

Delhi Wakf Board Regulations, 1963

DELHI

India

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Delhi Wakf Board Regulations, 1963Published vide Notification No. F. 22(20)/63-Judl., dated the 5th December, 1963Notification No. F. 22(20)/63-Judl., dated Delhi, the 5th December, 1963. - The following regulations made, with the previous sanction of the Chief Commissioner by the Delhi Wakf Board in exercise of the powers conferred by Section 68 of the Wakf Act, 1954 (29 of 1954) are hereby published as required by sub-section (3) of the said section.

Part I – Preliminary

1. Short title and commencement.

- (i) These regulations may be called the Delhi Wakf Board Regulations, 1963.(ii)They shall come into force at once.

2. Definitions.

- In these regulations unless the context otherwise requires :-(a)"Act" means the Wakf Act, 1954 (29 of 1954);(b)"Board" means the Delhi Wakf Board;(c)"Chairman" means the Chairman of the Board;(d)"Secretary" means the Secretary of the Board;(e)"Chief Commissioner" means the Chief Commissioner of Delhi;(f)"Wakf Commissioner" means the Commissioner of Wakfs appointed under Section 4 of the Act;(g)"Rules" means the Delhi Wakf Board Rules;(h)"Chairman" means the Chairman of a committee appointed by the Board;(i)"Masjid" includes Idgah or any other place where the prayers are or have been held regularly by Muslims in Jamat;(j)"Qabrستان" means Takia, Khanqah and Dargah;(k)"Subordinate Wakfs" means wakfs under the management of Mutwallis or Committees registered with the Board and include such portions of Wakfs-alal-aulad as are reserved for charitable purposes;(l)"New item of expenditure" means any expenditure not provided in the budget and being incurred for the first time;(m)"Form" means a form appended to these regulations.

Part II – Conduct of Meetings of the Board and Committees

3. Recording of votes.

- Votes may be recorded by show of hands or by ballot at the discretion of the Chairman, or if desired by not less than 30 per cent of the members present.

4. Transaction of business at meetings.

- No business other than what was included in the agenda issued for the meeting, shall be transacted at a meeting of the Board or its Committees except with the special permission of the Chairman, provided that at a special meeting only such business shall be transacted as is included in the agenda.

5. Form of motion.

- Unless allowed otherwise by the Chairman every motion shall be in the form of a resolution which must be seconded before it is considered by the Board or its Committees.

6. Proposal of motion by another member.

- A motion standing in the name of a member who is absent from the meeting may be proposed on his behalf by any other member with the permission of the Chairman.

7. Amendments in motion.

- Any member present may move an amendment in a motion. When two or more amendments are proposed the Chairman shall put them to vote in such order as he deems proper.

8. Decision of Chairman on amendments in motion to be final.

- The Chairman shall decide whether an amendment is in order or not and his decision shall be final.

9. Amendments to be seconded.

- An amendment shall be duly seconded before it can be considered by the Board.

10. Motion for adjournment of meeting, etc.

- A motion for the adjournment of the meeting, adjournment of the discussion or for closure may be made at any time in the course of a meeting with the permission of the Chairman.

11. Consequence of carrying of a motion for adjournment.

- If a motion for adjournment of the discussion is carried, such discussion shall stand postponed to the next meeting. If a motion for closure is carried, the substantive proposal or the amendment thereto, as the case may be, shall, subject to the right of the mover to reply, be immediately put to vote.

12. Point of order.

- Any member may at any time in the course of a discussion call the attention of the Chairman to a point of order.

13. Raising of point of order by one member in the course of speech by another.

- If a point of order is raised by one member in the course of a speech by another, the speaker shall forthwith resume his seat until the Chairman whose decision shall be final, has given his ruling.

14. Chairman to maintain order at meetings.

- The Chairman shall maintain order at the meeting of the Board or its Committee. If a member fails to comply with the orders of the Chairman, the Chairman may exclude him from the rest of the meeting.

15. Moving of proposals relating to formal votes of thanks, etc.

- Proposals relating to formal votes of thanks, messages of congratulations or condolence, and other matters of like nature may be moved without notice from the chair or by any member present with the permission of Chairman.

16. Quorum of Board.

- Five members shall form a quorum of the Board.

Part III – Committees

17. Appointment of Committees.

- The Board shall appoint the following five permanent Committees and as may other temporary Committees as it deems fit.

1. Finance Committee.

2. Property Committee.

3. Committee for Education and Religious Affairs. '

4. Masjid and Qabrستان Committee, and

5. Shia Wakfs Committee.

18. Election, etc. of Committees.

- Every Committee except Shia Wakfs Committee shall be elected by the Board for one year and shall have seven members out of which five will be the members of the Board and two will be from the Muslims of Delhi, one of the members of the Finance Committee shall be an expert in finances and similarly one of the member of the Property committee shall be an engineer or Architect.

19. Shia Wakfs Committee.

- The Shia Wakfs Committee shall have seven members, one of whom shall be a Shia member of the Board and two shall be nominated by the Board from Shia Muslims of Delhi and four will be Presidents or their nominees of the Registered Shia Anjumans of Delhi that were managing wakf properties at the time of the coming into force of the Act. This shall be elected yearly.

20. Chairman of Committee.

- Every Committee shall have a Chairman who in the absence of the Chairman of the Board will preside over the meetings.

21.

The regulations in this Part shall apply to all the Committees referred to in Regulation 18 except where varied by the provisions of any regulation specifically applying to a particular committee.

