

The M.P. Wakf Rules, 2000

MADHYA PRADESH

India

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Rule THE-M-P-WAKF-RULES-2000 of 2000

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The M.P. Wakf Rules, 2000 Published vide Notification No. F. 11-15-97-54-2, M.P. Rajpatra (Asadharan), dated 19-6-2001 at pp. 682 (25-49) In exercise of the Powers conferred by Section 109 of the Wakf Act, 1995 (No. 43 of 1995), the Government of Madhya Pradesh hereby makes the following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh wakf Rules, 2000. (2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires. -(a) "Act" means the Wakf Act, 1995 (No. 43 of 1995); (b) "Board" means the Madhya Pradesh Wakf Board established under sub-section (1) of Section 13 of the Act; (c) "Section" means Section of the Act; (d) "Forms" means forms appended to these rules; (e) Words and expressions used in these rules shall have the same meaning as assigned to them in the Act.

3. Report of Commissioner of Wakfs.

- The Survey Commissioner of Wakf while making his report under the provisions of sub-section (3) of Section 4 of the Act shall also submit the following particulars under clause (I) of the said sub-section, namely :- (a) Location of Wakf:-(i) District; (ii) Tahsil; (iii) Municipality/Municipal Corporation/Panchayat; (iv) Village; (v) Local name of the place where situated; (b) Date and Year of creation of Wakf; (c) Registered Number, Year and Date of Wakf deed; (d) Nature and object of the Wakf; (e) How the Wakf is administered at present whether under a scheme settled by law or by registered document or established customs or usage; (f) Details of immovable properties of wakfs and place where situated-(i) District; (ii) Tahsil; (iii) Village; (iv) Municipality/Municipal

Corporation/Panchayat;(v)Survey number;(vi)Area;(vii)Value of the property.(g)Other receipts if any;(h)Encumbrances if any on the movable or immovable properties;(i)Expenses for performance of the functions specified in the wakf deed or established by customs;(j)Procedure for election of Mutawalli or Rules of succession to the post of Mutawalli;(k)Name and address of the present Mutawalli:(l)The total cost of making the survey.

4. Publication of list of wakfs.

- On receipt of report from the Government, the Board after examination shall publish the report under sub-section (2) of Section 5 of the Act in the official Gazette with the following particulars, namely :-(a)Name of Wakfs (whether Shia or Sunni);(b)District/Tahsil/Village where the wakf is situated;(c)Nature and object of each wakf;(d)The gross income in the property; comprised in each wakf;(e)The amount of Land Revenue, Cess, Rates and taxes payable in each Wakf;(f)The expenses incurred in the realisation of the income of each wakf;(g)The expenses incurred for the payment of pay or other remuneration of the Mutawalli Inam and Muuzen of each wakfs;(h)The Mutawallis of the wakf having an annual income of rupees One Lac and above;(i)Any other particulars as State Government may determine from time to time.

5.

The Board shall prepare and maintain a list of wakfs which have come to its notice in the course of collecting information under sub-section (1) of Section 40 or which it has caused to be registered under Section 41 or which has been registered at its office under Section 36 before the 15th days of January of every year and publish the same in the Madhya Pradesh Gazette.

6. Manner of Election of Members of the Board and Establishment of Board.

- The Election of members of the Wakf Board shall be done as per rules framed by the Madhya Pradesh Government Backward Classes and Minority Welfare Department vide Notification No. 726/F/2/3/54/2/96 published in the Madhya Pradesh Gazette (extra-ordinary) dated the 4th July, 1996 under sub-section (2) of Section 14 of the Wakf Act. 1995.

7. The terms and conditions of Service of Chief Executive Officer.

- The appointment, terms and conditions of service of Chief Executive Officer under sub-section (2) of Section 23 of the Act shall be as given below :-(a)There shall be appointed a Chief Executive Officer by the Government on deputation who shall be a Muslim Government Servant not below the rank of Deputy Collector;(b)The Board shall pay to the Chief Executive Officer such salary and allowances as fixed by the State Government from time to time;(c)When any disciplinary proceeding have to be initiated against the Chief Executive Officer, the Chairman shall report the full facts to the Government and the Government will take suitable action contemplated in Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966.(d)Leave and Travelling Allowances Rules etc. of the Chief Executive Officer:(i)Leave rules applicable to the Government servant shall apply to

the Chief Executive Officer, casual leave shall be sanctioned by the Chairman of the Board. Leave other than the casual leave shall be sanctioned by the Minority Welfare Department of the Government of Madhya Pradesh.(ii) Travelling allowance rules and conduct rules applicable to the Government servants shall apply to the Chief Executive Officer.(iii) The Annual Confidential Report of the Chief Executive Officer shall be written by the Chairman of the Board and forwarded to the Secretary of the Government in Minority Welfare Department for his comments and sent to the parent department of the Chief Executive Officer.

8. Conditions and Restrictions subject to which the Chief Executive Officer or any other officer may inspect any public office records or registers.

