shall have such number of members not exceeding fifteen as the Board may determine from time to time for each committee.

Term of office

✓ 5. The members of the Committee shall be honorary and shall hold office for 3 years or for such period as may be fixed by the Board.

Disqualification for being appointed or for continuing as member of the Committee.

6. A person shall be disqualified for being appointed or for continuing as member of the Committee, if
- (a) he is not a muslim or is less than 21 years of age;
 - (b) he is an undischarged insolvent;
 - (c) he has been convicted of an offence involving moral turpitude;
 - (d) he is found to be a person of unsound mind;
 - (e) he has been on any previous occasion removed from the office of a member or has been removed by order of a competent court from any position of trust either for mismanagement or corruption.
 - ✓ (f) he is a Mutawalli of a Wakf;
 - (g) he is directly or indirectly interested in any contract or any other financial transaction or in any other manner has pecuniary interest in respect of any Wakf under the supervision of the committee,

President and Secretary.

7. (1) Every committee shall have a **President** and a secretary who shall be **elected** by the members from amongst themselves, called for the purpose by the convenor nominated by the Board.
- (2) The convenor shall report to the Board within a week the result of such election together with full names and addresses of the persons elected as **President** and the **Secretary**.
- (3) The **President** and the **Secretary** shall be honorary and their term of office shall expire with the end of their term as a member.
- Provided that they shall, notwithstanding the expiration of their term of office as a member shall

continue to hold office till a new committee is duly constituted.

Meetings of the committee

8. (1) The committee may ordinarily meet once in a month and at least once in three months at such time and place as may be fixed by the **President** from time to time for the transaction of the business.
- (2) The **President** may whenever he thinks fit and shall on requisition made in writing by not less than one fifth of the members, convene either an ordinary or a special meeting of the committee at any other time. If the meeting is not called within twelve days from the date of receipt of requisition, one fifth of the members shall be competent to call a meeting.
- (3) A notice of at least 7 clear days to members shall be necessary for calling a meeting, except in the emergent cases, when a meeting, may be called after due notice.
- (4) The quorum for the ordinary meeting of the committee shall be one half of the members and for a special meeting of the committee it shall be two thirds of the members actually serving at the time.
- (5) If at an ordinary or a special meeting of the committee a quorum is not formed the **President** shall adjourn the meeting. There shall be no necessity of a quorum at the adjourned meeting.

President of the meeting

9. The **President** of the committee shall preside at

the meeting. In his absence a member as the members present may elect shall preside and exercise all the powers of the **President** in the meeting.

Decision by majority

10. Subject to the provisions of these Regulations all questions, which come before the committee shall be decided by the majority votes of members present, exercising their votes and in case of equality of votes, the **President** or any other member presiding as such shall have a second or a casting vote.

Minutes of the proceedings

11. (1) The minutes of the proceeding at each meeting of the committee shall be recorded by the Secretary in a book kept for the purpose. They shall be countersigned by the **President** in the next ensuing meeting after confirmation by the committee.
- (2) The minutes of the proceeding shall include :—
- (i) the names of members present,
 - (ii) the decision of the meeting on every question considered, and
 - (iii) when the decision is not unanimous, the number of votes and the names of members voting for or against such question and the names of those who remained neutral, whether votes have been taken by division or otherwise and the gist of opinion expressed by each of the members, shall be recorded so far as possible.
- (3) A copy of every resolution passed by the committee shall within a week, from the date of the meeting

ing be forwarded to the Secretary of the Board for information of the Board.

Authentication of orders etc.

12. All orders, resolutions and decisions of the committee shall be authenticated under the hand of the **President** or the secretary or a member authorised by the committee in this behalf.

Reconsideration of a question

13. No subject once finally disposed of shall be reconsidered by it, unless a recoded consent of not less than three fourth of its members, or unless the Board has directed such reconsideration.
- (2) No subject shall be reconsidered at any time except at a special meeting called for the purpose.

