

Andhra Pradesh Wakf Rules, 2000

ANDHRA PRADESH

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Andhra Pradesh Wakf Rules, 2000Published vide Notification No. G.O. Ms. No. 192, Minorities Welfare (Wakf-II), dated 30.11.2000Last Updated 13th September, 2019No. G.O. Ms. No. 192. - In exercise of the powers conferred by sub-section (1) of Section 109 of the Wakf Act, 1995 (Central Act 43 of 1995) and in supersession of the rules on the subject, the Governor of Andhra Pradesh hereby makes the following rules, namely: -

1. Short title and commencement.

- These rules may be called the Andhra Pradesh Wakf Rules, 2000.

2. Definitions.

(1)In these rules, unless the context otherwise requires: -(a)"Act" means the Wakf Act, 1995 (Central Act 43 of 1995);(b)"Chairperson" means the Chairperson of the Board elected under sub-section (8) of Section 14;(c)"Collector" means the Collector of the District in-charge of Revenue Administration appointed by Government;(d)"Deed" means registered document effecting transfer of Wakf property;(e)"Form" means a Form appended to these rules.(2)All words and expressions used in these rules and not defined herein but defined in the Wakf Act, 1995 shall respectively have the same meanings as assigned to them in the Act.

3. Preliminary Report.

- The Survey report of the Wakf properties of the State to be submitted by the Survey Commissioner to the State Government under sub-section (3) of Section 4 of the Act shall be as in Form-1.

4. Powers of the Commissioner while making enquiry under sub-section (3) of Section 4 of the Act.

- The Commissioner shall, while making an enquiry under sub-section (3) of Section 4 have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of; (i) temporary injunctions and interlocutory orders; (ii) appointment of a Receiver for management of the property which is the subject-matter of inquiry; and (iii) appointment of Commission for the purpose of this rule under Order XXVI of Code of Civil Procedure, 1908; Provided that any order passed under clause (1) shall be executed by the Civil Court having competent jurisdiction.

5. Particulars to be included in the list of wakfs to be published by the Board under sub-section (2) of Section 5 and clause (iii) of sub-section (2) of Section 109.

- The list of Wakfs published under subsection (2) of Section 5 of the Act, shall be as in the Annexure.

6. Composition of Board.

(1) After the appointment of the members of a Board under Section 14 or in case the Chairperson of the Board vacates office for any reason before the expiry of his term a meeting shall be held giving not less than "ten clear" days notice for the purpose of the election of the Chairperson. (2) (a) The notice shall be issued by the Chief Executive Officer and Ex-Officio Member stating the time, date and place of the said meeting. (b) Such meeting shall be presided over by a member elected from amongst the members present by simple majority. Provided that such presiding member shall have the right to vote, but shall not have the right of a casting vote; Provided further that in the event of a tie, the election of the presiding member shall be decided by a toss; (c) The Chairperson shall be elected by the members present from amongst the members by secret ballot. In the event of tie, the election shall be decided by a toss. (d) There shall be no quorum for the above meeting.

7. Time and Place of meeting of the Board.

(1) The meeting of the Board shall ordinarily be held once in a month and a period of more than two months shall not be allowed to elapse between two successive meetings. (2) The meeting of the Board shall ordinarily be held at the Office of the Andhra Pradesh State Wakf Board. (3) The meeting of the Board shall be convened by the Chief Executive Officer and Ex-Officio Member of the Board with the approval of the Chairperson. (4) In case more than two months have elapsed and Chairperson refuses to convene the meeting, Chief Executive Officer shall convene the meeting with the approval of Government.

8. Quorum procedure and conduct of Business.

(1)Half plus one of the total members of the Board including the Chairperson shall form quorum. In case there is no quorum the meeting shall adjourn to such other date as may be fixed. For the adjourned meeting there need not be any quorum.(2)The Chief Executive Officer and Ex-Officio Member shall prepare the agenda for the meeting and forward a copy of it to every member at least seven (7) days before the meeting.

9. Language.

- The business of the meeting shall be conducted either in English or in Urdu. In case any member knows either English or Urdu, the Chairperson shall explain to him the matter in English or Urdu as the case may be.

10. Constitution of Committees.

(1)The Board may, whenever it considers necessary constitute a Committee or Committees for such purposes with such functions and powers as it considers appropriate following the directions if any issued by the Government under Section 97 of the Act.(2)The Board may appoint such number of members to any committee as it considers necessary.(3)A person who ceases to be a member of the Board shall automatically cease to be a member of the Committee.

11. Allowances to the Chairman and Members of the Board Committee.

- The Chairperson and the members of the Board and committees shall draw T.A. in respect of the journey performed by them from their usual place of residence to the place of meeting of the Board and back at the following rates.(i)for the journey performed by rail, a single first class fare plus Rs. 300/-per day:(ii)for journey performed by road where there is no rail-connection if the member performs journey by bus, the actual bus fare plus D.A. at the rate of Rs. 300/- per day.(iii)The Chairperson and members shall also be entitled for a sitting fee of Rs.200/- for every day of sitting in the meeting.

12. Conditions and restrictions subject to which may transfer, purchase or alienate Wakf property under Sections 51 and 53 of the Act.