22.

The Chairman of the Board shall be an ex-officio member of each and every Committee and the Secretary of the Board shall be the Secretary of each Committee.

25.

Vacancies in each Committee by death, resignation, removal etc. of a member shall be filled by election of another person who shall fill such vacancies for the unexpected portion of the original or extended term of the Committee concerned.

26.

The Secretary in consultation with the Chairman shall prepare the agenda and convene the meetings of the Committee concerned.

27.

At least 7 days notice shall be given to the members for ordinary meetings and at least 3 days notice for emergency meetings of the Committees.

28.

A Minute Book shall be maintained for each of the Committee for recording the proceedings of its meetings.

29.

The minutes shall be forwarded to the Board at its next meeting for the approval or the information of the Board as the case may be.

30.

The minutes will be signed by the Secretary and the Chairman and will be subject to confirmation of the Committee at its next meeting.

31.

The Board shall, if does not approve of any resolution of the Committee, return with its recommendations or pass a fresh resolution.

32.

The Board may dissolve a permanent Committee by a three-fourth majority of the members present at a specially convened meeting for this purpose and may thereafter proceed to elect a fresh committee in its place. If a member of the permanent Committee other than the Chairman fails to attend 4 meetings in succession, he shall cease to be a member of the Committee and the Board shall fill the vacancy by election.

33.

In addition to the powers and functions prescribed in these regulations for each Committee, it shall be open to the Board to delegate by a special resolution additional powers and functions for specified periods and when such course appears expedient for the proper conduct of business.

34. "Finance Committee"-Functions and Powers.

- The following shall be the functions and powers of the Finance Committee :- (a) To examine the Budget of the Wakfs and submit it to the Board after making such modifications and with such observations as it may consider necessary. (b) Subject to the delegations made in this behalf to any member, the Secretary or any other officers of the Board, to examine the Budgets of the registered wakfs and other wakfs for which committees have been appointed by the Board, where these budgets have been received from Mutwallis or Committees or have been prepared by the Secretary in the event of failure of mutwallis or Committees to submit them, return them for amendment or sanction them with or without any modifications provided that the modifications are not inconsistent with the wishes of the wakf concerned so far as such wishes can be ascertained. (c) To examine the Budgets of the wakfs directly administered by the Board and submit them to the Board with such modifications and observations as it may consider necessary. (d) Consistently with the provisions of the Act, to lay down a programme for the submission, examination and sanction of all Budgets. (e) To examine the abstracts of accounts of the wakfs directly administered by the Board as also of the wakf Fund at such intervals as may be prescribed by a resolution of the Committees. (f) To enquire and consider the financial irregularities and pass final orders thereon, or if it thinks fit, report to the Board with its observations. (g) To consider proposals for new items of expenditure whether included or not included in the budgets reject them or sanction them if within its own powers and in the case of items beyond its powers to submit them to the Board with its observations. (h) To re-appropriate funds from one head of a budget to another of the same budget subject to such restrictions if any, as may be imposed by a resolution of the Board. (i) To sanction new items of expenditure :- (I) In the case of items included in the budget full powers subject to the limits of provisions in the budget. (II) For non-recurring items not included in the Budget upto Rs. 1,000 in each case, provided funds can be found by re-appropriation of savings. (III) Recurring expenditure upto Rs. 600 per annum if additional funds can be found by re-appropriation or from savings. (j) If necessary, to obtain during the currency of the financial year revised budget estimates for the Wakf Fund or the wakfs directly administered by the Board and take such action thereon as it considers necessary. (k) To obtain at its discretion revised budget estimates during the currency of a year from any registered wakf or wakfs and take such other action thereon as it considers necessary. (l) In case of Shia Wakfs the consent of Shia Wakfs Committee will be taken in a sanctioning new items of expenditure or revising budgets. (m) To call for an examination the budgets of the Wakf-alal-aulad properties from its mutwallis where any portion of income is specified for charitable wakf. (n) To consider the proposals for the creation of new posts or alterations in the scales of pay of the existing posts in the Board and forward its recommendations to the Board. (o) To obtain or frame and consider proposals for the improvement of the income of wakfs directly administered by the Board and to implement them where this can be done without involving any important principles or serious difficulty. (p) To institute enquiries whenever it thinks fit into the financial

administration of a registered wakf and wakf-ul-aulad to issue necessary orders on the reports received as a result of enquiries or to submit them with its observations to the Board.(q)To sanction payment out of the Wakf Fund of the arrears of land revenue, cess, rent, rates or taxes due to the Government or to a local authority from a registered wakf whose mutwalli refuses or fails to pay and also to recover the same with 12½% damages in case the failure or refusal of a mutwalli is wilful.(r)To create a Registered Wakf Fund from the savings of registered wakfs and see that the savings of such wakfs are applied for education and industrial purposes for the benefit of muslims of Delhi. Subject to delegation made to a member, the Secretary or any other officer of the Board, to consider reports of the auditors on the accounts of the subordinate wakfs and wakf-ul-aulad and pass necessary orders thereon. Provided that the Committee shall obtain and forward with its own observations a report containing a general appreciation of the working of the wakfs during the year with a special reference to their financial administration.(i)To consider loan applications and terms to give loans to registered wakfs out of the fund created from the savings of the Registered Wakfs and recommend the same to the Board.(ii)To see and ensure that savings of all wakfs which are registered or for which committees to manage have been appointed are deposited in the Regd. Wakf Fund.