- The Chief Executive Officer or any other officer of the Board duly authorised in this behalf subject to payment of such fees if any as may be leviable under any law for the time being in force, shall be entitled to all reasonable time to inspect in any public office, any records, register or other documents relating to wakf movable or immovable properties which are wakf properties or claimed to wakf properties and it shall be the duty of the officer-in-charge of such public office to afford all facilities and assistance as may be necessary or reasonably required in regard to the inspections :Provided that the such inspection shall be made on working days after giving notice to the officer-in-charge of such office. The officer-in-charge of such public office shall remain present during such inspection personally or through his authorised representative and shall produce the relevant records/documents as desired by the Chief Executive Officer.

9. Manner of Inquiry by the Executive Officer.

- The Chief Executive Officer or the officer authorised by the Board as the case may be for the purposes of holding enquiry under Section 39 of the Act shall follow the following procedure :- (a) may give notice to any person whose evidence may appear to him necessary for investigation of matter under inquiry and also to require the production of any document relevant to the matter under inquiry which may be in possession or under the control of any person; (b) such notices shall be in writing and authenticate by the Chief Executive Officer or any officer authorised in this behalf stating the date, time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce document or for both purposes, and particulars of the document required to be produced. (2) A person whose evidence is required is unable to attend due to sickness or infirmity or any other sufficient cause his attendance could be extended to the next date or exempt the person from personal appearance under the provisions of the Code of Civil Procedure, 1908. The officer may on his own motion or on application dispense with the appearance of such person and order him to be examined on commission. (3) All persons, who appear in response to notices issued shall within the time specified in the notice or within such further time as may be granted, file written statement. (4) Any person to the proceeding may appear in person or through an advocate. He may adduce oral or documentary evidence and also apply for summoning of witnesses or production of documents. (5) Any person desirous of receiving back any document produced by him at the enquiry shall be entitled to receive back the same if the proceedings in which the orders made are not liable to be questioned before the tribunal. The certified copy of the document shall be replaced. (6) When any notice is required by these rules to be served on or sent to any person, the

service shall be done by following manner :-(a)By giving or tendering the said notice to such person;(b)If such person is not found, by leaving such notice at his last known place or residence or business or giving or tendering the same to some adult member or servant of his family or to the head of the institution or any authorised person in the case of employees working in firms. The duplicate copy of the notice must contain the fact and name of person to whom it is served with his signature or thumb impression if the person is illiterate with the signature, name and addresses of two attesting witnesses;(c)If such persons residing elsewhere and the address is known to the Chief Executive Officer by sending notice to him through registered post;(d)If it is not possible to serve the notice by the above mentioned manner by affixing the same in some conspicuous part of such place of residence or business;(e)In case of refusal of notice, the date of refusal shall be deemed to the date of service.

10. Budget of Wakf Institutions under direct management of Board.

(1)The Budget for all the Wakf under direct management of the Board shall be prepared for the next ensuing financial year in the month of December of current financial year.(2)The Chief Executive Officer shall get the budget prepared under sub-section (1) of Section 45 in Form No. 1 with all the details of estimates of receipts and expenditure for the next financial year.(3)Before preparation of the budget, the Chief Executive Officer shall obtain details of estimates from the administrators of the Wakfs under direct management.

11. Audit.

(1)The audit shall be taken up category wise periodically in the manner enumerated below :-(a)Wakf Institution with net annual income above Rs. 1 lac--annually;(b)Wakf Institution with net annual income above Rs. 10,000 and below Rs. 1 lac-once in three years;(c)Accounts of 5% Wakf Institutions with net annual income below Rs. 10,000 will be audited annually by rotation.(2)The Chief Executive Officer shall finalise and publish the annual programme of audit which shall be Wakf Institutions wise so that every wakf falling under the above category is taken up as per the period specified above.

12. Alienation of Wakf Property.

(1)Board shall take final decision of Alienation of Wakf property under sub-section (2) of Section 51 of the Act within 45 days from the date of conclusion of the auction. The Board shall be competent to cancel any auction for reasons to be recorded.(2)The approval given by the Board under sub-section (3) of Section 51 shall be published in the daily newspaper having circulation in the area of Wakf and shall also be communicated to the Collector of the district and Mutawalli concerned.

13. Inquiry regarding recovery of Wakf property transferred In contravention of Section 51 of the Act.

- The Chief Executive Officer shall obtain certified copies of documents from the sub-registrar under whose jurisdiction any immovable property is reported to be transferred in contravention of the provision of Section 51. After obtaining the copy of the document, the Chief Executive Officer shall verify the details of the property from its own records and may also make the spot enquiry. He will proceed further by issuing notices to the transferor and the transferee calling upon them to narrate the full facts. Notices will be served in the manner prescribed in sub-rule (7) of Rule 9. If said persons remain absent without sufficient cause after due service adverse inference may be drawn against him. After considering the facts obtained during the course of inquiry, the Chief Executive Officer shall prepare a report and place it before the Board. The Board shall consider the report and if necessary will pass a resolution to send requisition in Form II to the concerned Collector to obtain and deliver the possession to the Board.