(1)Any purchase, sale, exchange or transfer of wakf property by the Board shall be subject to prior approval of the State Government and adherence to the directions issued under Section 97 of the Act.Provided that the sale of any property sanctioned by the Board with prior approval of Government shall be effected by public confirmation by the Board within one month from the date of auction:Provided further that the sale proceeds or the consideration realised by way of open auction is credited to the Institution account and utilised for the purpose for which the Wakf was created, with the prior approval of the Board.(2)An application for the sanction referred to in Section 51 of the Act, shall contain the following particulars and such other particulars as the Board

may consider necessary: -(i)nature and purpose of the proposed transaction;(ii)correct description of the property relating to the transaction with information regarding the survey number, extent and boundaries; and in the case of property lying within the Municipal limits ward number and house number.(iii)the revenue assessed on the property relating to the proposed transaction byway of land revenue, cess, quit rent, ground rent, property tax, and the like;(iv)any encumbrances to which the properties relating to the proposed transaction are subject to;(v)If the proposal is for mortgage, the amount for which the properties are proposed to be mortgaged;(vi)if the proposal is for sale or lease, the probable price of the rental, as the case may be, that is expected;(vii)the market value of similar properties in the vicinity (enclosing necessary evidence) and how the consideration under the proposed transaction is reasonable and adequate.(3)The Board shall on receipt of an application under sub-rule (2) from the Mutawalli or on its own initiative in the case of properties of any wakf directly managed by it, publish in the Andhra Pradesh Gazette and the District Gazette of the District, if any, in which the property is situated and the leading Urdu and English News-papers of the State, a notice of the proposed transaction.(4)A notice published under sub-rule (3), shall contain sufficient details of the transaction and shall specify a reasonable time not being less than thirty (30) days from the date of publication of the notice within which objections, claims or suggestions may be sent. A copy of the notice shall be affixed on the Notice Board of the Office of the Board and also in any conspicuous place where the property is situated.(5)Any suggestion or objection petition received in respect of the proposed transaction shall be duly considered by the Board before passing order thereon and if deemed necessary, after holding an enquiry, in which case a notice of not less than seven full days shall be given to the parties concerned. A copy of the order sanctioning an exchange, sale or mortgage or lease for a term exceeding three years shall, in addition to being communicated to the Government and the persons concerned, be published in the Andhra Pradesh Gazette and District Gazette, if any, in which the property is situated.

13. Regulation and functions of Board regarding execution of Contracts under Section 32(2) read with Section 109 (2).

(1)The persons competent to sign communications and execute leases of immovable properties, on behalf of the Board, shall be the Chief Executive Officer and Ex-Officio Member or any other officer authorised by the Board in that behalf with the consent of the Chief Executive Officer and Ex-Officio Member.(2)All documents evidencing sale or other permanent transfers of any of the properties vested in and managed directly by the Board shall be signed by the Chief Executive Officer-cum-Secretary and the Chairperson and shall bear the seal of the Board.(3)Where the Board propose to enter into any contract for the supply of material or for the execution of any work, the estimated cost of which is Rs. 20,000/- (Rupees twenty thousand) or more, the Chief Executive Officer and Ex-Officio Secretary shall invite sealed tenders therefor by advertising in at least two of the newspapers having wide circulation in the State. Every advertisement shall specify the period within which the tenders shall be sent to the Board, the amount of earnest money to be deposited by the tenderer, and the date of opening.(4)The Chief Executive Officer and Secretary shall open sealed tenders in the presence of the tenderers at the time and date specified. The tenders so opened shall be scrutinised by the Board, and save for special reasons to be recorded in writing, the lowest of the tenders received shall be accepted.(5)the Board shall not delegate to any of its officers, any of its powers relating to policy matters including the powers under clauses (c), (d), (e), (g), (j), (k), (o) of

sub-section (2), sub-section (4) and sub-section (5) of Section 32 of the Act.

14. Terms and conditions of service of Chief Executive Officer and Ex-Officio Member.

(1)(i) The post of the Chief Executive Officer and Ex-Officio Member shall be filled up by the State Government in consultation with the Board by deputation of a Government servant working as Deputy Collector or a person holding equivalent or higher post. Provided that the State Government may, subject to such conditions as may be specified, allow any person to continue to work as Chief Executive: Officer and Ex-Officio Member, after such person attains the age of superannuation during the period of his deputation in the Board. (ii) The period of deputation shall ordinarily be one year subject to extension by the State Government for another two years from time to time. (2) To be eligible for appointment to the post of Chief Executive Officer and Ex-Officio Member, a candidate must be Muslim, conversant with general administration preferably having experience of the work connected with Revenue or Judicial Departments. Provided that he should have put in a minimum service of not less than for (10) years in any Gazetted post under the State Government. (3) The rules relating to Government employees lent on foreign services shall mutatis mutandis apply to the Chief Executive Officer and Ex-Officio Member. He shall also be governed by the State Government rules relating to travelling allowances and leave while on deputation to Wakf Board.

15.

Seal of the Board. The seal of the Board shall always be in the custody of the Chief Executive Officer and Secretary. -

16. Delegation of powers by Board.

- Any order under Section 27 of the Act delegating powers and duties of the Board, or the Chairperson, or any other member or members, to the Chief Executive Officer and Secretary or members, to the Chief Executive Officer and Secretary or any other officer or servant of the Board, or any Committee thereof, shall be published in the Andhra Pradesh Gazette and a copy of the same shall also be affixed on the notice board of the office of the Board. Provided that such delegation to any Officer or servant of the Board shall be done with the consent of the Chief Executive Officer and Ex-Officio Member.

17. Form of Register of Wakfs and particulars it should contain.

- The register of wakfs to be maintained under Section 37 of the Act shall be as in the Annexure.

18. Particulars regarding transfer of Wakf properties.

- Where any sale or other permanent transfer of any immovable property of a Wakf or any acquisition of immovable property of a wakf is notified to the Board by a Mutawalli under

sub-section (2) of Section 42, the particulars thereof shall be recorded in a register to be maintained as follows : (i) Date of receipt of intimation. (ii) Name of the persons giving the intimation. (iii) Name of the wakf of which properties are sold or transferred. (iv) Date of transaction. (v) Description of properties affected. (vi) Date of taking note of the transaction in the list of immovable properties of Wakfs. (vii) Initials of the Secretary and date. (viii) Remarks.