35. Property Committee-(Powers and Functions).

- The powers and functions of the Property Committee shall be as follows :-(A)Wakfs directly administered by the Board :(a)To see that the shops, houses, flats, lands, etc. are leased out to the best advantage of the wakfs.(b)To consider schemes for improving the value of property by all legitimate means and to implement them wherever this can be done without involving any important principle or serious difficulty with the concurrence of the Finance Committee.(c)To ensure the proper upkeep of place and title-deed of lands and buildings vested in the Board.(d)To see that proper and effective steps are taken to guard against or where necessary remove encroachments on the 1 property of wakfs.(e)To sanction the filing of Court cases or cases connected with wakf properties before the Wakf Commissioner.(f)To sanction the defending of cases connected with wakf properties when filed against the Board or for which notice have been served on the Board.(g)To consider and propose to the Board schemes for conversion of any property belonging to the Wakf into properties of different kinds.(h)To take steps for maintaining all buildings including all mosques, dargahs and Takias under the control of the Board or connected wakfs in a proper state of repairs.(i)To arrange for the preparation of plans and estimates for repairs and new constructions, consider such estimates sanction or reject them with or without modifications, subject to the provisions of the Budget.(B)Registered Wakfs :(a)To consider estimates of repairs of buildings as well as new constructions and to arrange for the supervision of wakfs, reject them or pass them without modification subject to the provision in the budget of the wakf concerned.(b)To consider generally whether properties are being used to the best advantage of wakfs concerned and to report to the Board.(C)General:(a)To take wherever steps are necessary to trace out the wakf properties and suggest means for the restoration or recovery of lost properties.(b)To arrange for the supervision of Wakfs and also repairs or new constructions thereof and to ensure that these are properly and economically executed.(c)To consider the proposal of the mutwallis or Committee of the wakf properties for the sale, or exchange of the wakf properties and make recommendations thereon to the Board.(d)To appoint Zonal Committee to assist the Property Committee in its

functions as stated above. The Zonal Committee or Committees shall be not more than 9 members out of which at least 3 shall be the members of the Board.

36. Committee for Education and Religious Affairs.

- The functions and duties of the Committee for Education and Religious Affairs shall be as under:- (a) Subject to the budget provisions to explore and consider such means as may help in promoting education, ethical, religious and technical and in this connection to place its recommendations before the Board for its approval. (b) To provide scholarships and free education for deserving students (male and female) with the approval of the Board. (c) To chalk out a suitable educational system for disabled and blinds and to make necessary arrangements for it. (d) To explore all such ways and means as may be helpful for developing the fund for educational requirements. (e) To provide necessary assistance for orphans and widows. (f) To recommend for the appointment of the committee for the religious, educational institutions directly managed by the Board and to see that high standard of education is being imparted in Arabic Madarsas.

37. "Masajid and Qabrستان Committee"-(Powers and Functions).

- The powers and functions of the Masajid and Qabrستان Committee shall be as follows :- (a) To ensure that all requisite conveniences for religious performance are provided on adequate scale in all mosques, particular attention being paid to the mosques in greatest use such as the Fatehpuri Mosque, Jama Masjid and Shia Jama Masjid. (b) To take necessary steps to ensure high standard of cleanliness in all mosques and Qabrستans. (c) To take all steps to preserve and improve the attractiveness of the mosques. (d) To see that all Imams, Moazzans and other servants of the Board connected with the mosques are performing their duties efficiently and punctually. (e) Subject to the limits of budget provisions, to sanction expenditure on the provision of such conveniences as musallas, lighting equipment, protection against sun and rain, clean and hot water, other movable equipment of mosques etc. and also sanction expenditure in ensuring high standard of cleanliness in all the mosques and Qabrستans and see that the graves are properly maintained and proper arrangements for burying are provided. (f) To consider and suggest to the Building Committee alterations calculated to make mosques more attractive. (g) To see that the mosques and qabrستans are used only for the purposes authorised by the religion of Islam. (h) To take steps for improving the surrounding and for necessary repairs of mosques and qabrستans wherever it is possible to do so. (i) To appoint provisional committees of the areas to work under its supervision provided that in each such provisional committee at least one member shall be a member of the Board and such provisional committee shall not be of more than 6 members.

38. "Shia Wakfs Committee"-Functions and Duties.

- The functions and duties of the Shia Wakf Committee shall be as follows :- (a) To manage and control all Shia Wakfs directly administered by the Board and see that the mosques and Imambaras are used only for religious purposes.

Part IV – Application and Records

39. Application and Inspection of record of the Board.

(a) All applications to the Board, or to the Chairman or any committee or the Secretary shall be made on a prescribed form which can be had from the Secretary of the Board on payment of 50 nP. Note. - This does not apply to application submitted to in response to notices calling for application unless otherwise stated in the notice or to the applications made for scholarships and stipends. (b) An application for inspection of a record or proceedings of the Board or any Committee may be granted by the Secretary on payment of Rs. 5/- per hour which shall be deposited by the applicant in advance with the Secretary. (c) Certified copy of a record or proceeding of the Board or any Committee may be granted by the Secretary on payment of Rs. 3/- per hundred words, provided the application is accompanied by receipt of 5 nP. The Secretary may reject an application for inspection or for a copy of any record or proceeding of the Board or any Committee in the interest of the Wakfs, provided further the applicant shall have the right to appeal to the Chairman. (d) The appeal in such cases will be accompanied by receipt of Rs. 2/- of the Board.

