



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ८, अंक ५५(२)]

बुधवार, जून १५, २०२२/ज्येष्ठ २५, शके १९४४

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असाधारण क्रमांक १२९

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

MINORITIES DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 15th June 2022.

WAQF ACT, 1995.

No.Wakf 2021/C.R.No.53/Desk-4.— In exercise of the powers conferred by section 109 of the Waqf Act, 1995 (43 of 1995), and of all other powers enabling it in that behalf, and in supersession of the Maharashtra Wakf Rules, 2003 and the Maharashtra State Waqf Tribunal (Appointment and Conditions of Service of Chairman and Members) Rules, 2015, and all other existing rules, orders or instruments made in this behalf, the Government of Maharashtra hereby makes the following rules, namely :—

CHAPTER I

PRELIMINARY

1. *Short Title.*— These rules may be called the Maharashtra State Waqf Rules, 2022.
2. *Definitions.*— (1) In these rules, unless the context requires otherwise,—
 - (a) “Act” means the Waqf Act, 1995 (43 of 1995);
 - (b) “authorised representative” means a person duly authorised to act for and on behalf of a person as his attorney by duly executed power of attorney or in the case of a legal practitioner by execution of a “*Vakalatnama*”;
 - (c) “ballot box” includes any box, bag or other container used for the insertion of ballot papers by voters;
 - (d) “Board” means the Maharashtra State Board of Waqfs, constituted under section 13 of the Act;
 - (e) “Chairman” means the Chairman of the Maharashtra State Waqf Tribunal;

(f) “Chairperson” means the Chairperson of the Maharashtra State Board of Waqfs, elected under sub-section (8) of section 14 of the Act;

(g) “Chief Executive Officer” means the Chief Executive Officer of the Maharashtra State Board of Waqfs, appointed under section 23 of the Act;

(h) “count” means all the operations involved in the counting of the votes recorded for candidates;

(i) “Department” means the Minorities Development Department of the Government of Maharashtra;

(j) “Election” means the election to constitute the Maharashtra State Board of Waqfs and to fill the vacancies in the office of the Chairperson or members of the said Board;

(k) “encroachment” in relation to any waqf premises means occupation by any person of the waqf premises without authority for such occupation, and includes the continuance in occupation by any person of the waqf premises after the lease or transfer authorising such occupation has expired or has been terminated for any reason whatsoever;

(l) “Form” means a form appended to these rules;

(m) “Government” means the Government of Maharashtra;

(n) “High Court” means the Hon’ble High Court of Judicature at Bombay with its benches at Nagpur and Aurangabad;

(o) “Law and Judiciary Department” means the Law and Judiciary Department of the Government of Maharashtra;

(p) “legal practitioner” shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);

(q) “managing committee” means the Committees of the Board established under section 18 of the Act;

(r) “Member” means Member of the Maharashtra State Board of Waqfs;

(s) “Member of Tribunal” means Member of the Maharashtra State Waqf Tribunal;

(t) “premises” means any land or any building or part of building and includes,—

(i) the garden, water bodies, grounds, if any, appertaining to such building or part of the building ;

(ii) any fittings affixed to such building or part of the building for the more beneficial enjoyment thereof ; and

(iii) dargah, grave, graveyard, khanqah, peerkhana, karbala, maqbara, mosque, tomb and the courtyard appertaining thereto ;

(u) “Registrar” means the Registrar of the Tribunal and includes Assistant Registrar or any other person to whom the Registrar may, with the approval of the Tribunal, delegate any function to be exercised by the Registrar ;

(v) “Returning Officer” means an officer authorised or appointed by the Election Authority to do any act or to perform any function in connection with the conduct of election under these rules ;

(w) “section” means the section of the Act ;

(x) “Survey Commissioner” means the Survey Commissioner of Waqf appointed under sub-section (1) of section 4 of the Act and includes any Additional or Assistant Survey Commissioners of Auqafs under sub-section (2) of section 4 of the Act ;

(y) “Tribunal” means the Maharashtra State Waqf Tribunal established under sub-section (1) of section 83 of the Act ;

(z) “waqf premises” means,-

(i) any premises dedicated by a person of movable or immovable property orally or by an instrument in writing and used for any purpose recognised by Muslim law as pious, religious or charitable;

(ii) premises notified as waqf property in the *Official Gazette*; or

(iii) premises registered as waqf in the Register of auqaf maintained by the Board; or

(iv) property treated as waqf by user;

(aa) “waqf property” means any movable or immovable property referred to in clause (r) of section 3 of the Act and includes premises thereof.

(2) Words and expressions used in these rules but not defined hereinabove shall have the same meanings as respectively assigned to them in the Act and wherever applicable, the singular includes the plural and *vice-versa*.

CHAPTER II

QUALIFICATIONS OF MUTAWALLI

3. *Qualifications of mutawalli :—*

(1) The mutawalli shall be a citizen of India.

(2) The mutawalli shall be of minimum 18 years of age.

(3) Qualifications of a mutawalli of a waqf shall be such as may be specified by a waqf in the waqf deed:

Provided that, the Board may amend, alter or replace the qualifications specified by the waqf, if deemed fit.

(4) Where no qualifications are specified by the waqf, a mutawalli shall have,—

(a) knowledge of English, Urdu, Hindi, Marathi or the regional language of the place where the waqf property is situated;

(b) knowledge of waqf law;

(c) working knowledge of Sharia; and

(d) perfect physical and mental health ;

(e) he should be an undercharged insolvent :

Provided that, where no qualifications are specified by a waqf under sub-rule (3) or no person having the qualification specified under this sub-rule is available, the Board may appoint any suitable person or a qualified graduate from any recognised college or university as the mutawalli for the concerned waqf.

CHAPTER III

SURVEY OF AUQAF

4. *Report of Assistant or Additional Survey Commissioner.*— The Assistant or Additional Survey Commissioner shall conduct the Survey of Waqf existing in his jurisdiction and make a report to the Survey Commissioner.

5. *Report of Survey Commissioner of Waqfs for each Waqf.*— The report of the Survey Commissioner of Waqfs to be submitted by the Survey Commissioner to the Government under sub-section (3) of section 4 of the Act shall be as specified in Form 1 :

Provided that, the Minorities Development Department, Government of Maharashtra may specify various forms for conducting of Survey of Waqf Properties in consultation with the Survey Commissioner and the Chief Executive Officer of the Board.

6. Publication of list of Auqaf.— (1) On receipt of a report under sub-section (3) of section 4 of the Act the State Government shall forward a copy of the same to the Board.

(2) The Board shall examine the report forwarded to it under sub-section (1) of section 5 and forward it back after scrutiny to the Government within a period of six months for publication in the *Official Gazette*, a list of Sunni auqaf or Shia auqaf in the State, to which the report relates and containing such other particulars as may be specified by the Government, from time to time.

(3) The list of auqaf published under sub-section (2) of section 5 of the Act shall be as specified in Form 2.

CHAPTER IV

REVENUE RECORDS OF WAQF PROPERTIES

7. Entry of auqaf in revenue record.— (1) The Government, after receipt of the list of auqaf from the Board under sub-section (2) of section 5 of the Act, shall publish in the *Official Gazette* and send it within a period of one month to the revenue authorities.

(2) On receipt of the lists under sub-rule (1) from the Government, the revenue authorities shall,-

(i) include the list of auqaf referred to in sub-section (2) of section 5 of the Act, while updating the land records; and

(ii) take into consideration the list of auqaf referred to in sub-section (2) of section 5 of the Act, while deciding mutation in the land records and submit a copy of such entries to the Board within a period of six months from the date of receipt.

(iii) If no intimation is sent by the revenue authorities to the Board within six months, the entry in the land record in mutation thereof shall be deemed to have been made.

(iv) The revenue authorities shall ensure that, in case of Waqf properties, in all concerned revenue records like 7/12 extracts, PR cards, etc., only the name of concerned Waqf Institution shall be entered in the ownership rights column and a stamp reading “Pratibandhit Satta Prakar” shall be affixed in the other rights column and in case some other names or entries in the said columns are already into existence, such entries shall be removed by following due procedure of law.

(v) Whenever a new property is registered by the Board, the Board shall send the details of such newly registered waqf property to the concerned revenue authorities and the said revenue authorities shall follow the procedure as mentioned in clauses (i) to (iv) above.

(3) The State Government and the Board shall maintain a record of the lists published under sub-section (2) of section 5 of the Act, from time to time.