14. The manner of Service of notice issued under sub-section (1) of Section 54.

- The notice issued to any person under sub-section (1) of Section 54 shall be served through messenger or by post or by affixing the notice on some conspicuous place at his last known residence or serving it to adult member or servant of his family, or by affixing the notice on any conspicuous place where he resides or on the property encroached by him :Provided that where the person on whom the notice is to be served is minor, service upon his guardian or upon any adult member or servant of his family shall be deemed to be due service on minor.

15. Manner of Inquiry to be held by Chief Executive Officer.

- The inquiry under sub-section (3) of Section 54 shall be held by the Chief Executive Officer in the following manner :-(a)The Chief Executive Officer after serving the show-cause notice to the person concerned shall call for written statement duly supported by any documentary proof. If necessary, the Chief Executive Officer shall record the oral evidence tendered by the contending parties. The Chief Executive Officer shall also receive such documentary evidence as may be produced in the course of Inquiry;(b)The Chief Executive Officer shall prepare a case file containing following particulars :-(i)minute of proceedings;(ii)report or information on which the proceeding has been started;(iii)show-cause notice and its reply;(iv)evidence (oral and documentary) received at the enquiry;(v)order.

16. The manner in which any enquiry may be held under Section 64.

- If any action under Section 64 is contemplated against any Mutawalli then the Board shall decide to proceed for enquiry through Chief Executive Officer, who shall call for a written statement of Mutawalli with documentary proof if any by serving him a show-cause notice. The show-cause notice shall contain the clear statement of fact. Sufficient time should be given for the written statement. Show-cause notice will be served in a manner laid down in sub-rule (7) of Rule 9. On receiving the written reply, the Chief Executive Officer shall prepare a report on it and it will be placed before the Board. The Board shall pass appropriate order on it. If no reply is received from

the Mutawalli after the notice is properly served, the Chief Executive Officer will draw the report on the basis of the records/facts available.

17. The manner of publication of order made under sub-section (2) of Section 67.

- The order passed by the Board under sub-section (2) of Section 67 shall be published on the Notice Board of concerned Wakf, District Collector of the concerned District, District Wakf Committee and Madhya Pradesh Wakf Board. A copy thereof shall also be sent to the Mutawalli concerned.

18. Manner of publication of order made under sub-section (3) of Section 69.

- The order shall be published in the same manner as prescribed in Rule 17.

19. The Rate at which contribution is to be made by a Mutawalli under Section 72.

- The Mutawalli shall contribute 7% of the net annual income of Wakf.

20. Wakf Fund.

- Under sub-section (3) of Section 77, the Wakf Fund shall be kept under the control of the Board, subject to the following conditions :-(1)Under Section 27 of the Act, the Board may delegate such financial powers to the Chairperson and Chief Executive Officer or any other officer or employee of Board on such conditions and limitations as it may deem necessary;(2)The Chief Executive Officer of Wakf Board shall be drawing and disbursing authority;(3)The expenses payable under any law for the time being in force shall be paid by the Chief Executive Officer :Provided that any penalty, fine etc. under any law for the time being in force shall necessarily be produced before Chairperson of the Board or Board as the case may be.

21. Form in which and the time within which the Budget of the Board may be prepared and submitted under Section 78.

(1)The Annual Budget of the Board for the next financial year to be prepared under sub-section (1) of Section 78 shall be in Form III and shall be prepared by the end of January of the current financial year.(2)The Budget shall contain the following statements :-(a)Statement of Receipt in Form III (A) :(i)Statement of demand of Wakf contribution in Form III (A) (1).(ii)Statement of Maintenance grants in Form III (A) (2).(iii)Statement of rents received in Form III (A) (3).(iv)Statement of other grants in Form III (A) (4).(v)Statement of interest on deposit with Banks in Form III (A) (5).(b)Statement of expenditure in Form III (B) :(i)Statement of salaries and other allowances to the staff of the Board in Form No. III (B) (1).(ii)Statement of Honorarium and other allowances to the Chairperson and members of the Board in Form III (B) (2).(iii)Statement of expenditure on contingencies of the Board in Form III (B) (3).(iv)Statement of expenditure incurred

for preservation and protection of Wakf property in Form III (B) (4).

22.

The procedure which the Tribunal shall follow under sub-section (6) of Section 83 is as hereinafter provided.

23. Jurisdiction.

- The jurisdiction of the Tribunal shall be whole of the Madhya Pradesh.

24. Language of the Tribunal.

- The language of the Tribunal shall be English or Hindi.

25. Procedure for filing Applications.

- The application, shall be presented in the manner as provided under Order 6 of Civil Procedure Code.

26. Application Fees.

- The application fees shall be Rs. 50/- only irrespective of valuation.

27. Documents to accompany with application.

- Application presented before Tribunal shall be accompanied with Registration of Wakf, Registration of Mutawalli, Wakf Entries in respect of property in question and any other document from which an inference may be drawn that the property in question is a Wakf property or person who files the same before Wakf Tribunal has locus standi to file the same before Wakf Tribunal.