19. Naib Mutawallies.

(1) A mutawalli shall work through a Naib Mutawalli, Naib Mutawallies under intimation to the Board, when: (a) the muthawalli is a woman; (b) the muthawalli has to perform his duty at more than one place; or (c) the muthawalli is unable to perform his duties due to some other genuine reason. (2) The Naib shall be personally responsible for his duty under the overall supervision of the Muthawalli. (3) The Mutawalli shall have the right to remove the Naib for sufficient reasons to be recorded by him, under intimation to the Board.

20. Duties of Mutawallies.

(1) (a) A Mutawalli shall be entitled to the remuneration as entered in the Waki deed by the Wakf; (b) If the Wakf has not specifically mentioned any remuneration or if there is no Wakf deed, the muthawalli may be given such remuneration not exceeding ten per cent of the net income of the Wakf as may be fixed by the Board. (2) A Mutawalli may at any time resign his office in writing but shall not leave the office until his resignation is accepted by the Board. (3) If a mutawalli wishes to transfer his towliath, he may do so, with the prior approval of the Board, provided the Wakf has allowed it in the Wakf deed or he is entitled to do so under decree of a Civil Court or Tribunal. (4) (a) to carry out the directions of the Board; (b) to furnish such returns and supply such information or particulars as may from time to time be required by the Board; (c) to allow inspection of Wakf properties, accounts or records or deeds and documents relating thereto; (d) to discharge all public dues; and (e) to do any other act which he is lawfully required to do by or under this Act; (f) shall render proper and correct accounts of the income of the Institution and its attached properties and shall not suppress any fact. (5) (a) A muthawalli shall not absent himself for more than one month from his station without intimation of his absence to the Board through the Inspector Auditor and the Regional Officer. (b) During the period of his absence, the Muthawalli shall make arrangements for the performance of his duties and shall be personally responsible for his work. (6) In addition to the duties mentioned in Section 50 of the Act, a Muthawalli also shall: - (i) administer the Wakf property according to the wishes of the Wakf as mentioned in the Wakf deed; or custom and usage recognised by Muslim Law; (ii) prepare the budget of the Wakf and keep the accounts in order and submit statement of actual income in the month of May of each year; (iii) keep the Wakf buildings and other properties in good condition; into by the Board; (iv) perform the rights to the best of his ability; (v) try to increase the income of the wakf property; if the property is illegally occupies, the Board shall issue a requisition to the concerned District Collector for eviction. (vi) keep the registers of movable property up to date by incorporating possession of the property into it. (vii) try to improve the property by construction of new building or acquisition of new property wherever possible, with the prior approval of the Board; (viii) open morning or evening schools to impart religious education to children and adults wherever possible

with the previous sanction of the Board; and(ix)implement the orders issued by the Board from time to time.

21. Procedure to be followed in recovery of sum due to the Board.

(1)The Officer appointed by the Board to recover the Wakf dues shall be responsible to collect and recover all the Wakf dues under the supervision of the Regional Officer, if appointed for any region by the Board.(2)By the end of April every year, the said officers shall prepare and submit to the Board direct or through the Regional Officer, if any: -(a)a statement of demand, collection and balance for the previous years; and(b)a statement of demand of all Wakf dues for the current financial year.(3)A notice of demand in Form-11 shall be issued to the person concerned for payment of wakf dues within sixty days from the date of the receipt of notice. If he fails to comply with such notice, a final notice in Form-III shall be issued to him.(4)If, within the period of fifteen days from the date of receipt of final demand notice in Form-III, the amount of demand is not paid by the defaulter the Board shall issue within a reasonable time under Section 49(2) or sub-section (1) of Section 82 a certificate for the recovery of the dues as an arrears of land' revenue in Form-IV.(5)When any sum becomes recoverable as an arrear of land revenue under these rules, the Board shall send to the Collector in whose District the property is situated or such person resides, a Certificate in Form-IV.(6)On receipt of such certificate issued under these rules, the Collector shall take action for recovery of the amount as an arrear of land revenue and for its remittance to the Board by income Bank-Draft after deduction the Bank commission.(7)The Board and the Regional Officer shall keep a register in -Form-V containing particulars of the certificates sent to the Collectors and watch progress and note the result.

22. Recovery under Section 52(1) of the Wakf Property Transferred in contravention of Section 51.

(a)I f the Board is informed by any person by means of an application supported by an affidavit or by any of its subordinate officer that any immovable property of a Wakf entered in the register of Wakf has been transferred in contravention of on Section 51 or has been un-authorisedly occupied or encroached, the Board shall cause a notice to be issued by registered post to the person occupying the property to hand it over to the Board or to any officer authorised by it within fifteen days from the date of service of the notice. A copy of the notice shall be affixed on the Notice Board of the office of the Wakf Board and also in any conspicuous place in which the property is situated. Such affixture shall be deemed to be sufficient service to all concerned. The Board shall also issue a notice in the manner stated above to the person who has wrongfully alienated the Wakf property in question.(b)the notice issued under sub-rule (a) shall contain sufficient details of the said property and shall allow a week's time within which objections, if any, may be filed.(c)Any objection filed within the time allowed shall be examined into by the Officer authorised by the Board.(d)If the Board satisfies after such inquiry that the property is illegally occupied, the Board shall issue a requisition to the Collector concerned in Form VI to obtain and deliver possession of the property to it.(e)The Collector shall in the manner provided in sub-sections (2), (3) and (5) of Section 52 obtain the possession of the property and deliver it to the Board or any Officer authorised by it in this behalf.(f)If while taking possession of such immovable property, the person in possession bound by

the order or any other person claiming under him does not afford free access, the Collector or any officer duly authorised by him in this behalf shall remove or open any lock or bolt or break open any door or do any other act necessary for putting the Board in possession of the property. The Collector shall get the occupant evicted, and if necessary, remove him by force, and deliver vacant possession of the property to the Board or any officer authorised by it in this behalf.