40. Authentication of orders of the Board.

(1) The Chairman or the Secretary shall authenticate the orders and decisions of the Board. (2) The common seal shall remain in the custody of the Secretary. (3) All correspondence emanating from the Board shall be in the name of the Secretary and all correspondence with the Board shall be addressed to the Secretary.

Part V – Terms and Conditions of Service of the Officers and Servants of the Board

41. Service under the Board.

- All posts under the Board shall be classified into Class I, Class II and Class III as specified below :- (i) All posts carrying a minimum salary of Rs. 200/- or more shall be classified as Class I; (ii) All posts carrying a minimum salary of Rs. 60/- or more but less than Rs. 200/- shall be classified as Class II; (iii) All posts carrying a minimum salary below Rs. 60/- shall be classified as Class III.

42. Qualification for appointment.

- No person shall be eligible for appointment in Class I, unless he is a graduate and possesses administrative experience and is conversant with land records and land revenue laws. For technical posts the qualifications shall be equivalent to technical qualification i.e. Diploma in Engineering for Overseer and Degree in Engineering for Asstt. Engineer. For Class II post the minimum qualifications shall be High School, provided that the Chairman of the Board may prescribe such other qualifications for recruitment to specified categories of posts as may be necessary.

43. Working Hours.

- The working hours of the employees of the Board shall be the same as fixed for the employees of the Delhi Administration unless otherwise fixed by the Board.

44. Appointing Authority.

- (i) Appointment to posts under the Board shall be made by the authorities specified below :-

Posts Appointing Authority.

Class I: Chairman.

Class II: Secretary with the approval of the Chairman.

Class III: Secretary.

(ii) All appointments to be made by the Chairman shall be on the recommendations of a selection committee appointed by the Board which shall consist of the Chairman and two members of the Board. The appointing authority shall be the Disciplinary Authority and the Board shall be the Appellate Authority. (iii) All orders of postings and transfers of Class I employees shall be made by the Chairman and that of Class II and Class III posts by the Secretary.

45. Probation.

- Every appointment to a post in Class I and Class II shall be subject to probation or trial for a period of one year which is liable to be extended further by the appointing authority at his discretion. A person shall be confirmed at the earliest opportunity.

46. Termination of Probation.

- The appointing authority may before the expiry of the period of probation, for reasons to be recorded in writing terminate the probation of any person and revert him in his permanent post under the Board or discharge him from the services of the Board if he is direct recruit. In the latter case a notice of one month shall be given before discharge or the employee shall be paid one month's emoluments in lieu thereof. If any leave is granted the period of notice and leave shall run concurrently and for this purpose 'emoluments' shall include leave allowance.

47. Disqualification for Appointment.

- Any person who has been convicted of an offence involving moral turpitude or who has been dismissed from the service of the Central or State Government or Delhi Administration or of any local authority or any person who has been declared medically unfit, shall be disqualified for appointment under the Board.

48. Certificates.

- Every person appointed for the first time to a post under the Board, shall produce a certificate of age and health before the Secretary. The medical certificate shall be in the following form and it shall be extended to the first bill submitted for the pay of the person concerned : "I hereby certify that I have examined A.B., a candidate for employment as under the Delhi Wakf Board and cannot discover that he/she has any disease, (communicable or otherwise), constitutional weakness or bodily infirmity, except I do not consider that this as disqualification for the said employment. A.B.'s age according to his own statement is and by appearance is about :.....Years". Medical Officer. In the case of Class I employees the certificates shall be of the Civil Surgeon of a district.

49. Security.

- (i) - The Board may demand such security as it considers necessary from any of its employees but the amount of security so demanded shall not exceed the amount of cash likely to be handled by the employees. (ii) The rules laid down in the General Financial Rules of the Government shall be followed mutatis mutandis in matters relating to security deposits. For this purpose the expression 'State Government' or 'Head of Department' where such occurs in the said rules shall mean the 'Board' and the expression 'Government Servant' wherever it occurs shall mean the 'Employees of the Board.'

50. Compulsory Retirement.

- (i) The date of compulsory retirement of an employee of the Board is the date on which he attains the age of 60 years. He may be retained in service after that date in exceptional circumstances with the sanction of the Board on public grounds which must be recorded in the resolution of the Board provided he is medically fit but he shall not be retained after the age of 65 years. (ii) No extension shall be granted for more than a period of one year at a time and in the case of extension of a Class I employee beyond the age of 60, the medical fitness as aforesaid shall be certified before such extension.

51. Service Books.

- (i) A service book shall be maintained in the form prescribed by Government for their employees, for every employee of the Board. The Service Book will be the record of the service and shall contain no remarks on work or conduct. (ii) The Secretary shall be responsible for the correct and up-to-date maintenance of the Service Book. He shall record an annual certificate of verification in the Service Books of the employees as early as possible after the end of every year.

52. Character Roll.

- In addition to a service book, a character roll shall be maintained by the Secretary. A character roll shall be maintained in such form as may be prescribed by the Board with the approval of the Chief

Commissioner for their employees in which shall be entered censures, punishments and commendation. Adverse remarks against any employee, if any, shall be communicated to them. It should be treated as confidential record. It shall contain a yearly report on the work of the employee concerned. Every year in the month of April the Secretary shall enter his report on the work of each employee under him in regard to the preceding year. The report shall be forwarded to the Chairman who will record his comments, with his signatures and date. The reports of all the employees with the comments of the Chairman shall then be deposited with the Secretary for safe custody.