28. Place of Filing Application.

- An application in relation to Wakf property shall be filed at State Wakf Tribunal at Bhopal Bench by the applicant or through his agent or authorised Advocate and if the Benches are constituted under the provisions of the Act, the applicant may file an application.

29. Notice to opposite party.

(1)The Tribunal shall issue notice to the respondent to appear before the Tribunal to show-cause against the application on a date of hearing to be specified therein. Such notice shall be accompanied by a copy of the application.(2)If the respondent does not appear on the date specified in the notice or appears and admit the claim, the Tribunal shall forthwith proceed to dispose of the

application.(3)If the respondent contests the claim, it may file a reply alongwith copies of such documents on which it relies on or before the date of hearing and such reply and copies of documents shall form part of the record.

30. Service of notice and processes issued by the Tribunal.

(1)Any notice or process to be issued by the Tribunal may be served in any of the following modes as may be directed by the Tribunal:-(i)By hand delivery through process server;(ii)By registered post with acknowledgement due; and(iii)Service through the party.(2)Where a notice issued by Tribunal is served through the party by hand delivery he shall give the acknowledgement, together with affidavit of service.(3)Notwithstanding anything contained in sub-rule (1), the Tribunal taking into account the number of respondents and their places of residence or work and other circumstances direct that notice of the application shall be served upon the respondent in any other manner as it appears to the Tribunal just and convenient.(4)As much as possible, the notice to the respondent may be issued by registered post with acknowledgement due at the first instance.

31. Filing of reply and other documents by the respondent.

(1)Each respondent shall file his reply and copies of the documents on or before the date of hearing.(2)In reply filed under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the applicant in his application and states such additional facts as may be found necessary in his reply.

32. Summary dismissal of application.

- If the Tribunal is of the opinion that there are not sufficient grounds for proceeding therewith or the application is barred by limitation, jurisdiction or prevented from filing due to any law or procedure, the Tribunal may, after considering the application, summarily dismiss the application for reasons to be recorded.

33. Action on application for applicant s default.

(1)Where on the date fixed for hearing of the application or any other date to which such hearing may be adjourned the applicant or his pleader does not appear when the application is called for hearing, the Tribunal may on its discretion either dismiss the application for default or hear and decide it on merit.(2)Where an application has been dismissed in default and the applicant files an application within 30 days from the date of dismissal and satisfy the Tribunal that there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order setting-aside the order dismissing the application and restore the same.

34. Ex parte Hearing.

(1)Whereas the date of hearing of application or any other date to which such hearing is adjourned, the applicant appears and the respondent does not appear, the Tribunal may on its discretion to adjourn the hearing or hear and decide the application ex pane.(2)Whereas, the application has been heard ex-parte against a respondent or respondents, such respondent or respondents may apply to the Tribunal for an order to set-aside and if such respondent or respondents satisfy that he or they were prevented by any sufficient cause from appearing when the application was called for hearing, the Tribunal may make an order setting-aside the ex-parte hearing against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the application.

35. Procedure and power of the Tribunal.

- The Tribunal shall have the same power for the purpose of discharging its functions, under the Act are vested to Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :-(a)Summoning and enforcing the attendance of any person and examining him on oath;(b)Requiring the discovery and production of documents;(c)Taking evidence;(d)Subject to the provisions of Sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning and public record or documents or copy of such record or document from any office;(e)Issuing Commission for the examination of witnesses or documents;(f)Dismissing an application for default or ex-parte;(g)Setting-aside any order of dismissal of any application for default or any ex-parte order;(h)Disposing of application for restraining any party for breach of contract or doing any alleged or unauthorised act;(i)Exercising inherent power in order to prevent the abuse of process of Court.

36. Framing and determination of Issues.

(1)After considering the reply, the Tribunal shall ascertain upon what material proposition of fact or of law the parties are at variance and shall thereupon proceed to form and record the issue on which the decision of the case depends.(2)In recording the issue, the Tribunal shall distinguish between the issue of facts and law.(3)After framing the issues, the Tribunal shall proceed to record oral evidence of the parties.

37. Summoning of witnesses and methods of recording evidence.

(1)If an application is presented by any party to the proceeding for summoning of witnesses, the Tribunal may issue summons for the appearance of such witnesses.(2)The witnesses shall be examined and cross-examined in the presence of the Presiding Officer.

38. Power to issue Commission.

- The Tribunal may issue Commission for the examination of any person who is resident within the territorial and outside jurisdiction of Tribunal and who is unable to attend the Tribunal for any

justifiable reason.

39. Procedure in connection with applications involving common facts.

- (1) Where two or more applications pending before a Tribunal arising out of the same facts and any issue involved is common or two or more such applications, such application may so far as the evidence bearing on such issue is concerned be heard simultaneously. (2) Where action taken under sub-rule (1), the evidence bearing on the common issue shall be recorded on the record of one application, the Tribunal shall certify under its hand on the records of any such other application, the extent to which evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and, if they were present for cross-examining, the witnesses.