23. Haq-E-Intezam, when Wakf is under direct management of Board.

- When under Section 65(1) the Board assumes direct management of any Wakf, the Board may collect as Haq-E-Intezam.(a)That portion of the income of Wakf which was being taken by the muthawalli as per directions of the Wakf deed. If the Board finds that such amount is not just and reasonable or if there is no specific direction in the Wakf deed, the Board may charge an amount not exceeding 25 per cent of the net income of the Wakf as Haq-E-Intezam.(b)In case of Mashratul Khidmat Wakf Inam 25 per cent of the income as Haq-E-Intezam while the other 25 per cent shall be distributed to the Baradary (relatives) of the former muthawalli and the remaining 50% shall spent for the Mahal-E-Sharth (Institution) concerned.Provided that if there is no 'Baradary' the 25 per cent share shall be credited to the accounts of the institution concerned and shall be spent for charitable purposes.

24. Procedure for Instituting Enquiries.

(1)(a)No application for inquiry relating to administration of the Wakf under Section 70 shall be admitted by the Wakf Board, unless a fee of Rs. 50/- is deposited in the Wakf Board treasury through a challan crossed bank draft or crossed postal certificate.(b)No application for inquiry shall be entertained unless supported by an affidavit accompanied with copies equal to the number of respondents plus two extra copies.(c)The parties to the proceedings shall deposit in cash in the office of the Board, fee at the rate of rupees ten per respondent or witness for summons and notices and rupees thirty for summoning documents.(d)In addition to the fee prescribed above the party summoning the witnesses shall bear the date of such witnesses fixed by the Board, and shall deposit the same in advance with the office of the Board.(2)Notice of inquiry shall be sent by Registered Post, Acknowledgement Due at least fifteen days before the date fixed for the inquiry, to the parties concerned specifying the date, hour, and place fixed for holding such inquiry.(3)A copy of the notice shall be fixed on the notice board of the office of the Board and in any other conspicuous place in any locality in which the property is situated such affixture shall be deemed to be sufficient service.(4)All persons who appear in response to the notice may, within the time fixed in the notice or within such further time as may be granted file written statements.(5)Any party to the proceedings shall have a right to appear in person or through Counsel.(6)The inquiry shall be summary and the Inquiring Officer shall record the Memo of Evidence.(7)The Board or any person authorised in this behalf while holding an inquiry shall have the same powers as are vested in a Civil Court under Orders XXXIX and XL of the Code of Civil Procedure, 1908 in respect of the following matters, namely: -(i)temporary injunctions and interlocutory orders;(ii)appointment of Receiver for management of the property which is the subject-matter of the enquiry; and(iii)appointment of a Commissioner for the purpose of this rule.(8)The provisions of the Code of Civil Procedure, 1908, and rules thereunder shall apply, as far as practicable to the appearance of pleaders, and to affidavit

production of documents examination of affidavits, filing of exhibits issue of commission, return documents and pronouncement of judgment.

24A. [[Inserted by Notification No. G.O.Ms. No. 238, dated 24.11.2011 (w.e.f. 30.11.2000).]

(i)The Wakf Board may appoint an Officer or a person to conduct an enquiry into the charges against a Mutawalli.(ii)The Enquiry Officer shall furnish the Charge Memo to the Mutawalli along with list of witnesses and documents on which the charges are proposed to be sustained.(iii)The Enquiry Officer shall give a notice to the Mutawalli 15 days in advance specifying the date, hour at a place fixed for holding enquiry. The enquiry shall be summary and the Enquiry Officer shall record the Memorandum of evidence.(iv)The Enquiry Officer shall complete the enquiry as expeditiously as possible and in no case he shall take more than six months for concluding the enquiry. Otherwise, the Enquiry Officer shall be held responsible for the delay, and appropriate action may be taken against him".(v)The Enquiry Officer shall submit his enquiry report to the Andhra Pradesh State Wakf Board, within 15 days from the date on which the Enquiry has been completed and Board may take a decision on the above enquiry as contemplated in sub-section (3) of Section 64 of the Wakf Act.(vi)The Board shall, in case it has decided to remove the Mutawalli, issue a Notice to the latter, affording to him an opportunity to Show Cause, within a reasonable time, not earlier than (15) days from the date of service of the Notice, as to why he should not be removed from the Office of the Mutawalli.(vii)The Board shall consider the explanation offered by the delinquent and if it is found to be not satisfactory, may pass a Resolution, in terms of sub-section (3) of Section 64 of the Act,, removing the Mutawalli. The order of removal shall be communicated forthwith to the Mutawalli.(viii)The Board shall appoint an Executive Officer / Committee to manage the affairs of the Wakf Institution concerned.]

25. Circumstances and conditions subject to which Board may reduce or remit annual contribution.

(1)The Board may sanction remission or reduction of the annual contribution in the following circumstances: -(i)loss of money, stores and articles not due to the negligence of the Muthawalli or other servants of the Wakf:(ii)loss of income due to failure of crops on account of drought or other unforeseen causes, like floods, and other natural calamities:(iii)paucity of funds due to non recovery of loans, advances and debts advanced by the Muthawalli not due to his negligence but due to the circumstances beyond his control such as drought and unforeseen natural calamities:(iv)paucity of funds due to non recovery of loan advances and debts: and(v)where the Wakf maintains and orphanage whose resources are sufficient for its due management.(2)Before remission or reduction of contribution is sanctioned, the Board shall make a thorough investigation into the circumstances of each case and satisfy that such reduction or remission is necessary.(3)The reduction or remission sanctioned by the Board shall be operative only for the year for which it is sanctioned. Where its continuance in the subsequent year is found necessary, the Board shall give fresh sanction therefor.