8. Updating of records of Waqf properties.— (1) Whenever any new property is acquired by a registered Waqf institution or a new institution is registered, and in every case of Waqf by user, the Mutuwali or/and the Chief Executive Officer shall apply,—

(a) where the property is agricultural land, to the Tahsildar in whose revenue jurisdiction the land is situated; and

(b) where the property is any other property, to the City Survey Officer, District Superintendent of Land Records, Municipal Corporation, Municipal Council or Village Panchayat within whose local limits the property is situated; as the case may be, for updating of the property records. The application shall be made in Form 3.

(2) After such application the Mutuwali or/and the Chief Executive Officer shall follow-up the matter with the authorities to whom the application is made, co-ordinate with such authority in any enquiry the authority may make, and get the records of each of such property updated by entering in the relevant columns of the records, the words “Waqf property” followed by the name of the Waqf.

(3) The authorities mentioned in sub-rule (1) above shall take into consideration the reported changes and update the relevant revenue record accordingly.

(4) Action as per the provisions of Government Resolution, Revenue and Forest Department No. वक्फ 2015/प्र.क्र.78/ज-1अ, Dated 13th April 2016 shall be taken by the concerned authorities of the Revenue and Forest Department and Urban Development Department for entering the name of Waqf Institution in the Kabjedar Column of the concerned revenue record (*i.e.*, 7/12 extract, PR card, etc.) and after following due procedure of law, removing all other entries already present in this column, and putting a stamp of “Pratibandhit Satta Prakar” in other rights column. The Mutuwalli/Managing Committee of the concerned Waqf institution and the Chief Executive Officer shall follow up such matters with the concerned authorities.

CHAPTER V

APPOINTMENT OF MEMBERS

9. Conduct of Elections.— The conduct of elections of members under clause (b) of sub-section (1) of section 14 of the Act shall be held as per the provisions of the “Maharashtra State Board of Wakfs (Conduct of Election) Rules, 2000” and in case of any lapses or omissions, the relevant provisions of rules for General Elections to Lok Sabha shall be followed.

10. Appointment of members of the Board.— (1) As soon as may be after receipt of the names of the elected members under clause (b) of sub-section (1) or/and the nominated members under clauses (c), (d) and (e) of sub-section (1) and sub-section (3) of section 14 of the Act, the Government under sub-section (9) of section 14 of the Act shall publish a notification in the *Official Gazette* in Form 4 containing the names of elected or/and nominated candidates, as the case may be, appointing them as members of the Board:

(2) The notification issued under sub-rule (1) shall be published in the *Official Gazette*.

11. Filling up of casual vacancy.— (1) If any casual vacancy occurs in any of the categories specified in clause (b) of sub-section (1) of section 14 of the Act, by virtue of resignation or death or otherwise of a member, a new member shall be elected in his place, in accordance with the provisions of these rules.

(2) On receipt of the result of the election from the Returning Officer, the Government shall issue notification in the *Official Gazette* under sub-section (9) of section 14 of the Act, appointing such person as member of the Board.

CHAPTER VI

ELECTION OF CHAIRPERSON

12. Election of Chairperson.— (1) Whenever the Board is constituted or re-constituted, the Government shall fix by giving to the members not less than seven clear days notice in Form 5, a date for the first meeting of the Board to elect a Chairperson amongst the members. The notice shall state the time and place of meeting.

(2) Whenever vacancy of Chairperson of the Board arise due to resignation, removal, except removal of chairperson by vote of no-confidence, death or otherwise, the procedure for election of Chairperson as prescribed in sub-rule (1) above shall be followed.

(3) The meeting shall be presided over by the Secretary/Principal Secretary/Additional Chief Secretary of the Minorities Development Department, Government of Maharashtra who shall conduct the proceedings for the election of the Chairperson.

(4) The name of the candidate to the post of Chairperson shall be proposed by a member, which shall be seconded by another member and the voting shall be by secret ballot.

(5) A member shall have only one vote and the candidate securing the highest number of votes shall be declared to have been elected as Chairperson.

(6) The election of the Chairperson and the proceedings of the meeting convened to elect the Chairperson shall be recorded by the officer appointed by the Government and it shall form the minutes of the meeting.

(7) In case of a tie, the names of the candidates shall be put to lot and the Chairperson shall be selected from the lot.

(8) Immediately after the election of the Chairperson, the Government shall issue a notification in the *Official Gazette* in Form 6 containing the name of the member elected as a Chairperson of the Board under sub-section (8) of section 14 of the Act.

(9) (a) Where a dispute arises as to the validity of election of the Chairperson or any member of the Board, any person interested may within thirty days of the declaration of the result of the election file an application before the Tribunal and the decision of the Tribunal thereon shall be final.

(b) No suit or other legal proceedings shall lie in any civil court in respect of any dispute or question or other matter relating to the election of Chairperson or member of the Board.

(10) The Tribunal shall dispose of the application within one year of its filing.

(11) Expenses for the conduct of election of the members and the Chairperson of the Board shall be borne by the Government.

(12) In case of removal of chairperson by vote of no-confidence motion, the procedure as contemplated in section 20-A of the Act shall be followed.

CHAPTER VII

CHIEF EXECUTIVE OFFICER

13. Terms and conditions of service of the Chief Executive Officer of Board.— (1) Appointment to the post of Chief Executive (CEO) under sub-section (2) of section 23 of the Act shall be made by the State Government, by notification in the *Official Gazette*,—

(A) by transfer on deputation from a panel of two names suggested by the Board who shall be a Muslim and shall not be below the rank of Deputy Secretary to the State Government in any department of Mantralaya; or a Judicial Officer of equivalent cadre; or Additional Collector at District level and in case of non-availability of a Muslim officer of that rank, a Muslim officer of equivalent rank in Central or State Government and bodies thereunder.

(B) by re-appointment of a suitable retired Muslim Government Officer for a tenure of three years, who has held a post not below the rank of Deputy Secretary to Government at the time of his retirement :

Provided that, a person, who has attained the age of sixty-two years shall not be eligible for appointment under this clause.

(2) The person appointed as Chief Executive Officer on deputation shall be allowed to draw same pay scale allowances admissible to him in the previous employment under Government, Union Territory Administration or local body, as the case may be, and deputation allowance as admissible under the Government rules :

Provided that the period of deputation or re-appointment shall ordinarily not exceed three years. The government may extend the said period in public interest for further period of two years, however that the total period of appointment shall not exceed five years:

Provided also that the Government shall have powers to reduce the deputation period to the post in public interest either on the recommendation of the Board or on its own motion.

(3) The person appointed as the Chief Executive Officer shall possess adequate knowledge of Urdu language.

(4) If the person appointed as Chief Executive Officer (CEO) under section 23 of the Act, is an officer who has retired from Government service, he shall draw pay in the sanctioned scale plus his pension in full subject to the condition that the total of the pay and pension so drawn (including pension equivalent to any gratuity drawn by him) shall not exceed the pay at the time of retirement and the rules relating to Government employees lent on foreign service shall *mutatis mutandis* apply to such officers.

(5) In case a vacancy to the post of Chief Executive Officer (CEO) arises due to his repatriation or removal, the Government shall have powers to appoint any senior officer of the Government or Board as acting Chief Executive Officer till the vacancy is filled.

(6) The confidential report on the work and conduct of the Chief Executive Officer (CEO) shall be written by the Deputy or Joint Secretary/ Secretary/Principal Secretary/Additional Chief Secretary of the Minorities Development Department, Government of Maharashtra and shall be forwarded to the Chief Secretary/Secretary/Principal Secretary/Additional Chief Secretary Government of Maharashtra, for a review.

(7) If residential accommodation is provided by the Board to the Chief Executive Officer (CEO), House Rent Allowance shall not be paid to him and he shall pay, for residing in Board provided accommodation, licence fee to the Board at such rates as may be specified from time to time on the basis of his monthly emoluments or the standard rent as may be determined by the Board, whichever is lower, plus additional charge for furniture specified by the Board, in case any furniture is provided.

(8) The travelling allowance for the time being in force as applicable to an officer of equivalent rank in the Government shall apply to the Chief Executive Officer.

(9) Periodical increments in the time scale of pay to the Chief Executive Officer shall be sanctioned by the Government.

(10) Leave rules applicable to the Government employees and the rules relating to the casual leave applicable to the Board employees shall apply to the Chief Executive Officer.