40. Substitutions of legal representatives.

(1) In the case of death of a party during the pendency of proceeding before Tribunal, the legal representatives of the deceased party may apply within 90 days of the date of such death for being brought on record. (2) Where no application is received from the legal representatives within the period specified in sub-rule (1), the proceeding shall abate : Provided that if the legal representative submit good and sufficient reason for delay, the Tribunal may allow substitution of the legal representatives of the deceased after expiry of 90 days.

41. Decision of the Tribunal.

(1) The Tribunal shall decide every application as expeditiously as possible.

42. Order to be passed and signed.

(1) The Tribunal shall pass an order in writing and order made by the Tribunal shall be executable by the Tribunal as a Decree of Civil Court and the provisions of the Code of Civil Procedure, 1908 so far as may be, shall apply as they apply in respect of decree of a Civil Court. (2) Every order of the Tribunal shall be in writing and signed.

43. Order or direction by Tribunal.

- The Tribunal may pass such order or give direction as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

44. Sitting hours of Tribunal.

- The sitting hours of the Tribunal shall ordinarily be from 10.30 a.m. to 1.30 p.m. and 2.30 p.m. to 4.30 p.m.

45. Sitting of the Tribunal outside Head Quarters.

- The Tribunal may hold its sitting at its Head Quarters or at any other place as it may find convenient for the better transaction of business. Tribunal may at any stage of the proceeding inspect any property or thing concerning dispute.

46. Head Quarter of Tribunal.

- The Tribunal shall have its Head Quarter at Bhopal.

47. Preservation of Record.

- All necessary documents and record relating to applications dealt with by the Tribunal shall be kept in a record room, and shall be preserved for a period of 20 years after the passing of the final orders.

48. Inherent powers of the Tribunal.

- Nothing in the rules shall be deemed to limit or otherwise effect the inherent power of the Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal.

49. Process Fee.

- Process fees shall be levied as prescribed in the rules framed by the Madhya Pradesh High Court under Section 20 of the Court-fees Act, 1870 as to the cost of processes in Civil Courts.

50.

All sums deposited shall be treated as Civil Courts deposits and accounted for as per the provisions of the rules of Civil deposits in force in Civil Courts in Madhya Pradesh.

51. Execution of order under sub-section (8) of Section 83 of Act.

- A party to the proceeding seeking enforcement of any order of the Tribunal shall apply to the Tribunal alongwith a certified copy of the order for its execution and the Tribunal shall forward the said order for execution to the Civil Court having jurisdiction. Certified copies of any order, proceeding or documents marked in evidence may be obtained by the parties on payment of Rs. 15/-.

52. Payment of process fee.

- Whenever the Tribunal makes an order for issue of summons, notice or commission, the process fee shall be paid within three days from the date of order and further time may be extended if sufficient ground is assigned.

53. Appeal.

- Any Mutawalli person interested in a Wakf or any other person aggrieved by an order passed by Board under sub-section (5) of Section 51 and Section 67 of the Act may prefer an appeal before the Tribunal within such time limit as prescribed under sub-section (5) of Section 51 and sub-section (4) of Section 64 of the Act he shall enclose a copy of the order, passed by the Board alongwith a memo of appeal.

54. Power, Function and Duties of Registrar.

- The Registrar will be the custodian of the records of the Tribunal and shall perform such other functions, duties as are assigned to him from time to time by the presiding officer and also exercise following powers :- (a) receive all applications and other documents including transfer application and to decide all questions arising out of the scrutiny of the such application received by him; (b) issue notices at the first instance and to fix the date of hearing; (c) grant permission to inspect the record of the Tribunal; (d) requisition or transfer of any records of such application claim or other legal proceeding as are transferred to the Tribunal from any Court; (e) receive or dispose off applications by parties for return of documents; (f) supervise and control over the staff and to designate duties of the staff working and employed in the Tribunal; (g) issue certified copies of order, judgement, applications, reply and other documents after receiving requisite fee from the person who deserve to obtain the copies as such; (h) the official seal shall be kept in the custody of the Registrar.

55. The form in which the Annual Report is to be submitted and the matters which such report shall contain under Section 98.

(1) The Board shall prepare the general Annual Report in Form IV and this report shall be presented to the State Government by the 31st July of every year. (2) On receipt of the Annual Report, the State Government will examine it and place it before the State Legislature.

56. Repeal and Saving.

- All rules corresponding to these rules, in force immediately before the commencement of these rules are hereby repealed : Provided that any action taken or thing done under the rules so repealed shall be deemed to be taken or done under these rules so far they are not inconsistent with these rules. Form No. I [See Rule 11 (2)] Annual Budget Estimate of Wakf..... for the Year .. to Abstract

Actuals for previous year	sanctioned estimate for current year	Revised estimate for current year	Total budget estimate for year
		Actuals for 8 months	Probable for 4 months

Receipts
(Statement-1)

Expenditure
(Statement-11)

Total....

Signature of Chief
Executive Officer.