53. Promotion and Efficiency.

- (i) All promotions to higher grades or ranks shall be on the basis of seniority-cum-fitness and merit.(ii)There shall be no bar for reverting of an employee from a higher post to which he may have been promoted on an officiating or trial basis, if he is not found upto the mark.(iii)Efficiency bars in the time-scales of pay shall be rigorously applied and none shall be allowed to cross such a bar unless the Secretary is satisfied that he has attained a reasonable standard of efficiency.(iv)Annual or periodical increments in pay scales shall not be allowed as a matter of course, and normally an employee against whom there has been an adverse report during a year shall not be allowed his increments until he earns a good report.

54. Advance increment.

- The Board may, in exceptional circumstances, grant an increment in advance to an employee in consideration of his special qualifications and experience.

55. Establishment.

- The Secretary shall early in April each year, prepare a detailed statement of all posts under the Board existing on the 1st April.

56. Seniority.

- The relative seniority of employees in any grade shall be determined according to the dates of continuous appointment to the grade, employees promoted on the same date shall keep the position inter se which they held in the lower grades from which they were promoted. Seniority of persons recruited from outside at the same time shall be determined according to the order of merit preference indicated at the time of selection for appointment.

57. Reduction of Establishment.

- When any post or posts is or are abolished persons shall be selected for discharge or reversion on the basis of juniority unless for reasons to be recorded the services of any person are considered indispensable by the Board.Explanation. - A post the pay or scale of pay of which is reduced shall be deemed to be abolished within the meaning of this regulation.

58. Order for abolition of posts.

- (i) An order for abolition of a post or for reduction of the emoluments of an appointment shall not be brought into operation in the case of a permanent employee before the expiry of 3 months after the notice has been given to the employee affected and in other cases before the expiry of one month after the service of the notice.(ii)In the case of an employee on leave, the order shall not be brought into operation before the leave expires, but the leave and the period of notice shall run concurrently.

59. Casual leave.

- Fifteen casual leave in a calendar year will be admissible to the employees of the Board. No employee of the Board on casual leave shall be treated as absent from duty nor his pay and allowance shall be intermitted.

60. Earned Leave.

- The employees of the Board shall be governed by the leave rules applicable to the employees of the Delhi Administration as amended from time to time.

61. Disciplinary authority.

- The appointing authority shall be the disciplinary authority. The Board shall be an Appellate Authority in regard to Class I and Class II posts and the Chairman shall be the Appellate Authority in respect of Class III employees.

62. Suspension.

(a)The appointing authority may place an employee under suspension when an enquiry into his conduct is contemplated or is pending or when a complaint against him of any criminal offence is under investigation or trial.An employee who is detained in custody, on a criminal charge or otherwise, for a period longer than 48 hours shall be deemed to have been suspended by the appointing authority under this regulation. An order of suspension may be revoked at any time by the authority making the order of suspension or by any authority to which it is subordinate, provided that no employee shall be kept under suspension for more than six months. The appointing authority shall complete enquiry within this period (six months).(b)During suspension an employee shall be entitled to a subsistence allowance at one half of the average monthly pay earned by him during the twelve months immediately preceding the month to which he was suspended.

63. Penalties.

- Subject to the provisions of these regulations the following penalties may for good and sufficient reasons as hereinafter provided, be imposed on an employee of the Board,

namely:(i)Censure.(ii)With holding of increments and promotions.(iii)Recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of order.(iv)Reduction to a lower class or posts or to lower time scale or to lower stage in a time scale.(v)Compulsory retirement of an employee in permanent employment.(vi)Removal from the service of the Board which shall not be a disqualification for future employment.(vii)Dismissal from the service of the Board which shall ordinarily be a disqualification for future employment.Explanation. - The following shall not amount to a penalty within the meaning of this regulation.(1)Non-promotion whether in a substantive or an officiating capacity of an employee, after consideration of his case, to a service, class or post for promotion on which he is eligible.(2)Reversion to a lower service, class or post of an employee, officiating in a higher service, class or post on the ground that he is considered, after trial to be unsuitable for such higher services, class or post on administrative grounds unconnected with the conduct.(3)Termination of services :(a)In the case of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing probation,(b)in the case of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period for which he was appointed, or(c)in the case of a person employed under an agreement in accordance with the terms of such agreement.

64. Procedure for imposing major penalties.

(1)Without pre-judice to the provisions of the Public Servants (Enquiry) Act, 1850 (31 of 1850), no order imposing any of the penalties specified in clauses (v) to (vii) of Regulation 64 shall be passed against an employee of the Board (other than an order based on facts which have led his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of the definite charge or charges which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and any other circumstances which it is proposed to take action into consideration in passing orders on the case. He shall be required within a reasonable time to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires, or if the authority concerned so directs, an enquiry shall be held. At that enquiry oral evidence shall be heard and recorded as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine witnesses to give evidence in person and to have such witnesses called as he may wish, provided that the inquiring officer, may for special and sufficient reasons to be recorded in writing refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof. The disciplinary authority shall, if it is not the inquiry authority, consider the record of the inquiry, record its findings on each charge and pass appropriate orders on the case.(2)These regulations shall not apply where the person concerned has absconded, or where for other reasons it is impracticable to communicate with him. All or any of the provisions of this regulation may, in exceptional cases, for special and sufficient reasons to be recorded in writing be waived, where there is difficulty to observe exactly the requirements of the regulations and these requirements can be waived without injustice to the person charged.