Functions of the Committee

- ✓ 14. Subject to the control of the Board, the functions of the committee shall be:---
- (a) compiling and maintaining a list of wakfs, registered or un-registered in the District and instituting proceedings for the registration of the wakfs under the Act.
 - (b) Super-vising and safeguarding the wakfs properties and the interests of the Board in the District.
 - (c) to inquire into if so directed by the Board and report generally to the Board the manner in which any wakf in the District is administered.
 - (d) To scrutinize and pass budgets submitted to it by the Mutawallis under section 31 of the Act in respect of properties the net total income of which

does not exceed Rs. 300/- or to reject or amend such Budgets and in any case report its actions to the Board;

(e) To receive and forward to the Board with its opinion any application for registration under section 25 of the Act and also accounts if any submitted by the Mutawallis under Section 32 of the Act;

(f) To forward the Budgets submitted by the mutawalli under Section 31 of the Act except those covered by clause (d) to the Board with such suggestions and remarks as it thinks necessary;

(g) to arrange for audit of accounts :-

(i) in respect of properties mentioned under clause (d) and forward the Audit report to the Board with its comments.

(ii) in respect of any wakf property as and when directed by the Board and forward such audit reports with its comments if any.

(h) If and when so directed by the Board to protect supervise and manage all wakf properties in direct management of the Board.

(i) to trace out properties illegally alienated by the Mutawallis or which are in possession of trespassers and give information to the Board with such suggestions for their recovery as it deems appropriate.

(j) to help and assist in the Survey of Wakf properties;

(k) to make recommendation to the Board, for the application of funds to such objects as it considers desirable in cases of wakfs in which the objects for

which the wakf was created is not specified or there is no evidence of user, or in cases in which the object for which the wakf was created has ceased to exist.

- ✓(1) to notify to the Board every change in mutawalliship of a wakf or its income, object or in other particulars;
- (m) to collect contribution under section 46 of the Act if and when authorised by the Board to do so;
- (n) to call for such returns, statistics, accounts or other information from mutawallis with respect to any wakf property as the Board may from time to time direct;
- (o) to institute and defend suits and/or proceedings in a court of law relating to a wakf property in the district as and when directed by the Board;
- ✓(p) to give advice and guidance to the mutawallis in discharging their duties according to the provisions of the Act, Rules and Regulations framed thereunder or orders issued by the Board from time to time;
- (q) to implement the religious, educational or economic programmes of the Board in the District;
- (r) to supervise religious education, mosques, schools, grave yards, Ashoor khanas and other religious institutions in the district;
- (s) to maintain a list of poor widows, orphans, destitutes and poor students area-wise in the district;
- (t) to assess the requirement of books by the religious schools and libraries;
- ✓(u) to form and assist the ward-wise committees in discharging their functions and to organise frequent

meetings of interward committee.

(v) to depute in order to perform the above functions properly one or more of its members or servants and to enter upon and inspect a wakf property in the district and institute inquiries into the method of administration of any wakf property by the Mutawalli;

(w) to report quarterly progress and difficulties to the Board.

✓(x) generally to perform all such duties as may be entrusted to it by the Board.

Constitution of sub-committee

15. (1) The committee may appoint, from amongst its members, one or more subcommittees to aid and advise in the discharge of its functions.

(2) The Secretary of the committee shall be the member and convenor of every subcommittee.

Resignation

16. The **President**, Secretary, or any member may resign his office in writing, under his hand, addressed to the Board and on such resignation being accepted by the Board he shall cease to hold that office.

Removal of members of the committee

✓17. The Board may after giving him an opportunity of being heard remove a **President**, Secretary, or any member if he

(a) is or becomes subject to any disqualification under these regulations,

(b) acts directly or indirectly in a manner prejudicial to

the interest of the Board,

- (c) has so abused his position as a member or office bearer as to render his continuance as such member or office bearer detrimental to the interest of the wakf.
- (d) fails without sufficient reason, in the opinion of the Board, to attend three consecutive meetings of the committee.

Filling of vacancy

18 (1) When the seat of a member becomes vacant by reason of removal, resignation or death or otherwise, a new member shall be appointed by the Board in his place and such member shall hold office so long as the member whose place he fills would have been entitled if such vacancy had not occurred.

- (2) Upon occurrence of any vacancy in the office of the **President** or the Secretary, the Board shall nominate a **President** or the **President** shall appoint a Secretary as the case may be who shall hold office for the remaining term of the committee.