Statement I
(Receipts)

S. No.	Particulars	Actuals for the previous year	Actuals for year of report	Revised budget for the year of reporting	Budgets Estimate for ensuing year	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Opening Balance					
2.	Cash at Bank					
3.	On hand (Cash, Cheque, D.D.)					
4.	Income from Rent:					
	(a)Residence					
	(b) OfficeComplexes					
	(c) Shops					
	(d)Schools					
	(e) Others					
	Total....					
5.	Security Deposit					
6.	Goodwill					
7.	Income from Hundi					
8.	Income from Agricultural Land :					
	(a) Saleof Agricultural Crops					
	(b) Saleof usufructs of trees					
	(c) Saleof trees					

(d) Annuity

(e) Cash grants

Total.....

9. (A) Miscellaneous

Receipts :

(a) Nazar, presents

(b) Subscription

(c) Donations

(d) Ramzan donation

(e) Nikah fee

(f) Hide and skin

(g) Golak collections

Total...

9. (B) Receipts from :

(a) Grants in aid

(b) Loan recovery

(c) Salary and Festival

Advance recovery

(d) Interest from Bank

(e) Loan from Central

Wakf Council, New

Delhi

(f) Fixed Deposit

Receipts

Total.....

10. Any Other

Receipts

Grand total..

Signature of
Chief
Executive
Officer.

Statement II (Expenditure) :

S. No	Particulars	Actuals for the previous year	Actuals for year of report	Revised Budget for the year of reporting	Budget Estimate for ensuing year	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

I. General Administration :

1. Salaries
2. T.A.
3. Office expenses:
 1. Purchase of Furniture.
 2. Purchase of Stationery and forms.
 - (a) Printing of Receipts.
 - (b) Printing/Purchase of Books of Accounts.
3. Postal charges
4. Telephone charges
5. Water charges
6. Electric charges
7. Office imprest account
8. Purchase of utensils
9. Purchase of Machinery and Electrical items
10. Meeting Expenses
- Total.....
4. Legal expenses
5. Audit expenses
6.
Corporation/Municipal/Land Tax.
7. Wakf contribution to Board.
- Total....

II. Capital Expenditure

- (1) Construction expenses
- (2) Repayment of Loan/Advances
- (3) Security Deposit
- (4) Building Licence/Plan Fee
- (5) Royalty
- Total....

III. Charitable Expenses

- (1) Scholarship/Freeship
- (2) Medical expenses

(3)Marriage expenses

(4) Otherexpenses

Total....

IV. Festival Expenses

(1)Shab-e-Meeraj

(2)Shab-c-Qadar

(3)Shab-e-Barat

(4) IdgahMosque/Dargah
expenses

(5) Urs

Total....

V. Miscellaneous Expenses

Total....

GrandTotal....

Signature of
Chief
Executive
Officer.

Form No. II[See Rule 14]Office of the Chief Executive Officer, Madhya Pradesh Wakf Board, BhopalNo.....Date.....To,The Collector,.....(Requisition under sub-sections (1) and (2) of Section 52 of the Wakf Act, 1995 for the Recovery of the property transferred in contravention of Section 51 of Wakf Act)Whereas the immovable property noted in the Schedule is a Wakf property entered in the register of Madhya Pradesh Wakf Board under Section 36 of the Wakf Act, 1995.Whereas under sub-section (1) of Section 52 of the Wakf Act, 1995 it is conferred that the property mentioned in the following Schedule is transferred (as per the details in the Schedule) without previous sanction of the Board and in contravention of Section 51 of the Wakf Act, 1995.

Schedule

S.No.	Name of the District	Name of Tahsil	Name of Village Municipality/ Corporation	Survey No. Plot No.	Extents	BoundariesNSEW	Name and address of the person in possession
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Now, therefore, in exercise of the powers conferred under sub-section (1) of Section 52 of the Act, you are requested to pass an order directing the person/persons shown in column No. 8 of the said Schedule to deliver the property to the Board within 30 days.Chief Executive Officer, Madhya Pradesh Wakl Board, BhopalForm No. III[See Rule 21]Budget Estimate of Madhya Pradeshll Wakf Board, Bhopal Year.....Abstract

	Actuals for the previous year	Sanctioned estimate for current year	Revised Estimate for current year	Total	Budget estimate for the year	
Actuals for 8 months	Probable expenditure for 4 months					
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Opening Balance	Receipts	Expenditure	Closing Balance			
Grand Total.....						

Signature of
the Chief
Executive
Officer.

Form No. III (B)[See Rule 21-B]Budget Estimate of Receipt of Madhya Pradeshii Wakf Hoard for the Financial Year.....

Receipts

S. No.	Head of Receipts	Actuals for the previous year	Budget Estimate of current year	Revised Budget Estimate for current year	Budget Estimate next ensuing financial year
(1)	(2)	(3)	(4)	(5)	(6)
1. Opening Balance					
2. Rent of Building					
3. Contribution from Wakf Institution at the rate of 70% per annum.					
4. Maintenance Grant					
5. Tribunal Fee					
6. Other Grants					
Total.....					

Signature of the
Chief Executive
Officer.

Form No. III (A) (1)[See Rule 21]Statement of Demand of Wakf Contribution

Total No. of Wakf Institution in the State	No. of Wakf Institution for which 7% contribution is the	Demand fixed during	Amount actually collected	Demand estimated for next ensuing year.....	Demands for current year.....	Amount actually collected for	Remarks
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assessed previous year.....
Year

Signature
of the Chief
Executive
Officer.