(11) Casual leave and leave other than casual leave shall be sanctioned by the Government.

(12) The date of retirement on superannuation of the holder of the post of Chief Executive Officer shall be as per the rules applicable to his original cadre or to the last day of the month on which he completes the age of 60 years, whichever comes earlier.

(13) All other terms and conditions of service relating to disciplinary matters as applicable to the officers of equivalent rank in the Government shall apply to the Chief Executive Officer.

CHAPTER VIII

INSPECTION OF DOCUMENTS

14. *Conditions and restrictions subject to which Chief Executive Officer or any other officer may inspect any public office record and registers.*— (1) The Chief Executive Officer or any other officer of the Board, duly authorised by it in writing shall, for the purposes of carrying out inspection of any public office, any records, registers or other documents relating to a waqf or movable or immovable properties which are waqf properties or are claimed to be waqf properties, under section 29 of the Act, make an application in writing in Form 7 to the officer in charge of the office expressing his intention so to do.

(2) The officer in charge shall allow the inspection within seven days of the receipt of the application under sub-rule (1).

(3) In case the concerned authority refuses to produce the said records, registers, documents of movable or immovable properties to the Chief Executive Officer or any other officer of the Board duly authorised in this behalf, the Chief Executive Officer shall report to the Central Government or State Government, as the case may be, to ensure for securing the said documents, records, registers etc. for inspection.

(4) The mutawalli or any other person having the custody of any document relating to waqf property shall produce the same within ten days before the Chief Executive Officer on being called upon to do so in writing and if so desired shall supply the copies of the documents within next five working days.

(5) (a) On a written request by the Chief Executive Officer, an agency of the Government or any other organisation shall supply to the Chief Executive Officer, within ten working days, copies of the record, register of properties or other documents relating to waqf properties or claimed to be waqf properties.

(b) If for any reason the required documents cannot be supplied within ten working days, the concerned agency of the Government or the organisation shall seek further time from the Chief Executive Officer, not exceeding ten working days to supply the information or documents.

15. Inspection and issuance of copy of document.— (1) All applications for inspection of Board's record shall be made to the Chief Executive Officer in Form 8 accompanying with the amount specified under sub-rule (2):

(2) Permission on application for inspection of record or proceedings of the Board or any committee may be granted by the Chief Executive Officer on payment of twenty rupees per hour or fraction thereof, which shall be deposited by the applicant in advance with the office of the Board.

(3) Certified copy, in the manner provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), of record or proceedings of the Board or any committee may be granted by the Chief Executive Officer on an application in Form 9 and on payment of twenty rupees per page or fraction thereof:

Provided that, the application in Form 9 shall be accompanied by the receipt of the Board for twenty rupees :

Provided further that, when the cost of making copies of certain documents exceeds rupees twenty per page or fraction thereof, the actual cost of making such copies rounded off to next ten figure (*i.e.*, thirty, forty, fifty...so on) per page shall be charged. Similarly, if cost of certain documents is already fixed by the Board, amount of such already fixed cost shall be charged for supplying copies or certified copies :

Provided further that, the Board may revise, from time to time the amount of payments to be made for supplying copies or certified copies of the documents.

(4) The following persons shall be entitled to inspect records under this rule, namely :—

(a) for any waqf other than waqf-alal-aulad, the person interested in such waqf;

(b) for a waqf-alal-aulad, the waqif, his descendents, mutawalli and the beneficiaries of the waqf.

(5) The applicants shall be provided the relevant copies as applicable within one month from the date of application.

CHAPTER IX

APPOINTMENT OF EXECUTIVE OFFICER

16. Appointment of Executive Officer.— (1) Board may appoint a person from any of the following categories to be Executive Officer under sub-section (1) of section 38 of the Act, namely:—

(a) a retired officer of the State or Central Government not below the rank of Group B and who is not more than sixty-two years of age: or

(b) an officer in the equivalent grade from any of the State or Central Civil Services: or

(c) any official of the Board in the cadre of Superintendent/District wakf officer of equivalent cadre who,—

(i) possesses a Bachelor's degree of any recognised University: and

(ii) have a minimum experience of ten years of service.

(2) The appointment of a retired officer under sub-rule (1) shall be on contract basis and the scale of pay and other allowances admissible for the post of Executive Officer shall be fixed by the Board.

(3) If the appointment is a part time appointment, a suitable honorarium may be fixed by the Board.

(4) If the appointment is by deputation of a Government Servant, his period of deputation, terms of service and the pay and allowances shall be regulated as per Civil Services Rules.

(5) If the appointment of Government servant is in addition to his own duties, he shall be entitled to draw such remuneration as may be fixed by the Board.

(6) If the appointment is by promotion of a Superintendent or District waqf officer, the post must carry the scale of pay as fixed by the Board.

(7) An Executive Officer may also be considered for appointment on an honorary basis.

(8) For any waqf having a gross annual income, as prescribed in section 38(1) of the Act, of not less than five lakhs rupees, the Executive Officer may be provided with the following supporting staff as deemed necessary, namely :—

- (a) Rent Collector or Manager or Sheristedar : One
- (b) Clerk-cum-Typist : One
- (c) Revenue Clerk or Patwari or Bill Collector : One

CHAPTER X

ENQUIRIES BY CHIEF EXECUTIVE OFFICER

17. Enquiries by Chief Executive Officer of property which has ceased to become waqf property.— (1) The Chief Executive Officer shall be an Enquiry Officer for the purposes of carrying out an enquiry under sub-section (1) of section 39 of the Act.

(2) The Chief Executive Officer shall issue a notice of an enquiry in Form 10 to the interested parties informing them the date, time and place for holding an enquiry in relation to any waqf whose object or any part thereof have ceased to exist.

(3) All persons who appear in response to the notice issued under sub-rule (2) shall be heard at the time fixed for hearing and the enquiry officer may grant adjournment from time to time for filing written statement containing objections and suggestions, if any.

(4) Any party to the proceedings shall have the right to appear in person or through pleader to adduce oral or documentary evidence and to apply for summoning witnesses or documents.

(5) The enquiry officer shall record oral evidence of the witnesses and shall follow the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the appearance of pleader, filing of affidavits, production of documents, examination of witnesses, recording of oral evidence, issue of commission and return of documents and to pass interim or final orders.

(6) The record of enquiry in every case shall include,—

- (a) minutes of the proceedings,
- (b) notice calling for objections, and objections received thereto,
- (c) evidence received at the enquiry, and
- (d) a brief record of decision and reasons thereof.

(7) The enquiry officer shall complete enquiry within six months and submit report to the Board within thirty days from the date on which the enquiry is concluded.

18. Manner of enquiry under section 40 of the Act.— (1) The Chief Executive Officer shall collect the information for the purpose of sub-section (1) of section 40 of the Act in Form 11.

(2) The enquiry under sub-section (3) of section 40 of the Act by the Chief Executive Officer shall be as laid down in sub-rules (5) and (6) of rule 17.

(3) The Chief Executive Officer after obtaining orders from the Board shall,—

(a) call upon the Trust or Society, as the case may be to register any property as Waqf property in Form 12;

(b) issue a Show-cause Notice in Form 13;

(c) proceed with the enquiry following the procedure as laid down in sub-rule (5) and (6) of rule 17;

CHAPTER XI

PREPARATION OF BUDGET BY MUTAWALLI

19. Time and manner for preparation of budget by mutawalli.— (1) Every mutawalli/ managing committee of a waqf shall submit a budget at least thirty days before the beginning of the financial year to the Board showing in a manner as specified in section 44 of the Act its estimated receipts and expenditure for the ensuing financial year in Form 14:

Provided that, the budget so prepared shall be sustainable and deficit budget may be avoided.

(2) The State Administration may give financial assistance in the form of grants-in-aid to Board for meeting establishment expenditure.

(3) The Board shall scrutinise the budget proposal and ensure that provision has been made therein for the obligatory expenditure referred to in sub-section (2) of section 44 of the Act and for carrying out the purpose which may have been specifically enjoined on the waqf by the deed of waqf.

(4) The Board may give such directions to modify the budget in case any item is considered to be contrary to the objects of the waqf or the provisions of the Act.

(5) If the Board is satisfied that adequate provision for certain items has not been made in the budget, it shall have power to modify it in such manner as may be necessary to secure such provision and return it to the mutawalli or managing committee concerned.