Reappointment

- 19 A person ceasing to be a member or **President** or Secretary by reason of the expiration of his term of office shall if otherwise qualified be eligible for reappointment or re-election.

Powers and duties of President

- 20 (1) In addition to the duties mentioned above in these regulations the **President** shall:

- (a) ordinarily preside over the meeting of the committee,

- (b) sign the minutes of the meeting of the committee after their confirmation,
- (c) give rulings on any point of order and decision as to result of voting,
- (d) sanction expenditure of amount upto Rs. 100/— in a year without approval of the committee.
- (e) exercise general supervision and control over the affairs of the committee and give effect to its decisions
- (f) take such action as he may deem necessary in case of emergency where it is not possible to call a meeting immediately and report the same for the approval at the next meeting of the committee
- (g) receive money on behalf of the committee and give valid receipts for the same and operate on the Post Office or Bank Account.
- (h) Ensure that all expenditure is incurred strictly in accordance with the provisions in the budget approved by the Board provided that in case of emergency the **President** may sanction a sum not exceeding fifty Rupees in excess of the budget provision, but subsequent sanction of the Board shall have to be obtained for such expenditure.
- (i) sign all important documents: G. A
- (j) Be wholly responsible for the administration of the committee and all financial transactions undertaken by it.
- (2) The **President** may delegate the powers conferred on him by these regulations with the approval of the Board to any member of the committee.

Powers and duties of Secretary

20 In addition to the duties and powers imposed or conferred on him as mentioned above in these regulations the Secretary shall :—

- (a) be the chief executive officer of the Committee and the servants of the committee, including servants appointed by the Board for the committee shall be subordinate to him.
- (b) carry on correspondence on behalf of the committee generally except in important matters where the approval of the **President** shall be necessary.
- (c) keep or cause to be kept such Registers and record as may be prescribed by the Board or the committee and sign them if necessary.
- (d) keep or cause to be kept such records or information together with material on which it is based as may be necessary or may be required by the Board or the committee.
- (d) maintain correct and true accounts of the committee.
- (e) write the minutes and keep the minutes book in his custody;
- (f) issue authenticated copy of decisions and resolutions and entries from the record of the committee.
 Provided that no copy of or from the records or information and material shall be issued without the sanction of the Board.
- (g) prepare the budget of the committee and submit at a special meeting of the committee with his comments if any;
- (h) scrutinise budgets and accounts of the wakf properties and submit his report to the committee.

- (i) call for and inspect any document relating to the wakf in possession of a mutawalli and put a report in that behalf before the committee
- (j) enter upon and inspect any wakf property and see if the accounts are properly kept and submit his report for the consideration of the committee,
- (k) Call meetings of the committee as provided in these regulations and give notice of the meeting to every member,
- (l) represent the committee or the Board in suits or proceedings in a court of law by or against the committee or the Board, sign power of attorney, sign and verify pleadings or depute his representative for the purpose.

Provided that he shall represent and act for and on behalf of the Board when so directed by the Board.

- (m) assist the **President** in any matter where his assistance is required,
- (n) generally act up to these regulations and take appropriate action in respect of matters not specifically provided herein in consultation with the **President**.

Staff of the committee

21. (1) The Board if necessary may appoint an Accountant and an Assistant secretary in consultation with the committee on such pay or allowance and on such terms and conditions as may be laid down from time to time.

- (2) The Committee may with the previous sanction of

the Board, appoint such other staff as may be necessary for carrying out the duties and on terms and conditions as may be approved by the Board.

Discipline

22. (1) The committee may impose fine, suspend, dismiss or remove an employee appointed by it provided that every such order shall be subject to an appeal to the Board preferred by the concerned employee within fortyfive days of the communication of such order.
- (2) The officer not appointed by the committee may be suspended, censured, fined or removed by the Board.

Funds and expenses of the committee

- 23 All monies received by the committee except those received by it while performing functions under clauses (e), (h) and (m) of Regulation 14 shall form a fund called the District Wakf Committee fund and the account of that name be opened in any Bank or Post-office which shall be operated jointly by the **President** and the Secretary of the committee.
- (2) Subject to the directions of the Board the said fund shall be applied for the payment of all expenses incurred by the committee in performance of duties imposed and in exercise of powers conferred by or under these regulations.