65. Procedure for imposing minor penalties.

- No order imposing any of the penalties specified in clause (i) to (iv) of Regulation 64 shall be passed except after the employee is informed in writing of the proposal to take action against him and of the allegations on which action is imposed to be taken and given an opportunity to make a representation, if any, to be taken into consideration by Disciplinary Authority.

66. Pay and Allowances on reinstatement.

- (i) When an employee who has been dismissed, removed or suspended is re-instated, he shall be allowed the difference between the full pay with allowance and the subsistence grant if the authority competent to order reinstatement or to revoke the suspension order, in the case of suspension certifies that it was wholly unjustified. In such a case of suspension, the period of absence from duty shall be treated as a period spent on duty for all purposes. (ii) The pay and allowance of an employee who is removed or dismissed from service shall cease from date of removal or dismissal. Leaves shall not be granted to an employee when the authority competent under these regulations to impose the penalty has decided to dismiss, remove or compulsorily retire him from the service of the Board.

67. Appeal.

- An employee may appeal to the Appellate Authority from an order by any subordinate authority imposing any of the penalties mentioned in regulation 64. An appeal shall also lie against-(a) an order of suspension, (b) an order reverting to a lower service, class or post, an employee officiating in a higher service, class or post otherwise than as a penalty, and (c) an order determining the pay and allowances for the period of suspension to be paid to an employee on his re-instatement or determining whether or not such period shall be treated as a period spent on duty for any purpose.

69. Withholding of appeals.

(1) The authority which made the order appealed against may withhold the appeal if : (i) it is an appeal against an order from which no appeal lies ; or (ii) it does not comply with any of the provisions of regulation 67 ; or (iii) it is not submitted within the period specified in the said regulation ; or (iv) it is a repetition of an appeal already decided and no new facts or circumstances are added : Provided that an appeal withheld on the ground only that it does not comply with the provisions of Regulation 67 shall be returned to the appellant and if re-submitted within one month thereof after compliance with the said provisions, shall not be withheld. (2) The authority to which the appeal lies may direct transformed of the fact and the reasons therefor.

70. Transmission of appeal.

(1) The authority which made the order appealed against shall without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under Regulation 68 together with its comments thereon and the relevant records. (2) The authority to which the appeal lies may direct

transmission to it of any appeal withheld under Regulation 68 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

71. Consideration of appeal.

(1) In the case of an appeal against an order of suspension the Appellate Authority will consider whether in the light of the provisions of Regulation 61 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly. (2) In the case of other appeals the Appellate Authority shall consider: (a) whether the procedure prescribed in these regulations has been complied with, and if not, whether such non-compliance has resulted in failure of justice; and (b) whether the penalty imposed is excessive, adequate or inadequate, and after such consideration pass such orders as it thinks proper.

72. Implementation of order in appeal.

- The authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

Part VI – Maintenance of the Registers

73. Application for registration.

(1) An application for registration shall be in Form I and shall be filled in the office of the Secretary. The Board shall supply on demand, to the mutwallis of wakfs, such form of application on payment of 50 nP. each. (2) On receipt of an application for registration the Secretary may before the registration of the wakfs make such enquiries as he considers necessary in respect of the genuineness and validity of the application and the correctness of any particulars mentioned therein, and when the application is made by any person other than the person, administering the wakf property the Secretary shall hear him if he desires to be heard. When the Secretary finds that there are serious discrepancies between the submission of the persons administering the wakf property and those of any other person regarding the validity of the application for registration and the correctness of any particulars mentioned therein, he shall place the matter before the Board and obtain their orders and the particulars will be registered. The Registers of Wakfs. - The register of wakfs shall show in the remarks column the past and present position of the wakfs, and necessary diversion of the benefit of the wakfs, and the wishes of the wakf as far as can be ascertained.

74. Books to be kept at the office of the Board.

- The following Books and Registers shall be kept in the office of the Board: - (a) Register(s) of wakfs in the form prescribed under the Delhi Wakf Rules. (b) Wakf Property Register. (c) Wakf Fund Register. (d) Loan Register. (e) Minute Books of the meetings of the Board and the Committees. (f) Account Books. (g) Register showing the list of members of the Board and its

Committees, officers and staff including Imams and Moazzans.(h)Cash Book.(i)Mad-e-Amanat Register.

75. Annual Budget Estimates of Registered Wakfs.

(a)The mutwallis and the Committees appointed for the management of the wakfs shall prepare the budget in the form approved by the Board and shall submit them before the 15th of February each year.(b)No mutwalli or Committee appointed to manage the wakf shall be allowed to keep more than Rs. 300/- in his/its custody and the amounts exceeding Rs. 300/- shall be deposited with the Board, which shall be kept in Mad-e-Amanat showing the name of each wakf.(c)The financial year of the Board shall commence from 1st April each year.(d)All money of the Board shall be deposited in such schedule Bank/Banks as may be approved by the Board for this purpose.