(6) Every mutawalli or managing committee shall consider the suggestions and incorporate the modifications made by the Board in the budget and pass the budget before the beginning of the financial year to which it relates.

(7) Notwithstanding anything contained in these rules, the Board may direct a mutawalli or managing committee to modify its estimates to be in keeping with the provisions of the Act and the waqf deed and such mutawalli or managing committee shall comply with the directions of the Board.

(8) As soon as the budget is passed, every mutawalli or managing committee shall forthwith submit copies thereof to the Board.

(9) No sum shall be expended by or on behalf of a waqf unless such sum is included in the budget estimates sanctioned under section 44 of the Act and in force at the time of incurring the expenditure.

(10) If in the course of the year, a mutawalli or managing committee finds it necessary to alter the figures shown in the budget with regard to receipts or the distribution of the amounts to be expended on the different services undertaken by him on behalf of the waqf, a supplementary or revised budget may be submitted to the Board.

CHAPTER XII

PREPARATION OF BUDGET OF AUQAF UNDER DIRECT MANAGEMENT OF BOARD

20. Budget of auqafs under the direct management of Board.— (1) The Chief Executive Officer shall prepare the budget for all the auqafs under the direct management of the Board for the next ensuing financial year by January of the current financial year in Form 15 containing all details of estimates of receipts and expenditure for the next financial year.

(2) (A) The Chief Executive Officer shall prepare the list of all the auqafs under the direct management of the Board for which the budget for the next ensuing financial year is to be prepared under sub-rule (1) by the month of December of the current financial year in Form 16.

(B) Thereupon the Chief Executive Officer shall direct each of the officials or administrators of the auqafs under the direct management by the Board to furnish the budget in respect of the next ensuing financial year in Form 17.

(3) The Chief Executive Officer shall get the Budget prepared under sub-section (1) of section 45 of the Act in Form 18 with all the details of estimates of receipt and expenditure for the next financial year.

(4) The budget so prepared under sub-rule (1) shall have a statement furnishing details of the increase, if any, in the income of the auqafs during the current financial year and also the steps taken for its better management and results obtained in Form 19.

(5) If the Board is satisfied that adequate provision has not been made in the budget, it shall have power to modify it in such manner as may be necessary to secure such provision and pass the budget before the beginning of the financial year to which it relates.

(6) If in the course of the year, the Chief Executive Officer finds it necessary to alter the figures shown in the budget with regard to the receipts or the distribution of the amounts to be expended on the different services undertaken by the Board on behalf of the waqf, a supplementary or revised budget may be framed and submitted to the Board.

CHAPTER XIII

STATEMENT OF ACCOUNTS BY WAQF

21. *Statement of Accounts by Waqf.*— (1) Every Mutawalli or Managing Committee of a Waqf shall maintain the following books and registers for maintenance for its accounts,—

- (i) Cash-Book in Form 20A;
- (ii) Receipt-Book in Form 20B;
- (iii) Register of Demand, Collection and Balance and Waqf Contribution in Form 20C;
- (iv) Register of Immovable properties in Form 20D;
- (v) Register of Movable properties in Form 20E;
- (vi) Register of Hundi/Golak collections in Form 20F;
- (vii) Register of Lease/Mortgage in Form 20G;
- (viii) Register of Rents in Form 20H;
- (ix) Register of Book of Inspection in Form 20I;
- (x) Register of meeting in Form 20J; and Minutes-Book in Form 20K;
- (xi) Register of Grants/Loans in Form 20L;
- (xii) Register of Security/Fixed Deposits/Interest thereof in Form 21M;
- (xiii) Register of Litigation in Form 20N;
- (xiv) Register of Stock and Issue in Form 20O;
- (xv) Any other Register as prescribed from time to time by the Board.

(2) The full statement of accounts shall be furnished by every Mutawalli or Managing Committee of a Waqf in Form 21;

(3) If a Mutawalli or Managing Committee fails to submit statement of accounts before 1st of May, every year, a Notice in Form 22 shall be issued within seven days from that date.

(4) If the Mutawalli or Managing Committee fails to submit statement of accounts, action under section 61 of the Act shall be initiated.

CHAPTER XIV**AUDIT OF WAQF INSTITUTIONS**

22. Report of Audit.— (1) The report of audit of every Waqf Institution shall be in Form 23 and the audit shall be taken-up category-wise and periodically in the manner enumerated below,—

(a) Waqf Institution with net annual income of above Rs.1,00,000 (Rupees one lakh) annually;

(b) Waqf Institution with net annual income above Rs.10,000 and below Rs.1,00,000 once in three years;

(c) Waqf Institution with net annual income below Rs.10,000 once in five years.

(2) The Chief Executive Officer shall finalise and publish the annual programme of audit in Form 24 which shall be Waqf institution-wise so that every Waqf under categories (a), (b) and (c) of sub-rule (1) is taken-up for audit in the period specified in sub-rule (1).

(3) The Board shall take-up the audit of the Waqf institutions under category (c) by the Waqf Officer of the Board.

(4) The State Government shall prepare a panel of auditors and communicate the same to the Board for the purpose of clause (b) of sub-section (1) of section 47 of the Act, before 15th day of May, every year or at such interval as it may deem fit.

(5) A notice shall be issued to every Waqf institution fifteen days in advance before the audit is taken-up in Form 25.

(6) If the Mutawalli fails to produce the records to the auditor, action under section 61 of the Act shall be initiated against the Mutawalli.

(7) The audit, as mentioned in above sub-rules, of all the Waqfs in the State shall be taken-up from June to September every year.

23. Notice under section 48 (1) of the Act.— A Notice in Form 26 shall be issued for obtaining an explanation from the Mutawalli under sub-section (1) of section 48 of the Act.

CHAPTER XV**RECOVERY OF SUMS DUE**

24. Recovery of Sums due.— (1) The Board shall issue a Demand Notice in Form 27 for the collection of any sum certified to be due from any person by an Auditor in his report under section 47 of the Act.

(2) The Board shall issue a Notice in Form 28 to give an opportunity of being heard under sub-section (2) of section 49 of the Act before Issuing a Certificate of Recovery of the said amount as arrears of land revenue.

(3) The Board shall issue a Certificate of Recovery in Form 29 addressed to the Resident Deputy Collector of the District concerned in which the defaulter is residing to recover the amount due under sections 34 and 49 of the Act to be collected as arrears of land revenue.

CHAPTER XVI**INSTRUCTIONS TO SUB-REGISTRAR**

25. Instructions to Sub-Registrar.— As per the provisions of sub-section (1-A) of section 51 of the Act, any sale, gift, exchange, mortgage or transfer of Waqf property shall be void ab initio. Therefore, no documents of execution of any sale, gift, exchange, mortgage or transfer of any immovable property, which is a Waqf property shall be endorsed by the jurisdictional Sub-Registrar.

CHAPTER XVII

RECOVERY OF PROPERTY TRANSFERRED IN CONTRAVENTION OF ACT

26. *Recovery of property transferred in contravention of Act.*— (1) Upon receiving report from any person residing in the locality where the waqf property is situated or upon receiving information otherwise that a waqf property has been transferred in contravention of the provisions of sections 51 or section 56 of the Act, the Board, on being satisfied from the register of auqaf, maintained under section 37 of the Act that the property alleged to have been transferred is waqf property, shall obtain a certified copy of the deed of transfer from the registration office concerned. All follow up measures/actions in this regard are to be taken by the Chief Executive Officer. The application to be made to the Sub-Registrar within whose jurisdiction any immovable Waqf property is transferred in contravention of section 51 of the Act shall be in Form 30.

(2) On the requisition of the Chief Executive Officer of the Board, the concerned Sub-Registrar shall issue certified copies of the documents, as per the rules.

(3) The Chief Executive Officer or any other officer of the Board authorised by him shall verify the details of the property with reference to the records obtained under sub-rule (2) and proceed further to issue notices to the transferor and the transferee in Forms 31 and 32.

(4) The Chief Executive Officer shall draw up a report in Form 33 specifying therein fully the waqf property, the details of the transfer deed executed in respect of the property, the name and full particulars of the person executing the deed or other document and the name with particulars of person or persons to whom the property has been transferred.

(5) The report shall be put up for orders of the Board which, after considering the report of the Chief Executive Officer and inspecting such of the documents as may appear necessary and/or making inquiry from such persons as is considered reasonable, pass orders for sending a requisition to the Collector of the respective district to obtain and deliver possession of the property to the Board.