Budget

- 24 The committee shall before the commencement of each financial year prepare a budget of income and

expenditure for the next financial year and submit the same to the Board for approval.

- (1) The Board may pass it or may return it making suggestions for modification as it thinks fit
- (2) If the committee considers any expenditure not provided in the Budget necessary it may submit a supplementary budget for approval of the Board in the manner laid down by the Board but shall not incur any such expenditure without the sanction of the Board

Accounts

- 25 (1) The committee shall cause to be maintained such books of accounts and other books in relation to its accounts in such form and in such manner as may be prescribed.
- (2) The accounts of the committee shall be audited and examined as and when necessary by such auditor as may be appointed by the Board.
- (3) Not more than Rupees Twenty shall be kept as imprest in the office of the committee.

No financial liability

- 26 (1) The **President**, Secretary, and members shall be wholly honorary with no right for any allowance whatsoever.
- (2) The Board shall not be liable for any expenditure in connection with the administration of committee.
- (3) The Board may whenever it deems fit give grant to a particular committee.

Mode of making contract

- 27 Contracts made by or on behalf of the committee other than sale and purchase of movables, shall be in writing and shall be signed both by the **President** and the Secretary.

Inspection of records and issue of copies

- 28 The committee may allow inspection of records in its custody and issue copies of the same on payment of such fees and subject to such conditions as may be laid down by the Board from time to time.

Directions of the Board

- 29 The Board may from time to time give the committee such general or special directions as the Board thinks fit and the committee shall in performance of its functions comply with any such directions.

Power of the Board to dissolve the committee any time

- 30 If the Board is of the opinion that the committee is not competent to perform, or persistently makes default in performance of its duties imposed on it or undertaken by it, under these regulations or any other instruction of the Board for the time being in force or exceeds or abuses its powers, the Board may dissolve such committee at any time and may appoint another committee or pending reconstitution appoint a person authorising him to exercise all the powers and perform all the duties of the committee under the provisions of these regulations for a

period not exceeding six months or till the reconstitution of the committee whichever is earlier.

Control of the Board.

31. The Board may, at any time, for the purpose of satisfying itself as to the legality or the propriety of any order passed by, or as to the regularity of the proceedings of the committee or any officer subordinate to it and acting in the exercise of any power conferred on it or him, by or under these regulations, call for and examine the record of any case pending before or disposed of by, the committee or such officer, and may pass such order in reference there to as it thinks fit provided that no order shall be varied or reversed until notice has been given to the party likely to be affected to appear and be heard in support of such order.

Enforcement of the order

32. In all matters connected with the regulations, if a committee makes default in carrying out any order made by the Board, the Board shall have all the powers necessary for the enforcement of such order.

Power to prescribe procedure for the conduct of meetings etc.

33. In the absence of any provision in these regulations or the purpose, the committee with the prior approval of the Board may prescribe from time to time by any general or special order —
- (a) the conduct of procedure at the meetings of the committee or subcommittee,
 - (b) adjournment of meetings,
 - (c) all other similar matters.

Interpretation,

34. In case of any doubt regarding the meaning or interpretation of these regulations, the decision of the Board shall be final, provided that the **Chairman** of the Board may give any interim ruling on any subject whether relating to these regulations or other matters relating to the committee.

Savings.

35. Nothing in these regulations shall be deemed or considered to have taken out of supervision and control of the Board any Mutawalli or wakf situated in a District in which a committee has been constituted or to have deprived the Board from exercising any of its powers under the Act or the rules and regulations made thereunder in respect of such person and property inspite of the existence of such committee.

Repeal and savings.

36. The corresponding regulations existing heretofore are repealed hereby.

Provided that such repeal shall not affect the previous operation of the corresponding regulations and subject thereto, anything done or action taken in exercise of the powers by or under the corresponding regulation shall be deemed to have been done or taken in the exercise of the powers conferred by or under these regulations as if these regulations were in force on the day on which such thing was done or the action was taken.

(Zahir Hussain)

Secretary.

M.P. Wakf Board Bhopal.

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