76. The accounts of the Wakf Board shall be kept in the following manner.

- (i) The register of Wakf-Fund shall show a complete account of the Fund of the Board, Reserve and Current.(ii)The daily cash book shall contain daily receipts and disbursement as per proper vouchers and receipts according to the forms.(iii)The Account Books shall show daily deposits in the Bank.(iv)The Loan Register shall show advances and their recoveries.(v)The Mad-e-Amanat Register shall show the amount received from each mutwalli or Committee and the names of the Wakif.(v-A) The Wakf Property Register shall show amount of income and expenditure of properties directly administered by the Board.(vi)The amount of the Wakf shall be entered in the account register in accordance with the accepted rules of Book keeping and accountancy prescribed by the Government.(vii)All accounts of the Board shall be audited every year by the Government auditor and as approved by the Local Government and the audit report shall be submitted to the Board positively within one month from the date of receipt.(vii-A) The matter of calculating the income of wakfs for purpose of levying and contributions under the Wakf Act, 1954, as modified up-to-date shall be as follows :(viii)Every mutwalli or Managing Committee or any other person appointed by the Board under Sections 42 and 43 of the Act 29 of 1954 shall pay annually to the Board the Wakf Fee at 5 per cent of the net income of its properties.(ix)The contribution shall be paid in two equal instalments in the months of May and November.(x)In case of default in the payment of the contribution the Secretary or another competent officer with the written permission of the Chairman of the Board shall issue registered notice (acknowledgement due) positively in the first week of June and December against the defaulter.(xi)The explanation if any received from the defaulter to the notice shall be put up to the next meeting of the Board.(xii)No such contribution shall be payable to a mutwalli, person or Managing Committee of a wakf of which net income does not exceed Rs. 100/- per year.(xiii)The Board is empowered by virtue of Sections 41-45 to take suitable action against the defaulters.(xiv)The Board in case of any particular wakf reduce or remit Wakf Fee for such time as it thinks fit.

Part VII – Powers and Duties of the Chairman of the Board

77. Chairman to be Chief Administrative Officer.

- The Chairman shall be the Chief Administrative Officer of the Board generally and shall be responsible for the proper functioning of the machinery set up by the Act.

78. Chairman to preside at meetings.

- The Chairman shall preside at all the meetings of the Board and Committees appointed by the Board at which he is present.

79. General supervision over Secretary.

- The Chairman shall direct the Secretary in the discharge of his duties and shall exercise general supervision over the execution of the decisions and the orders of the Board.

80. Ex-officio Chairman of Committees.

- The Chairman shall be an ex-officio Chairman of all Committees appointed by the Board.

81. Fixation of date and time of meetings.

- The Chairman shall fix date and time for ordinary meetings of the Board at his own instance or on special request from at least 4 members of the Board for an urgent meeting if such contingency arises.

82. Maintenance of order and discipline.

- The Chairman shall see that the order and discipline in the meeting of the Board and the Committee in which he is present is maintained.

83. Power to spend money in case of emergency.

- The Chairman shall have power to spend Rs. 1,000/- in case of emergency which shall be approved by the Board in its next meeting.

84. Power to order enquiry.

- The Chairman shall have power to order any urgent enquiry in respect of any matter connected with the administration of any wakf under the Board and for that purpose he may by general or special order authorise the Secretary or any member of the Board or its officers or servants to enter into such property or office and the finding of such enquiry shall be placed by the Chairman at the meeting of the Board.

85. Power to nominate member of the Board.

- The Chairman shall have power to nominate a member of the Board to discharge his duty during his absence for two weeks or more.

Part VIII – Duties and Powers of the Secretary

86. Control of Chairman.

- The Secretary shall work under the general supervision and control of the Chairman.

87. Responsible for safe custody of records, etc.

- The Secretary shall be responsible for safe custody of all records and the movable property of the Board.

88. Responsible for executing decision of Board, etc.

- The Secretary shall be responsible for execution of decisions of the Board and the Committees.

89. Responsible for taking necessary remarks.

- The Secretary shall be responsible for taking all necessary measures in respect of all wakf buildings in general and the mosques in particular and except where otherwise required by any provision of the Act or regulations, he shall be a sole correspondent on behalf of the Board.

90. Responsible for pointing out financial irregularities.

- The Secretary shall be responsible for bringing all financial irregularities to the notice of the Finance Committee as early as they occur.

91. Examination of Budget.

- Subject to such instructions as may be issued by the Board and the Finance Committee, he shall examine the budgets of all registered wakfs whose income exceeds one hundred rupees per annum, return them for amendment or sanction them with or without any modification, provided that the modifications shall not be inconsistent with the wishes of the wakf concerned so far as such wishes can be ascertained.

92. Preparation of budgets of certain wakfs.

(a)The Secretary shall prepare the budget of the wakfs whose mutwallis fail to submit their budgets, subject to such restrictions as may be imposed by the Board.(b)The Secretary shall prepare the budget of the wakfs directly administered by the Board and submit the same to the Financial Committee, or the Board.

93. Consideration of auditor's report on wakfs.

- The Secretary shall consider the auditor's report on wakfs with income exceeding one hundred rupees per annum and issue necessary orders thereon unless there is any important question of principle or difficulty which requires the orders of the Finance Committee or the Board.

94. Maintenance of register of different classes of wakf.

- The Secretary shall be responsible for preparing and maintaining a register containing full information relating to the nature, extent, income (if any) and objects and beneficiaries of the different classes of wakfs.

95. Publication of annual statement of accounts.

- Subject to such instructions as may be given by the Finance Committee, the Secretary shall publish the annual statement of accounts at least in one Urdu and one English paper in Delhi.