(6) The requisition to the Collector shall be drawn by the Chief Executive Officer in Form 34 and sent to the Collector of the respective district through special messenger or by registered post with acknowledgment due.

(7) The order passed by the Collector under sub-section (2) of section 52 of the Act, shall be in Form 35.

(8) If the person against whom an order under sub-section (2) of section 52 of the Act is issued, prefers an appeal to the Tribunal under sub-section (4) of the said sections, he shall send a copy of the memorandum of appeal to the Collector immediately on the day of filing the appeal and the Collector shall arrange for its defence and shall also give intimation of such appeal to the Board.

(9) While obtaining possession of the property under sub-section (5) of section 52 of the Act,—

(a) no person executing the Collector's orders, shall enter any dwelling house without giving forty-eight hours' notice to the occupants of the dwelling house;

(b) no outer door of any dwelling house shall be broken open unless the occupants of such dwelling house refuse or in any way prevent access thereto;

(c) no person executing the Collector's order shall enter any dwelling house after sunset and before sun rise.

(d) After obtaining possession of the property, the Collector or any person duly authorised by him in this behalf shall hand over the said property to the Board or to any person duly authorised by the Board on proper acknowledgement.

CHAPTER XVIII

PURCHASE OF IMMOVABLE PROPERTY

27. *Procedure for purchase of immovable property by a waqf under section 53 of the Act.*— (1) Any waqf intending to purchase an immovable property under section 53 of the Act shall make an application in Form 36 to the Board.

(2) The Chief Executive Officer shall examine and place the proposal before the Board along with his report.

(3) If the proposed transaction is found to be valid and reasonable by the Board, the Chief Executive Officer shall issue Notification in Form 37 under proviso to section 53.

(4) The Board shall examine the objections or suggestions, if any, received in response to such notification and pass necessary orders within 15 days.

CHAPTER XIX

REMOVAL OF ENCROACHMENTS

28. Notice for removal of encroachment.— (1) A notice for removal of encroachment under sub-section (1) of section 54 of the Act shall be served in Form 38 through serving officer/special messenger so appointed by the Chief Executive Officer to the person for whom it is intended or to any adult member or servant of his family, or by sending by registered post in a letter addressed to that person at his usual or last known place of residence or business.

(2) Where the notice under sub-rule (1) is delivered or tendered, the signature of the person to whom the copy is delivered or tendered shall be obtained in token of acknowledgement of the service.

(3) Where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where such person cannot be found after using all due and reasonable diligence and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and where no constructions is made and the premises are agricultural or non-agricultural land, the notice shall be affixed on some part of the property and the other notice shall be returned to the Chief Executive Officer who issued the notice, with a report endorsed thereon or annexed thereto, stating that a copy has been so affixed, the circumstances under which it was so done and the name and address of the person, if any, who identified the ordinary residence or usual place of business and in whose presence the copy was affixed :

Provided that, where the person, on whom the notice is to be served is a minor, service upon his guardian or upon any adult member or servant of his family shall be deemed to be due service on the minor.

(4) If the notice issued cannot be served in the manner specified above, the Chief Executive Officer may, if he thinks fit, direct that such notice shall also be published in at least one newspaper having circulation in the locality and he may also proclaim the contents of any notice in the locality by beat of drum or in any other manner which he may think appropriate, in the facts and circumstances of each case.

29. Conducting of inquiry on encroachment of waqf property.— (1) In cases relating to encroachment of waqf property, the Chief Executive Officer may call upon the parties to appear in person on specified date and time to put up their respective claims in regard to encroachment over the property in dispute.

(2) Where any person who has received notice under rule 28, desires to be heard in person or through his representative, the Chief Executive Officer shall authorise such hearing in writing and the party may be authorised to produce evidence which he intend to produce in support of the cause shown and the Chief Executive Officer shall fix a date for personal hearing and scrutiny of evidence as he considers appropriate in each case.

(3) The Chief Executive Officer may hear the parties, receive all such evidence as may be produced by them, take such further evidence, if any, as he thinks necessary in the facts and circumstances of each case, record summary of the evidence tendered before him and the summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.

(4) The records of enquiry in every case shall include,—

- (a) notice calling for objections and objections received at the inquiry ;
- (b) evidence received at the inquiry; and
- (c) a brief record of reasons and the decision.

(5) Nothing shall preclude the Chief Executive Officer to listen to any party or required to attend any other person interested to make statement regarding the subject matter in dispute.

(6) When any party to any such proceeding dies, the Chief Executive Officer may cause the legal representatives of the deceased party to be made a party to the proceedings and shall thereupon continue the inquiry and if any question arises as to who shall be the legal representatives of a deceased party for the purpose of such proceedings, then all the persons claiming to be representatives of the deceased party shall be made parties.

(7) After hearing the parties, perusing the objections and going through the evidence, if Chief Executive Officer is satisfied that the property in question is waqf property and there has been an encroachment on any such waqf property, he may make an application before the Tribunal for grant of order of eviction under sub-section (3) of section 54 of the Act for removing such encroachment and deliver possession of the waqf property to the Board or the mutawalli.

(8) The Tribunal, after giving an opportunity of being heard, to the person against whom application has been made, pass order of eviction and cause a copy of the order of eviction to be pasted on the waqf property.

(9) If any person fails to comply with the order of eviction passed by the Tribunal within forty-five days of the service of the order, the Chief Executive Officer shall refer the matter, in Form 39, to the Executive Magistrate of the area.

30. *Assessment of damages.*— In assessing damages for un-authorised use and encroachment of any waqf premises, the Chief Executive Officer shall take into consideration the following matters, namely.—

- (a) the purpose and the period for which the waqf premises remained in un-authorised use;
- (b) the nature, size and standard of the accommodation available in such premises;
- (c) the rent that would have been released if the premises had been let out on rent for the period of encroachment to any other person;
- (d) any damage done to the premises during the period of encroachment;
- (e) any other matter relevant for the purpose of assessing the damages.

CHAPTER XX

LEASE

31. *Grant of lease of Waqf Properties.*— While granting lease of any Waqf Property, the provisions of section 56 and updated relevant provisions of The Waqf Properties Lease Rules, 2014 shall be followed.

CHAPTER XXI

FILLING UP OF VACANCY OF MUTAWALLI AND REMOVAL OF MUTAWALLI

32. *Notice regarding filling up of vacancy of Mutawalli.*— (1) Whenever there is a vacancy in the office of the Mutawalli of a Waqf and there is no one to be appointed under the terms of the Deed of Waqfs, the Chief Executive Officer or an authorised Officer on his behalf shall issue a Public Notice in Form 40 in respect of appointment of a Management Committee in place of the outgoing mutawalli. The Board shall modify the scheme of the concern Waqf accordingly as per the provisions of sub-section (4) of section 69 of the Act.

(2) Whenever there is a vacancy in the office of the Mutawalli of a Waqf and the right of any person to act as Mutawalli is disputed, such Notice shall be in Form 41 in respect of appointment of a Management Committee in place of the outgoing mutawalli. The Board shall modify the Scheme of the concerning Waqf accordingly as per the provisions of sub-section (4) of section 69 of the Act.

33. Procedure regarding removal of mutawalli.— (1) The Chief Executive Officer shall issue a notice in Form 42 to the mutawalli against whom action for removal is contemplated under section 64 of the Act for the purposes of holding an inquiry against him.

(2) The Chief Executive Officer shall conduct enquiry in the manner specified under rule 17.

(3) Upon the conduct of inquiry under sub-rule (2), and upon the order of suspension of the mutawalli by the Board under sub-section (5) of section 64 of the Act, the Chief Executive Officer shall issue a notice of suspension in Form 43 to the concerned mutawalli calling upon him to explain as to why such order of suspension shall not be issued to him and after giving reasonable opportunity of being heard shall pass suitable orders.

CHAPTER XXII

WAQFS UNDER DIRECT MANAGEMENT OF THE BOARD

34. Annual report relating to waqfs under direct management of the Board.— The other details to be furnished in the report to be sent by the Board to the State Government under sub-section (3) of section 65 of the Act shall be in Form 44.

35. Order of supersession of waqf management committees.— (1) Any committee entrusted with the supervision or management of a waqf and functioning under sub-section (1) of section 67 of the Act shall function until the expiry of the term specified by the concerned waqf institution unless the committee is superseded by the Board or it is in contravention of waqf deed or approved scheme of management of the waqf.