Form No. III (A) (2)[See Rule 21]Statement of Maintenance Grant

S. No.	Item	Grant Proposed during the previous financialyear....	Grant received during the current financialyear.....	Additional Grants Received if any	Grants estimated for nest ensuing year....	Reasons for increase	Remarks
1.	Establishment charges on salaries and allowance of staff.						
2.	Honorarium and allowance for the Chairperson and member ofthe Board.						
3.	Maintenance of vehicle.						
4.	Allowances to the other committees.						
5.	Contingency						
6.	Any other item						
	GrandTotal....						

Signature
of the
Chief
Executive
Officer

Form No. III (A) (3)[See Rule 21]Statement of Rents Received

S. No.	Details of the	Amount of rent received during	Expected rents for the next	Amounts of rents during the	Grand Total	Remarks
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property previous year.... ensuing year..... current year....

Total..

Signature of the
Chief Executive
Officer.

Form No. III (A) (4)[See Rule 21]Statement Of Other Grants

S. No.	Details	Purpose	During the previous year	During the Current year	For the next ensuing year	Remarks	
Amount Sanctioned	Amount received	Amount Sanctioned	Amount received				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)

1. Grant-in-aid2.

Any other grants

Signature
of the
Chief
Executive
Officer.

Form No. III (A) (5)[See Rule 21]Statement of Interest on Deposit With Banks

S No.	Details of Investment/Deposit/Commissions.	Date of Investment	Amount	Date of Maturity if any	Interest accrued Commission Collected forservices	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total....

Signature
of the
Chief
Executive
Officer

Form No. III (B)[See Rule 21]Budget Estimate of Expenditure of Madhya Pradesh Wakf Board for the Financial Year.....

Expenditure

S. No.	Head of Expenditure	Actuals for the previous year	Budget Estimate of current year	Revised Budget Estimate for	Budget estimate for next ensuing
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				current year	financial year
(1)	(2)	(3)	(4)	(5)	(6)
General					
Administration					
1. (a) Remuneration and allowances to the Chairperson.					
(b) Sitting fee and allowances to the members of the Board.					
2. Salary of CEO					
3. Salary of Officers					
4. Salary of Establishment					
(a) Permanent					
(b) Temporary					
5. Travelling Allowances					
6. Other Allowances					
7. Contingencies					
(a) Taxes					
(b) Postage					
(c) Stationery					
(d) Books and Periodicals					
(e) Electric charges					
(f) Telephone charges					
(g) Printing charges					
(h) Furniture					
(i) Hospitality					
8. Legal charges					
9. Interest on Loans and Advances					
10. Grants and Scholarships					
11. Capital expenditure on Lands and Buildings					
12. Maintenance and					

Repairs of vehicles

13. Maintenance and

Repairs of Board's

Building

14. Contribution to

Employees Provident

Fund

15. Pension, Gratuity

and Family Pension

16. Audit Fee

17. Contribution to

CWC, New Delhi

Total....

Signature of
the Chief
Executive
Officer.

Form No. III (B) (2)[See Rule 21]Statement of Payment of Salaries and Allowances to the Officers and Staff

S. No.	Category and Designation	No. of Post	Scale	Expenditure during the previous year
(1)	(2)	(3)	(4)	(5)
1. Official.	2. Ministerial			
Staff.	3. Field Staff.			

Expenditure during the current year upto	Increase by way or increments	Increase in allowances	Proposed expenditure for next ensuing year	Remarks
(6)	(7)	(8)	(9)	(10)

Signature of the Chief Executive Officer. Form No. III (B) (2)[See Rule 21]Statement of Payment of Honorarium, Sitting fee and other Allowances to Chairperson and Members

S. No.	Chairperson and Members	Expenditure incurred during the previous year	Expenditure incurred during the current year	Proposed Expenditure for next ensuing year	Remarks	Total	
				Honorarium	Sitting Fee	Allowances	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)

Signature of the Chief Executive Officer. Form No. III (B) (3) [See Rule 21] Statement Of Expenditure On Contingencies

S. No.	Details of Contingencies	During the Previous Year	During the Current Year	Proposed expenditure for next ensuing financial year	Remarks	
Allotment	Expenditure	Allotment	Expenditure upto			
(1)	(2)	(3)	(4)	(5)	(6)	(7) (8)
1. Telephone						
2. Stationery						
3. Printing						
4. Maintenance of Vehicle						
5. Fuel						
6. Other Expenses						
Total....						

Signature of the Chief Executive Officer.

Form No. III (B) (4) [See Rule 21] Statement of Expenditure on Protection of Wakf Properties

S. No.	No. of Wakf Properties	Amount spent during the previous year	Amount spent during the current year	Proposals for the next ensuing financial year	Remarks	
No of Properties	Amount					
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total...						

Signature of the Chief Executive Officer.

Form No. IV [See Rule 55] General Annual Report on the Working and Administration of M.P. Wakf Board and the Administration of Wakfs in the State During the Year.....