96. Preparation of annual report on working of wakfs.

- Under the directions of the Chairman, the Secretary shall prepare an annual report on the working of all wakfs of the Board and its Committees and submit it to the Board provided that a separate report shall be prepared and submitted for the wakfs directly administered by the Board.

97. Power to pass Bills.

- Subject to such restrictions as may be imposed by the Finance Committee the Secretary shall have the power to pass all bills which do not include any new item of expenditure.

98. Calling of reports, etc. from mutwallis.

- The Secretary shall have the power to call reports, returns, budgets and other documents from the mutwallis of registered wakfs.

99. Maintenance of accounts.

- The Secretary shall be responsible for the proper maintenance of the accounts of the Board.

100. Expenditure of money with proper sanction.

- The Secretary shall be responsible for ensuring that every money is expended with proper sanction.

101. Proper representation of Board in Civil suits, etc.

- The Secretary shall be responsible for ensuring proper representation of the Board in all civil suits, appeals and proceedings, instituted by or against the Board and may for this purpose appoint with the permission of the Chairman, legal practitioners to act for the Board for such fees as the Board or the Chairman may have approved.

102. Execution of work.

- The Secretary shall take such action as may be desired by the Property Committee for the execution of works.

103. Incurring of expenditure of miscellaneous nature.

- The Secretary shall exercise powers of incurring expenditure of miscellaneous nature subject to such limits as may be imposed by a resolution of the Board. Form I Application for registration of wakf under Section 25 of the Muslim Wakf Act of 1954 To The Secretary, Delhi Wakf Board, Delhi. Sir, I, son of of village.... P.O.... District... being the mutwalli/wakf/beneficiary/person interested in the wakf properties which have been described below, do hereby apply for the registration of the said wakf under Section 25 of the Muslim Wakf Act, 1954.

1. Description of wakf properties including movables:-

(a) Name of the district, (b) Touzi No. and No. of thana. (c) Name of village/town. (d) Khatian No. and Khasada No. (e) List of movables and their description with estimated value. (f) Municipal holding No. if within municipal limits:- (i) Area leased out to tenants. (ii) Area of land under Khas possession. (iii) Encumbrances and allowances, if any, and persons, bodies or institutions in actual physical possession of the same.

2. Gross annual income from such properties.

3. The amount of land revenue and cesses, and of all rates and taxes annually payable to in respect of wakf properties.

4. An estimate of the expenses annually incurred in the realisation of the income of the wakf properties:-

(a) Cost of collection and maintenance of wakf properties as follows: (i) In case of immovable properties costs as annually incurred to a maximum of 12½% of the gross income, (ii) 1% in the case of income from securities, debentures share dividends, etc., and (iii) 1% in the case of income from fixed contributions in lumpsum such as (1) a regular allowance paid by a trust fund or (2) when the entire wakf property has been let out in putni etc., and (iv) 1% in case of the cash value of crops which do not require the employment of a collection staff.

5. List of expenditure directed by the wakf or according to wakf deed or usage or custom for-

(a) Salary of the mutwalli and allowances to individuals. (b) Expenses for charitable purposes. (c) Expenses for religious purposes. (d) Expenses for other purposes.

6. A correct statement of the accumulated income out of the wakf properties in cash or kind.

7. The rule of succession to the office of mutwalli under the wakf deed or by custom or usage.

8. The manner in which the wakf is administered at present, that is, whether under a scheme settled by a Court of law or by a popularly constituted committee :-

9. Name of Wakf (donor).

10. Name of mutwalli with present address.

11. Year and date of the wakf deed.

12. List of papers submitted.

Verification I solemnly declare that the above statements are true to the best of my knowledge and belief and that I have not concealed anything: Signature.....Address.....N.B. - A copy of the wakf deed should be forwarded with every such application where no deed was drawn up at the time of the creation of the wakf, the applicant should write a brief history and full particulars of the origin, nature and object of the wakf and of all other necessary facts to the best of his knowledge. D.W.B. Form No. See Regulation 39(b) Application for Inspection To The Secretary, Delhi Wakf Board, Delhi. Name of applicant.....S/o.....Resident of.....Description and No. of

file the record of which is to be inspected.....Name of tenant (if any).....Name of parties (if any).....Name and description of the paper which is required for inspection.Purpose of inspection.....(Signature of applicant)Date:Order passed on the application :Time of inspection.....From.....To.....viz.....Hours.Inspection Fee paid.....Signature of Official with designation in whose presence inspection made....Date.....Signature of applicant after inspection made :DateD.W.B. Form No.See Regulation 39(c)Application for copy :ToThe Secretary,Delhi Wakf Board, Delhi.Name of Applicant.....S/oResident of.....Description of the file etc. from which the copy is required.....Descriptions of property.Ward No.....File No.....Name of tenant (if any).....Name of parties (if any).....Nature of caseName and Description of the record of which copy is required.....Purpose for which copy is required i.e. whether it is required for private use of filing in some Court, etc.....Signature of applicant:Date :No. of Application in the copying registerCopying fee received with applicationOrder passedDateSignature of copyistDateSignature of Recipient of the CopyDateD.W.B. Form No.See Regulation 39(a)General Application FormToThe Chairman/The SecretaryDelhi Wakf Board, Delhi.Name of Applicant....S/o.....Address of residence.....Connected property..... Ward No.....Sir,The above humble, petitioner submits as under:-

1.

2.

3.

.....Signature of applicantPrice : 50 nP.Date :