(2) The Board shall, before issuing any order of suspension, issue a show cause notice in Form 45 to a committee against whom action for suspension is contemplated under sub-section (2) of section 67 of the Act calling upon the committee within such time, not being less than one month as may be specified in notice, as to why such action shall not be taken.

(3) The order of suspension passed by the Board under the proviso to sub-section (2) of section 67 of the Act shall be published on the Notice Board of the concerned Waqf office of District Waqf officer, and office of the Maharashtra State Board of Waqfs and shall also be served on the concerned mutawalli.

(4) A copy of the order passed by the Board under sub-section (2) of section 67 shall be supplied free of cost to the person adversely affected thereby and one copy of the same shall be published in Urdu, Marathi, Hindi and English/local language newspaper having circulation in the area and on such publication, the order shall be binding on all persons having any interest in the waqf.

(5) The Board shall, before issuing an order for removal of a member of the committee from the membership of the managing committee under sub-section (6) of section 67 of the Act, shall issue a show cause notice in Form 46 to such member calling upon him to show cause as to why he shall not be removed from the membership of the committee.

CHAPTER XXIII

SCHEMES OF WAQFS

36. Consultation under sub-section (1) of section 69 of the Act relating to scheme for administration of waqf.— (1) Where the Board takes a decision to frame a scheme for the administration of a waqf under sub-section (2) of section 69 of the Act, it shall issue a notice in Form 47 to the mutawalli concerned, managing committee or the applicant.

(2) The proposed scheme shall contain the following details, namely:-

(a) name of the waqf;

(b) address;

(c) whether under the management of the mutawalli or managing committee or under the direct management of the Board;

(d) details of the scheme or proposal, shall inter-alia contain,—

(i) expenditure involved;

(ii) income to be generated.

(3) The proposal of the mutawalli or the managing committee or the applicant shall be considered by the Board who shall accord approval to the scheme with such modifications as it may deem fit and shall communicate the same within fifteen days to the mutawalli or managing committee or the applicant.

(4) Every scheme framed by the Board under sub-rule (1) shall be published in Urdu, Marathi or any other local language newspaper having circulation in the area and on website of the Board.

CHAPTER XXIV

ORDERS MADE UNDER SECTIONS 67 AND 69 OF THE ACT

37. Publication of orders made under section 67 and section 69 of the Act.— Every order made under sub-section (2) of section 67 or under sub-section (2) of section 69 of the Act shall be published at the office of the Maharashtra State Board of Waqfs, or the office of the District Waqf officer, and a copy thereof shall also be sent to the Mutawalli of the Waqf concerned.

CHAPTER XXV

ENQUIRY UNDER SECTIONS 70 AND 71 OF THE ACT

38. Application for enquiry under section 70 of the Act.— An application under section 70 of the Act shall be filed in Form 48 accompanied by an Affidavit on a stamp paper of Rs.500 (Rupees Five Hundred only) together with a fee of Rs.1,000 (Rupees One Thousand only) remitted to the Maharashtra State Board of Waqfs by Cash/DD/Money Order:

Provided that, the Board shall have the authority to revise these rates periodically or as and when required.

39. Manner of holding inquiry under section 71 of the Act.— (1) The Board or any person authorised by the Board may, either on an application received or on its own motion, hold an enquiry under section 71 of the Act.

(2) The Board shall send a copy of the allegations made against the Waqf to the management of the Waqf by issuing a Notice in Form 49 and obtain its explanation on each of the allegations.

(3) The enquiry relating to administration of the waqf shall be held in the manner specified under sub-rules (2) and (3) of rule 29.

(4) The Enquiry Officer whenever required shall issue Summons in Form 50 for enforcing the attendance of witnesses and production of documents.

CHAPTER XXVI

ANNUAL CONTRIBUTION PAYABLE TO BOARD

40. Annual contribution payable by a mutawalli or managing committee of waqf to the Board under section 72 of the Act.— (1) The mutawalli of every waqf, the net annual income of which is not less than five thousand rupees, shall pay annually to the Board, not exceeding seven per cent of such annual income as annual contribution.

(2) The mutawalli of a waqf shall, before the 15th day of June every year, submit a return of the net annual income of the waqf and the contribution payable by it, in Form 51, to the Chief Executive Officer.

(3) On receipt of a return under sub-rule (2), the Chief Executive Officer shall verify the return submitted by the mutawalli and if he is satisfied as to the correctness of the return, may fix the annual contribution in accordance with such return and if no return is filed within the specified time, the Chief Executive Officer shall suo moto fix the annual contribution to be paid by the mutawalli.

(4) In case the Chief Executive Officer is of the opinion that the return submitted under sub-rule (2) is incorrect or false in any material particular, or the contents of such return do not comply with the provisions of the Act or the rules made or any order issued by the Board, he may, call upon the mutawalli or the managing committee to show cause within the time specified in the notice in Form 52, as to why such assessment of the return shall not be revised.

(5) The Chief Executive Officer, after considering the reply if any, received from the mutawalli concerned, may assess the net annual income of the waqf to the best of his judgment or revise the net annual income as shown in the return submitted by the mutawalli and the net annual income as assessed or revised shall be deemed to be the net annual income of the waqf.

(6) No contribution payable by a mutawalli under the rule shall be remitted or reduced except with the previous sanction of the Board.

(7) The reduction or remission sanctioned by the Board shall be operative only for the year for which it is sanctioned provided that where its continuance in subsequent year is found necessary, the Board shall give fresh sanction.

(8) The Board may, on an application from a mutawalli, by order, sanction remission or reduction of the contribution to be paid by mutawalli in the following cases, namely :—

(a) loss of money, stores of articles of the waqf not due to the negligence of the mutawalli or other employees of the waqf;

(b) loss of income due to failure of crop on account of drought or other unforeseen causes like flood;

(c) paucity of funds due to the mismanagement of the previous mutawalli;

(d) paucity of funds due to non-recovery of loans, advances and debt;

(e) where the waqf supports an orphanage whose resources are insufficient for its due management; and

(f) other causes, approved by the Board with three-fourth majority.

(9) Before a reduction or remission of contribution is sanctioned, the Board shall make a thorough investigation into the circumstances of each case and satisfy itself that such reduction or remission is necessary.

(10) The Demand for the Region or District shall be maintained by the Regional/District Waqf Officer concerned along with the monthly abstract.

(11) The Board shall maintain a Demand Register based on the assessment made by the Regional or District Waqf Officer concerned and approved by the Chief Executive Officer, Region or District-wise in the proforma and also keep a copy of Demand prepared by each of Regional or District Waqf Officer concerned with reference to each Waqf Institution in Form 53.

(12) Every Mutawalli who defaults to pay the Waqf contribution shall be issued with a notice regarding the payment of Waqf contribution in Form 54.

(13) If the Mutawalli fails to pay the amount demanded under sub-rule (11), action shall be taken to recover the same as arrears of Land Revenue under sub-rule (3) of rule 25.

(14) The Chief Executive Officer or any other Officer authorised in this behalf shall issue Notice in Form 55 for the purposes of sub-section (8) of section 72 of the Act, to the mutawalli or the managing committee of the concerned Waqf.

CHAPTER XXVII

PAYMENT OF MONIES INTO WAQF FUND

41. *Payment of monies into Waqf Fund and investment of such money under section 77 of the Act.*— (1) The Board shall authorise one of its officers (hereinafter referred to as “the authorised officer”) to receive all payments to the Waqf Fund, to issue receipts and to make payments on behalf of the Board.

(2) (a) The authorised officer shall be required to furnish to the Board, securities or sureties for such amount as the Board may specify in that behalf.

(b) Solvency of sureties shall be verified by the Sub-Divisional Magistrate of the area where the official is residing at the beginning of each year.

(3) The authorised officer shall grant receipts for all moneys received by him to the credit of the Waqf Fund and counterfoil receipt bearing printed receipt numbers shall be maintained for the purpose.

(4) All such monies shall immediately be deposited in,—

(a) a Scheduled Bank as defined in the Reserve Bank of India, Act, 1934 (2 of 1934), or

(b) a Post Office Savings Bank Account.

(5) (a) All deposits shall be made in the name of the Board.

(b) The Chief Executive Officer or any other Officer of the Board authorized in this behalf by the Board shall have the powers to withdraw such deposit or any part thereof and operate on the bank account, subject to such conditions as the Board may think proper.