26. Circumstances under which terms and conditions subject to which Board may borrow.

- The Board shall, when applying to the State Government for sanction to raise loans to meet its legitimate expenditure, furnish among other particulars information on the following points: -(i)the need for raising the loan;(ii)the items of expenditure on which the loan shall be utilised;(iii)the amount of loan required;(iv)the source from which the loan is proposed to be raised;(v)the rate of interest to be paid for the loan;(vi)the period of the payment of loan and the number of instalment if any in which it is to be repaid;(vii)whether it is proposed to mortgage any property as security for the loan and if so, details regarding the situation, nature and value etc., of such property; and(viii)the terms and conditions applicable to the transaction.

27. Payment of monies into Wakf Fund and investment of such money.

(1)The Board in consultation with Chief Executive Officer shall authorise one of its officers (hereinafter referred to as the "authorised Officer" to receive till payments to the Wakf fund and to pass receipt for the same on behalf of the Board and to make payments on behalf of the Board.(2)The authorised officer shall grant receipts for all monies received by him to the credit of the wakf fund. A counterfoil receipt bearing printed receipt numbers shall be maintained for the purpose.(3)All such monies shall immediately be deposited in;(i)a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or(ii)a Post Office Savings Bank; or(iii)the State Co-operative Apex Bank Ltd., Hyderabad.(4)The Chairperson and the Chief Executive Officer-cum-Secretary of the-Board shall have the power to jointly withdraw from and deposit in the Bank any amount and operate on the Bank account. If any one of them is absent, the Board may authorise any one of its officers, excepting the Accounts Officer to jointly operate on the Bank Account.(5)No money shall be withdrawn from the Bank, unless it is required for immediate payment for the purposes of the Board.(6)The authorised officer may be authorised by the Board to hold a recoupable permanent advance not exceeding Rs. 2,000.00 (Rupees Two Thousand) for meeting petty expenditure.(7)The appropriation of receipts to expenditure shall not be effected.(8)Payment from the Wakf fund shall be made by cash or cheque. Cheques shall not however be issued for sum less than Rs. 100/- (Rupees one hundred).(9)Monies indisputably payable, shall not be left unpaid and monies paid shall, under no circumstances, be kept out of the account a day longer unless absolutely necessary.(10)Any person having a claim against the Board shall present a voucher in the form prescribed by the Board duly receipted and stamped with a revenue stamp if the amount of the claim exceeds Rs. 500 (Rupees five hundred).(11)All bills share prepared and signed in ink. In preparing a bill, full rupee shall be written in figures as well as in words and fraction thereof shall be written in terms of paise in figures. Where the amount consists of full rupees only, the word "only" shall be written after mentioning the amount.(12)Charges against two major heads shall not, as far as possible be included in any voucher, no payment shall be made on a voucher or order signed by a person other than the Secretary or any other officer authorised by him to sign the payment order, No money shall be paid on a voucher or order signed with a rubber or facsimile stamp. When the acquittance on a voucher is given by a mark or seal or thumb impression, it shall be attested by some known person.(13)When a bill is presented on account of charges incurred under any special orders, the order sanctioning the charge shall be quoted in the bill and copies of sanctions accompanying

such bills shall be duly certified.(14)Date of payment shall be noted by the payee in his acknowledgement. If, for any reason such as illiteracy or the presentation of receipt in anticipation of payment, it is not possible to note the date of payment by the payee. The date of actual payment shall be noted by the disbursing officer, under his initials, either separately for each payment or by groups as may be convenient.(15)Every claim against the Board shall be checked by the Accounts Officer of the Board before payment. Any excess payment made in any bill shall be recovered in cash from the payee or by deducting the amount to the amount of excess payment from a subsequent bill of the payee.(16)The authorised officer shall be required to furnish to the bearer securities or sureties for such amount as the Board may specify in that behalf. Solvency of sureties shall be got verified by the concerned Mandal Revenue Officer, Revenue Divisional Officer or Collector at the beginning of each year.(17)An officer authorised to handle the money of the Wakf fund shall be responsible for its custody and also for reimbursing it to the Board in cash in case of any loss by theft, fraud, fire or any other cause; Provided that, if in any case, after such inquiry the Board may make, the Board is satisfied that the loss was not due to any negligence on the part of such officer, the Board shall not insist on reimbursement of the amount of the loss by the said officer but may write it off.(18)Any amount not required for expenditure during the year shall be invested by the Board.(i)in promissory notes, debentures, stocks or other securities of the Central Government or State, Government;(ii)in stock or debentures of or shares in companies, the interests wherein have been guaranteed by the Central Government or the State Government;(iii)in debentures or other securities for money issued by or on behalf of any local authority under the authority of any Act of a Legislature; and(iv)in fixed deposits for periods not exceeding three years or in Certificate of deposits in: -(a)Scheduled Bank as defined in the Reserve Bank of India Act, 1934; or(b)The State Co-operative Apex Bank-Ltd., Hyderabad.However it shall be ensured that the return on investment is maximum.

28. Form of Budget of Board and time within which it should be prepared and submitted.

(1)The Board shall in the month of December every year prepare its budget in Forms VII, VIII and IX for the ensuing financial year and shall forward a copy thereof to the State Government, on or before the 15th day of that month. The budget shall contain provisions, adequate for the due discharge of all liabilities in respect of loans contracted by the Board and for the maintenance of working balance.(2)The authorised heads of receipts and expenditure of the Board shall be as shown in Forms VII, VIII and IX and all receipts and expenditure of the Board shall be accounted for under these heads.