Part I – Report:**1. Constitution and Management.**

2. Financial Position.

3. Remuneration Enterprises.

4. Removal of encroachment and Protection and Leasing of Wakf Property.

5. Litigation and working of Wakf Tribunals.

6. General.

Part II – Constitution and Management:

1. Jurisdiction. - (1) Area and Population of Muslims.

(2)No. of Territorial Division (Distt. Unit).(3)No. of Wakf Institution.

2. Personnel. - (I) Total No. of Board Members.

(2)No. of Members by election and their names alongwith the electoral college.(3)No. of members by nominations, their names and category.(4)Chairperson name and category and date of election.(5)CEO - Name and period from which working.(6)Names of other officers.

3. Meetings and Attendance. - (1) No. of meetings general, special and adjourned.

(2)Regularity in holding of meetings, attendance of members in the meetings, meeting adjourned.(3)Promptitude or otherwise in the disposal of business entered in the agenda meeting adjourned for want of time.(4)The working of the rules of regulation of the procedure.(5)No. of Resolutions :(a)Tabled(b)Passed(c)Discussed(d)Withdrawn(e)Dropped.

4. Committees. - (1) Total number of Standing Committees, their functions and details may be indicated alongwith the names of the members during the year.

(2)Receipts and Expenditure. - Summarised details of receipts and expenditure may be given for the two preceding years beside the year under report and item showing increased receipts and expenditure may be indicated.(3)Investments Loans and Grants.

5. Audit. - (i) The period for which the audit has been completed under Section 80 action taken on audit report etc.

(ii) Whether programme of audit of Wakfs including Wakf under direct management has taken up and accordingly audit is completed. (iii) Cases of misappropriation of money by the Wakf institution may be highlighted and action taken under the provision of Wakf Act, 1995 by the Board. (iv) Cases of Finances of Wakf under the direct management of the Board.

6. Assets and Liabilities. - (i) Details of Rents from the Immovable properties.

(ii) Outstanding collections and balances of Wakf Committee other dues, loans, No. of bills and amount pending for payment. (iii) Total number of other committee and ad hoc committees. (iv) General summary of work of each committee, average attendance, name of the most energetic and most slack amongst the committees most favoured by the members of the Board. (v) Joint Committee if any work done by them.

7. Establishment. - Organisational set up of the Board alongwith the performances indicated, the cost of establishment and expenditure incurred may be highlighted, meeting and conferences for the administration and result achieved may be indicated.

8. Registration. -

Section 2 : Financial Position. - (1) Summary of the financial position :

Beginning of the financial year Opening Balance Closing Balance

Details of Closing Balance, Cash in Hand, Cash in Bank Deposit etc. may be given whether minimum balance maintained. (2) Diversion of funds, ways and means.

Section 3 : Remunerative enterprises. -

(i) Possibility of Loans for development of Wakf Property from Central Wakf Council and the achievements thereof to be indicated in the development of Wakf properties and increase in the income of Wakf to be examined. (ii) Details of on going projects and reasons for slackness in the execution to be highlighted. (iii) Details of projects taken by the concerned institution or by the Board out of their funds to be indicated. (iv) Projects taken up with other funds and improvements thereof. (v) Grants under grant-in-aid code for development of Wakf utilisation certificates of the said grants to be finalised by the Board.

Section 4 : Removal of Encroachment, Protection and Leasing of Wakf Property. - (1) Whether the lists of encroachments are maintained by the Board and a programme to identify the encroachment on Wakf. If so give details. (2) Progress in the relevant provisions of the Wakf Act to remove encroachments. Implementation of the orders and requisition to the Collector and Sub-Divisional Officer to be examined and problem faced by the Board in the enforcement is also to be examined. (3) Action taken by the Board regarding protection of Wakf Property by utilising Wakf fund under Section 77 (1) of the Wakf Act. (4) Leasing of Wakf Properties. Total number of properties leased. Number of applications received and disposed under M.P. Wakf

Rules. Any deviation noticed may also be highlighted. Section 5 : Litigation and Working of Tribunals. - (1) Details of suits and writ petition pending in the various Courts to be examined and disposed by the Board by way of furnishing parawise replies to be taken into account. Expenditure incurred by way of Advocate fees to be checked up. The efficiency of the panel of advocates to be examined. (2) Regarding Tribunals the number of appeals, suits, applications and then disposal by Tribunal may be reviewed and problem faced by Tribunal in the disposal of cases may be highlighted. The Tribunal fee collected and its remittance to the Wakf fund to be examined. Section 6 : General. - (1) Visit of distinguished persons and address to be mentioned. (2) Relationship between the Board and the Chief Executive Officer in the smooth administration of the Board may be highlighted. (3) Inspection of Wakf Committees by Chief Executive Officers and other officers and its compliance be highlighted. (4) Action taken on the review by the Government on the general annual report may be examined. Conclusion. - Any other important matter affecting the general administration of the Wakf Board and Wakf Institution to be highlighted. Signature of the Chief Executive Officer.