(6) No money shall be withdrawn from the bank unless it is required for immediate payment for the purpose of the Board.

(7) The appropriation of receipts to expenditure shall be avoided.

(8) (a) Payments from the Waqf Fund shall not be made by cash for sums more than five hundred rupees.

(b) Cheque shall not be issued for sums less than five hundred rupees.

(9) Monies indisputably payable shall not be left unpaid and money un paid shall not be kept out of the account a day longer than absolutely necessary.

(10) (a) Any person having a claim against the Board shall present a voucher duly verified and stamped.

(b) All vouchers shall be filled and signed in ink.

(c) The amount shall be written in figures as well as in words.

(d) All corrections and alterations in the vouchers shall be attested by the dated initials of the person signing the voucher.

(11) Receipts for all sums exceeding five thousand rupees either by cash or cheque shall bear the revenue stamp of the requisite value.

(12) An officer authorised to handle the monies of the Waqf Fund shall be responsible for their custody and also for reimbursing to the Board, in case of any loss by theft, fraud, fire or any other cause:

Provided that, if in any case, after such inquiry as the Board may make, the Board is satisfied that the loss was unavoidable and was not due to any negligence on the part of the officer responsible for the proper custody of the amount, the Board may not insist on reimbursement of the amount of the loss by the officer concerned, but may write it off.

(13) Amount not required for expenditure during the year shall be invested by the Board,-

(i) in fixed deposits for a period not exceeding three years in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (2 of 1934); or

(ii) for the purchase or for the first mortgage of immovable property with the previous sanction of the Government.

(14) The investment under sub-rule (13) shall not be pledged, encashed or withdrawn without the prior sanction of the Board.

(15) The Board shall maintain the following Registers for realization and expenditure of monies received to the Waqf Fund :—

(a) Register of Grants in Form 56A:

(b) Register of Donations in Form 56B:

(c) Register of Income from the Court Fee in Form 56C:

(d) Register of Waqf Contribution under section 72 in Form 56D:

(e) Register of Investments in Form 56E:

(f) Register of Expenditure in Form 56F:

(g) Cash Book for Waqf Fund in Form 56G:

(h) The Board shall cause to be maintained other such books of account and other books in relation to its accounts in such form and in such manner as may be specified by it.

(i) The pages in the account books, registers, receipts, etc., shall be serially numbered and each page shall be affixed with the seal of the Board.

(j) The number of pages that each book or register contains shall be noted on the first page after actual verification by the Chief Executive Officer.

(16) It shall be the responsibility of the Chief Executive Officer to ensure that the contributions, fees, rents and other amounts due to the Board are promptly demanded, released and credited to the Waqf Fund.

(17) The Chief Executive Officer shall be in charge of the work relating to the finance, budget and accounts of the Board.

(18) The Chief Executive Officer shall, in relation to the budget, account, and audit of the Board, —

(a) be responsible for ensuring that the budget estimates of the Board are properly framed keeping in view the instructions issued by the Board and the Government in this behalf and submitted to the Board within the time schedule;

(b) scrutinise the budget proposals submitted by the mutawallis thoroughly and assist the Board in scrutinising the budget proposals;

(c) examine and advise on all scheme of new expenditure for which it is proposed to make a provision in the budget;

(d) ensure that monthly and annual accounts of the Board are compiled properly and promptly;

(e) obtain necessary periodical returns of progress of expenditure, watch and review the progress against sanctioned amounts and issue such instructions as may be found necessary to the officers and employees of the Board;

(f) scrutinise the proposals for supplementary grants and advise the Board suitably;

(g) keep himself in regular touch with the audit objections and inspection reports of the audit and for their early settlement;

(h) keep a close watch on the recoveries of dues to the Board and repayment of loan and interest;

(i) be responsible for the maintenance of accounts of the Board;

(j) obtain periodical returns of stores and stocks and their value from the officers and review them and offer his remarks on such accounts and place it before the Board;

(k) furnish any information and statistics that may be called for by the Board on matters relating to budget, accounts and audit;

(l) arrange for internal audit of accounts of the Board periodically and take urgent steps to rectify any defects noticed during such audit;

(m) report to the Board all instances of payments made contrary to the rules and regulations including cases where payments are made in the absence of any provision in the budget estimates.

(19) The Board may prepare revised estimates during the financial year keeping in view the actual and probable expenditure during the year.

CHAPTER XXVIII

BUDGET OF THE BOARD

42. Budget of Board .— (1) The Chief Executive Officer shall in every year prepare in Form 57, a budget in respect of the ensuing financial year, showing the estimated receipts and expenditure during that financial year and place before the Board by 31st December.

(2) The Board shall scrutinise the budget proposal and make suitable modification, if necessary, and forward a copy of the same to the Government before 31st January.

(3) On receipt of the budget forwarded to it, the Government shall examine the same and suggest such alterations, corrections or modifications, to be made therein as it may think fit and forward such suggestions to the Board for its consideration.

(4) On receipt of the suggestions from the Government, if the Board does not agree with any modifications, corrections or alterations made by the Government in the Budget, the Board may forthwith make written representation to the Government with regard to the alterations, corrections or modifications suggested by the Government.

(5) The Government shall consider the representation of the Board and pass final orders in the matter and communicate its decision within a period of three weeks from the date of receipt of such representation.

(6) On receipt of the suggestions from the Government and if no representation has been made by the Board to such suggestions or the Government has communicated its decision regarding any representation, if any, made by the Board, the Board shall incorporate in its budget all the alterations, corrections, modifications finally suggested by the Government and the budget so altered corrected or modified, shall be passed by the Board.

(7) A copy of the budget so passed shall be forwarded to the Government and in case no objection is received from the Government within fifteen days, the budget shall be declared to be final.

(8) If, in the course of the year, the Board finds it necessary to alter the figures shown in the budget with regard to the receipts or the distribution of the amounts to be expended on the different services undertaken by the Board, a supplemental or revised budget may be framed and got sanctioned in the manner provided in these rules and copies thereof forwarded to the Government.

(9) No sum shall be expended by the Board unless such sum is included in the budget estimates sanctioned under section 78 of the Act and in force at the time of incurring the expenditure.

(10) The Budget shall contain the following Statements :—

(a) Statements of receipts in Form 57A.—

(i) Statement of demand of waqf contribution in Form 57B.

(ii) Statement of maintenance grants in Form 57C.

(iii) Statement of rents received in Form 57D.

(iv) Statement of interest on deposit with banks in Form 57E.

(b) Statement of Expenditure in Form 57F.—

(i) Statement of salaries and other allowances to the staff of the Board in Form 57G.

(ii) Statement of honorarium and other allowances to the Chairperson and Members of the Board and Chairman, District Waqf Committees in Form 57H.

(iii) Statement of expenditure incurred by the District Waqf Committees in Form 57I.

(iv) Statement of expenditure on contingencies of the Board in Form 57J.

(v) Statement of expenditure incurred for preservation and protection of Waqf Property in Form 57K.

CHAPTER XXIX

WAQF TRIBUNAL

43. Form of Application for suits or appeal before Tribunal.— (1) The application for determination of any dispute, question or other matter under sub-section (1) of section 83 of the Act, shall be filed in Form 58.

(2) Every suit or appeal filed before the Tribunal shall, as far as practicable, be in the form of plaint or memorandum of appeal, as the case may be as is stipulated in the Code of Civil Procedure (50 of 1908).

(3) Every such application, suit or appeal shall be presented by the applicant in person, or by his duly authorised agent or advocate, to the Superintendent of Office of the Tribunal.

44. Time limit for filing application to Tribunal.— (1) Any party aggrieved by the decision of the Board under sub-section (1) or sub-section (3) of section 40 of the Act, may file an appeal to the Tribunal within thirty days from the date of the decision.

(2) Any person aggrieved by an order of the Chief Executive Officer under sub-section (3) of section 54 of the Act may institute a suit in the Tribunal within sixty days from the date of the said order.

45. Terms and conditions of appointment of Chairman and members of Tribunal.
(A) Appointment of Chairman of Tribunal.— (1) The State Government shall, by notification in the Official Gazette, appoint a person as the Chairman of the Tribunal, on the recommendation of the High Court of Judicature at Bombay, who is a member of the State Judicial Service holding a rank, not below that of a District, Sessions Judge or Civil Judge, Class-I ;

Provided that, preference shall be given to the person having adequate knowledge of Urdu;

Provided further that, the Chairman appointed under this rule shall be under the administrative control of the High Court of Judicature at Bombay.