29. Books to be maintained by Board and the manner in which accounts of Board are to be kept.

(1)In addition to the register of Wakfs maintained under Section 37 and Rule 17, the following registers shall be maintained in the Board's office in connection with Wakf fund and other income:(i)A pay bill register;(ii)Ledger Account;(iii)Cash Book;(iv)Register of deposits and advances;(v)A demand, collection and balance register to watch the realisation of Wakf fund

contributions;(vi)Register showing the recoveries to be made under Section 49(2) or 72 (4) or 82 (2) of the Act, as arrears of land Revenue;(vii)Register of demand collection and balance of rent or other dues in respect of land and properties of the Board;(viii)Acquittance Roll Register;(ix)Register of Contingent Charges;(x)Stamp Register;(xi)Register of securities stocks and debentures;(xii)The Establishment Audit Register;(xiii)Stock books showing receipts, issues and balance relating to;(a)Stationery and printed forms(b)Furniture; and(c)Cycles, type-writers, tools and plant and other stores.(xiv)Permanent advance accounts;(xv)Register of immovable properties for Wakf under Board's direct management.(xvi)Register of immovable properties of the Board;(xvii)Register of dead stock articles.(2)In maintaining its accounts, the Board shall observe the following rules, namely:(a)the amounts shall be maintained separately for each financial year;(b)All books of accounts and registers shall be strongly bound;(c)the pages of all accounts books shall be serially numbered and each page shall be stamped with the Board' Seal. The pages of receipt books shall before issue to likewise stamped and the Secretary or the officer authorised by him shall record on each book before issuing a certificate of the number of pages it contains;(d)every correction or alteration shall be made neatly and in red ink.(a)a single line being drawn through the original entry to be corrected and attested by the initial of the need of the Accounts section with date. All corrections and alteration in books and vouchers shall likewise be attested by the officer drawing the bill or the person referring the claims. Erasures shall be absolutely forbidden and document with a correction unless duly attested shall be accepted.(e)All sums i received in the office of the Board or paid into any Bank to the credit of the Board, shall be taken into account under the appropriate head and the entries shall be initiated by the Accounts Officer of the Board.(3)Similar forms as contained in the State Accounts Code and in the State Treasury Code for the preparation and control of the pay bills, travelling allowances bills, and contingent bill be maintained.(4)Postage stamps shall be purchased and issued for use in the office of the Board after they are perforated by the perforator with impression "APWB". The charges of postal stamps shall be drawn on separate contingent bill;(5)The expenditure shall be classified under the different heads shown in Form VII.(6)Re-appropriation or transfer of funds not exceeding from the allotment under one minor head of expenditure or another under the same major head may be made by the Chief Executive Officer-cum-Secretary. No re-appropriation from one major head to another major head shall be made without the sanction of the Board.

30. Manner in which Accounts of Board are to be Audited and Contents or Auditors Report in Auditing.

(1)Detailed audit of accounts of the Wakf Board shall be conducted by the Department of Local Fund Audit Accounts of State Government or any Officer appointed by the State Government once in a financial year.(2)In auditing the accounts of the Wakf fund the auditor shall verify the cash balance and state in the report whether the cash was readily forthcoming for verification.(3)the auditor shall in the course of the audit verify the debentures share certificates, Government bonds, and other securities and the Bank pass books and report whether they were found correct.(4)the auditor shall report among other points arising in audit -(i)whether the accounts and registers required to be maintained are kept properly;(ii)whether the contribution and other receipts due to the Board have been realised of the proper time whether due steps have & been taken to recover the sums over due, and if not, in which cases such action has not been taken;(iii)whether all collections have been

brought to account promptly;(iv)whether any contribution has been retained or reduced and; if so whether it was done under proper authority;(v)whether the expenditure incurred is in accordance with the sanctioned budget and if there are deviations from such budget what the deviation or with reasons therefor;(vi)whether every item of expenditure has been sanctioned by the competent authority and is supported by a proper voucher;(vii)whether there is any item of expenditure which in the opinion of the auditor, is extravagant; and(viii)whether the monies not required for immediate expenditure have all been deposited in banks and surplus funds have been properly invested.(5)The auditor shall report impropriety or irregularity which he may observe in the expenditure in collection of contribution due to the Board, or in the accounts, and also all cases of loss or waste of money together with the names of persons directly or indirectly responsible for the loss or waste.(6)the auditor shall append to his report:(i)A statement of receipt and charges under the budget heads;(ii)A statement of income and expenditure;(iii)A consolidated statement of assets and liabilities;(iv)a statement of debentures, share certificates, Government bonds and other securities; and(v)a consolidated statement of demand collection and balance of all items of revenue, including contribution, and current outstanding whether in cash or in kind.(7)The auditor shall prepare an abstract of the audited accounts (Receipts, Charges and Balance Sheet) and submit two copies thereof along with the audit report.(8)The Audit Reports in triplicate shall be prepared by the Department of Local Fund Audit and Accounts and forwarded to the Government in Minorities Welfare (Wakf-I) Department in duplicate directly and the 3rd copy of the Audit Report shall be sent to the Chief Executive Officer and Secretary, Wakf Board.(9)The Chief Executive Officer/Secretary, Wakf Board shall place the audit report before the Board for consideration and forward the same together with rectification report and para wise comments of the Board to Government within thirty (30) days from the date of the receipt of the Audit report.(10)The cost of Audit be paid from the Wakf Fund.

31. Passing of the final orders on the Audit Report under Section 81 of the Act.

(1)The State Government shall examine the audit reports and give suitable instructions to the A.P. State Wakf Board in the following manners:(a)Call for any additional information in respect of audit objections which are serious in nature.ORWhere Government feels necessary to call for such additional information.(b)Call for explanation of any person in regard to any matter mentioned in the audit report.(c)Call for the rectification report of the Board on each audit objection, examine finally dispose off after obtaining the opinion of the Director of Local Fund Audit and Accounts and pass such orders as it deems fit.

32. Appointment of Officers and other Employees of the Board under Secs. 24 and 38 of the Wakf Act, 1995.

(1)The Board shall prepare the cadre strength of its employees working in the Board office. Zonal Offices and at the district level, whose pay and allowances are debited to the Wakf Fund Account indicating:(a)Name of the post.(b)Scale of pay(c)Total No. of posts sanctioned.(i)for Head Office.(ii)for Districts/Zonal Offices.(d)No. of posts vacant.(i)in Head Office.(ii)in District/Zonal

Office.(2)The Board shall submit the cadre strength in duplicate to Government for approval to together with statement of financial position.(3)In respect of institutions also the Board shall prepare the cadre strength of employees working under the institutions in triplicate and forward to the State Government for approval together with justification and financial position.(4)The Board shall not make any changes in the cadre strength of employees or in the approved cadre strength unless prior approval of Government is obtained.(5)The State Government shall after due examination of the proposals in sub rules (1), (2) and (3) communicate the approved cadre strength of employees to the Board within ninety (90) days from the date of receipt of the proposals.

33. Repeal.

- The Andhra Pradesh Wakf Rules, 1974, are hereby repealed:Provided that such repeal shall not affect the previous operation of the said rules and subject thereto, anything done or any action taken in the exercise of any power conferred by the said rules shall be deemed to have been done or taken in the exercise of the powers conferred by these rules as if these rules were in force on the day on which such thing was done or action was taken.

Form - I(See Rule 3)Commissioner's Report of The Survey of WakfsList of Wakf properties in District/Ward of Telangana Area Surveyed Under Section 4(3) of the Wakf Act, 1995

| SI. No. | Name of taluk or village or Ward | Name and situation of Wakf-Sunni or Shia. | Nature and object of Wakf | Boundaries | Name of the muthawalli. | Gross income |
|--|----------------------------------|--|---------------------------|---|-------------------------|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| The amount of Rev-Casses, rates & taxespayable in respect of Wakf properties | | The expenses incurred in the realisation of theincome and the pay or other remuneration of Mutawalli of the Wakf | | Details of properties attached to Wakf | | |
| Agricultural | | Non-agricultural | | | | |
| SI. No. | | Extent | | Nature of property i.e., house mulgi etc. | Municipal No. | |
| Dry | | Wet | | | | |
| (8) | | (9) | | (10) | (11) | (12) (13) (14) |

Note : S: indicates Sunni A 1 List of Wakf properties.
 SH:indicates Shia A 2 Register of Wakfs
 R:indicates Religious, A 3 Survey forms
 C:indicates Charitable
 P:indicates Pious

Andhra Pradesh Wakf Rules, 2000 Form - II (See Rule 21(3)) Demand Notice (Under Rule 21 (3) of the Wakf Rule) (Demand Notice for Payment of Contribution and Other Dues to the Board)

To

Sri

Mutawalli,

Village,

Post Office,

District,

Demand No. Date:

Arrears Current Postage Total

(1) (2) (3) (4)

Rs. Ps. Rs. Ps. Rs. Ps. Rs. Ps.

The amount specified under Col. 8 is his liability to pay or to the amount specified payable to the Board within sixty days from in the notice, he may, within fifteen days from the date of receipt of this demand by the the date of receipt of this notice prefer in Mutawalli of the above Wakf. The Mutawalli writing his objection thereto to the Board is hereby called upon to remit the said amount along with the extracts from the accounts to the Board within the period specified above. If the Mutawalli has any objection either to his liability to pay or to the amount specified in the notice, he may, within fifteen days from the date of receipt of this notice prefer in writing his objection thereto to the Board and documents in support of his objection as required under Section 49/72(4). Annexure (See Rule 5 and 17) Register of Wakfs Muntakhab

1. Serial No.

Page
No.

2. Name of Wakif, Father's name, Residence and Occupation.

3. Class or nature of Wakf

4. Conditions and Object of Wakf

5. Property its locality Ward village Valuation.

6. Boundaries, with Plan

7. Monthly or yearly income

8. Municipal Number.

9. Municipal Tax

10. Land Revenue, area and Survey Number.

11. Name of the Muthawalli.

12. The Rules of succession to the Office of Muthawalli under the Wakf Deed by custom or by usage.

13. Particulars of the scheme of Administration. Its Expenditure at the time of Registration.

14. Other particulars which Wakif wants to incorporate

15. Remarks The property has been registered on..... under Section..... of Wakf Act, 1995 mentioned in Col. 5 and entered in the Book of Endowment at page..... SI.No..... as ordered in F.No..... of A.P. State Wakf Board.

Chief Executive Officer,
A.P. State Wakf Board. Hyderabad.

Muntakhab Prepared By The Office of A.P. State Wakf Board, Hyderabad

No.

Date :

A copy of this is forwarded to the following Officers:—

- (1) The Commissioner, Municipality/Executive Officer Dist./Village, Andhra Pradesh for remission of tax Kumool etc.
- (2) To the Sub-Registrar.....A.P. for prohibiting of sale,mortgage, transfer etc., of the property endowed.
- (3) To the Director, Printing Press for publication in theGovernment Gazette by obtaining the publication charges from thebearer of this Muntakhab.
- (4) The Superintending Engineer, Water Works.....forremission of Tax.
- (5) The Collector.....District.
- (6) The M.R.O.....Mandal.....Dist.
- (7) The R.D.O.....Tq.....Dist.
- (8) The President.....Wakf Committee.....
- (9) The Inspector Auditor..... for information.
- (10) The Sarpanch Gram Panchayat concerned.....
- (11) Record Room.
- (12) Stock File.
- (13) Safe of the Secretary with Plan.

Chief Executive
Officer,
A.P. State Wakf
Board, Hyderabad.

FORM - III(See Rule 21 (4))Final Demand Notice(Under Rule 21(4) of the Wakf Rules)Final
Demand Notice for payment of Contribution and other dues to the Board

To

Mutawalli/Tenant/Lessee/Licence,

Village.:

Post Office
:

Demand No.:

Dated :

Total amountassessed in Form :

Rs.

Ps.

The amount specified above has not been remitted to the Boardeven after a lapse of 60 days from the date of the receipt of theDemand Notice in Form IV nor has any objection either to theliability to pay or to the amount of demand, been preferredwithin the prescribed period. Hence you are hereby called upon to remit the amount mentioned above within 15 days from the receiptof this Notice, failing which the

amount will be recovered through the District Collector as if it were an arrear of land Revenue.

Chief
Executive
Officer.

Form - IV(See Rule 21 (5))Certificate Under Rule 21(5) of A.P. Wakf Rules read with Section 35(2)/46(4) of the Wakf Act (Central Act 29 of 1954)

From

The Secretary and Chief Executive Officer,
Andhra Pradesh Wakf Board,
Hyderabad.

To

The Collector of..... .

Sub.: Recovery of
Wakf dues as
arrears of
land revenue.

Sir,

Sri.....S/o.....R/o.....Taluq/Ward.....District/City
is liable to pay the A.P. Wakf Board a sum of Rs.
(in words).....towards Wakf dues.

I am, therefore, to request you to arrange to recover this amount from the person concerned or his successors or assignees and to remit it to me as early as possible.

The duplicate copy of this certificate, which is enclosed may kindly be signed in token of having received this certificate and returned to me.

Yours faithfully,
Chief Executive
Officer.

Form - V(See Rule 21 (7))Form of Register for Recovery of Wakf Amounts through the Collector as an arrear of Land Revenue

| SI. No. | Name of person from whom arrears have to be recovered | Address of the person showing House No., Ward, Village & Tehsil | District | Amount to be recovered | |
|---|---|---|---|------------------------|--|
| (1) | (2) | (3) | (4) | (5) | |
| No. and date of certificate sent to the Collector | Date of the receipt of Collector | Amount Collected | Date of receiving the amount by the Board | Remarks | |
| (6) | (7) | (8) | (9) | (10) | |

From - VI(See Rule 22 (d))

No.

From:

The Chief Executive Officer,
Andhra Pradesh Wakf Board,
Hyderabad.

To

The Collector,
.....District.

The immovable property mentioned in the schedule below is a wakfproperty entered as such in the register of Wakf maintained underSection 26 of the Wakf Act, 1954.

The A.P. Wakf Board after due inquiry is satisfied that the saidproperty has been transferred without the previous sanction ofthe Board in contravention of the provisions of Section 36-A ofthe said Act.

Now the said property is in the illegal possession

ofSri.....S/o.....R/o.....Ward/Village.....Taluq/City.....

Therefore in exercise of the powers conferred upon it underSection 36-B(1) of the said Act the Board issued thisrequisition to the Collector of.....Districtwithin whose jurisdiction the property is situated to obtain anddeliver the possession of the said property toSri.....

Schedule

1. Building or land.
2. Details of property with boundaries.

The duplicate copy of this requisition which is enclosed mayplease be signed in token of having received it and returned tome.

Form VII(See Rule 23 (1) & (1))Budget Estimates of Income for the Financial Year.....

A.P. Wakf Board, Hyderabad

| Major Head | Minor Head | Head of Account | Actuals for year immediately preceding current financial year | Budget estimate of (Current financial year) | Revised Budget Estimate for (Current financial year) | Budget Estimates for (next financial year) |
|------------|------------|----------------------------------|---|---|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| I. | 1.2.3. | Current Wakf FundArrears of Wakf | | | | |

| | | |
|------|-------------|---|
| | | Fund.Heq-e-Intizam of the Institution. |
| | | Sale proceeds of marriage booklets.Sale proceeds of Shias.Sale proceeds of Budget Forms.Fees for the Issue of marriage and other Misc. certificates.Application fees and fees for inspection of files.Sale proceeds of Misc. Private forms. |
| II. | 1.23.4.5.6. | |
| | | Rent of ParvarishBagh Building.Govt. Grant for the Idgah Arrangements. |
| III. | 1.2. | |
| | | Loans and Advances:Loans from Government.Loan taken from institution during.Recovery of loans and allowances from the employees.Recovery of advances from the Institutions.Total |
| IV. | 1.2.3.4. | |

Budget Estimates of Expenditure for the Financial Year..... A.P. Wakf Board, Hyderabad

| Major Head | Minor Head | Head of Expenditure | Actuals for year immediately preceding Current Financial year | Budget estimate of (Current Financial year) | Revised Budget Estimate for (Current Financial year) | Budget Estimates for (next financial year) |
|------------|----------------|----------------------------------|---|---|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| I. | 1. | Pay of Officers. | | | | |
| II. | 1. | Pay of Establishment Allowances. | | | | |
| III. | 1.2.3.4.5.6.7. | Fixed | | | | |

travellingallowances.Allowance
todeputationistsOther
compensatoryallowancesT.A.
to OfficersT.A.
to
establishmentT.A.
to the
membersof the
Board and
District Wakf
Committee.Allowances
toprobationers
under training
(other
allowances).

- IV. 1.2.3.4.5.6.7.8.9.10.11.12. Contingencies
:StationeryPrinting
and
BindingBooks
andperiodicals.Office
ContingenciesPostage
StampsElectricity
ChargesTelephone
feesPurchase
and repairsto
typewritersPurchase
and repairsfor
furnitureLivery
of
peons.Repairs
to
Wakfproperties
under the
direct
management
of the Board
having
toincome or in
adequate
income.Rent,
Rates
andTaxes;1.
Rent of Wakf
BoardOffice2.

- V. 1.2.3.4.5.6.7.
- Rent of
InspectorAuditors
Office.3.
Property Tax
ofParvarish
Bagh4. Water
cess.
Other
Charges:Wakf
Fund payable
toCentral
Wakf
Council.Printing
of bookletsand
ShiasCivil suits
andlitigation
charges.Arrangements
of IdgahMir
AlamReligious
CeremoniesAudit
fees for
.....Protection
of Wakf
properties.