(2) The deputation of Chairman of the Tribunal referred to sub-rule (A) shall be for a period of five years from the date he assume respective office or as per the instructions from Hon'ble High Court of Bombay.

(3) The age of superannuation of the Chairman of the Tribunal referred in sub rule (A) shall be last day of the month in which the officer attains the age of superannuation as per the respective rules applicable to him.

(B) Appointment of Members of Tribunal.— (1) The State Government may, by notification in the Official Gazette, appoint the Members of the Tribunal.

(2) Appointment as a Member of the Tribunal, under clause (b) of sub-section (4) of section 83 of the Act shall be made—

(i) by transfer or deputation of a person who is an officer from the State Civil Services, equivalent in rank to that of the Additional District Magistrate.

Provided that, in case of non-availability of an officer of the State Civil Services, the Government may appoint any Government Officer of the equivalent rank, as a Member:

Provided that, the deputation of Member of the Tribunal under clause (b) of sub-section (4) of section 83 of the Act shall be for such a period as decided by the Department and Concerned Cadre Controlling Authority.

Provided further that, the age of superannuation of the Member of the Tribunal referred under clause (b) of sub-section (4) of section 83 of the Act shall be last day of the month in which the officer attains the age of superannuation as per the respective rules applicable to them; or

(ii) by appointment or re-appointment as the case may be of a suitable Government servant who has held a post not below the rank as provided in sub-clause (i) and proviso thereof at the time of his retirement.

Provided that, a person who has attained the age of sixty-two years shall not be eligible for appointment under this clause:

Provided further that, the Member appointed under this clause shall be under the administrative control of the Minorities Development Department.

Provided further that, the term of office of the Member of the Tribunal appointed by re-appointment shall be generally for a period of three years from the date he assume his office, extendable for a further period of two years.

(3) (i) Appointment as a Member of the Tribunal under clause (c) of sub-section (4) of section 83 of the Act shall be made by a Committee constituted by the State Government consisting of,-

- | | |
|--|-------------|
| (1) Secretary/Principal Secretary/Additional Chief Secretary,
Minorities Development Department | - Chairman; |
| (2) Secretary/Principal Secretary, Law and Judiciary Department | - Member; |
| (3) Chairman of the Bar Council of Maharashtra and Goa | - Member: |

Provided that, the person to be appointed as a Member under this clause shall possess a degree in Law and have knowledge of Muslim Law and Jurisprudence.

Provided further that, the Member appointed under this clause shall be under the administrative control of the Minorities Development Department of the Government.

(ii) The person to be appointed as a Member under this sub-rule shall not be less than forty-five years of age on the date of his appointment.

(4) For appointment as a member of the Tribunal under this rule, preference shall be given to the person having adequate knowledge of Urdu.

(5) The term of office for the Member of the Tribunal under clause (c) of sub-section (4) of section 83 of the Act shall be for a period of five years from the date he assumes respective office.

(6) The Member of the Tribunal under clause (c) of sub-section (4) of section 83 of the Act may resign his office by writing under his hand addressed to the State Government with a prior notice of at least two months.

(C) Chairman and members of the Tribunal deemed to be public servant.— The Chairman and the Members appointed under sub-rule (A) and (B) shall be deemed to be a public servant and shall be governed by their respective Service Rules applicable to their respective cadres.

46. Term of Office of Chairman and Members of Tribunal.—The term of office of the Chairman and Members of the Tribunal shall be generally for a period of three years from the date they assume their respective offices, extendable for a further period of two years.

47. Pay and allowances.— (1) The Chairman of the Tribunal appointed under sub-rule (A) of rule 45 shall be entitled to draw the salary in his respective cadre in regular pay scales along with such other allowances as may be fixed by the State Government from time to time, subject to usual terms of deputation as applicable to him.

(2) The Member appointed under clause (2)(i) of sub-rule (B) of rule 45 shall be entitled to draw the salary in his respective cadre in regular pay scales along with such other allowances as may be fixed by the State Government from time to time, subject to usual terms of deputation as applicable to him as a Government servant.

(3) The Member appointed under clause (2)(ii) of sub-rule (B) of rule 45 shall be entitled to draw the salary as per the provisions of concerned rules of the Maharashtra Civil Services (Pay) Rules, 1981.

(4) The Member appointed under clause (3) of sub-rule (B) of rule 45 shall be entitled to get a consolidated lump sum amount as honorarium and no other allowances shall be admissible to him. The said lump sum amount shall be calculated as sum of, (i) Minimum stage of the Pay Scale/Pay Band/ Pay Matrix as may be applicable from time to time to the post of the Additional District Magistrate; and on this amount- (ii) Dearness Allowance at the rate applicable at the time of appointment of the said Member and (iii) House Rent Allowance at the rate applicable at the time of appointment of the said Member. The lump sum amount so calculated shall remain constant and unchanged for the entire tenure of appointment of the said Member.

48. Leave admissible to chairman and members of the Tribunal.— (1) The leaves admissible to the Chairman of the Tribunal appointed under sub-rule (A) of rule 45 and the members appointed under clause (2)(i) of sub rule (B) of rule 45 of shall be as applicable to their respective service rules.

(2) The member appointed under clause (2)(ii) and clause (3) of sub rule (B) of rule 45 shall be entitle casual leaves of 8 days and 20 half pay leaves that can be commuted to 10 days of full pay leave.

49. Removal of Member of Tribunal.— The State Government may, by notification in the *Official Gazette*, remove the Member of Tribunal if he—

(a) is found to be a person of unsound mind;

(b) is an undischarged insolvent;

(c) has been convicted of an offence involving moral turpitude, such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(d) refuses to act or is incapable of acting or acts in a manner which the State Government, after hearing any explanation that he may offer, considers to be prejudicial to the interest of the Tribunal.

50. Court Fee.— (1) Every application, plaint or memorandum of appeal or an application for execution or other application shall be accompanied by a Court Fee as may be fixed by the State Government, from time to time.

(2) No notice, summons or other process of the Tribunal shall be issued, and no such application for certified copies of orders, documents or other records shall be granted unless proper fee as specified by the Government is remitted.

51. Filing of application for suits/appeal before Tribunal.— (1) An application under sub rule (1) of rule 44 shall be made in Form 59.

(2) An application filed before the Tribunal under sub-rule (1) shall be signed by the applicant and shall be presented by him in person or by his authorised representative to the Registrar or superintendent or to an officer authorised by him in this behalf.

(3) The application filed under sub-rule (1) shall be accompanied by documents upon which the petitioner seeks to rely.

(4) The applicant shall file along with the application as many as additional copies of the application and documents as are the number of the respondents.

(5) The Tribunal may, in its discretion, accept an application for hearing under sub-rule (1), which is not accompanied by all or any of the documents, referred to above.

(6) Every application filed under this rule shall set forth a clear statement of facts concisely and under distinct and separate heads, and such ground of facts and relief claimed therein, shall be numbered consecutively.

(7) Every application for an interim relief in a suit or other proceeding before the Tribunal shall be supported by an Affidavit of facts relevant to the matter. The application for interim relief shall set forth clearly and precisely any loss being caused to the applicant which cannot be adequately compensated in terms of money.

(8) Any applications before the Tribunal relating to suits against the Board which do not comply with the mandatory provision of two months' notice under section 89 of the Act shall be dismissed summarily.

52. Other procedure to be followed by Tribunal.— (1) In every proceedings before the Tribunal copies of application, plaint or memorandum of appeal shall be filed in sufficient numbers, for service to all the opponents.

(2) The Registrar or Superintendent of the Tribunal shall after scrutiny of the application, plaint or memorandum of appeal prepare a check list noting the infirmities to be rectified.

(3) If on scrutiny the application, plaint or appeal is found to be in order, it shall be duly registered in the register of applications or suits or appeals, as the case may be, in the form prescribed in Civil Manual of the Bombay High Court and given a serial number.

(4) If the application, suit or appeal is found to be defective, the Registrar or Superintendent shall allow the party to rectify the defects within a time to be specified by him. If the party fails to rectify the defects within such time allowed, the Registrar/Superintendent shall place the matter before the Waqf Tribunal for appropriate orders.

(5) The Registrar or Superintendent or an officer authorised by him in this behalf shall endorse on every application, the date on which it was presented and fix the date for appearance before the Tribunal and shall sign the endorsement in token thereof.

(6) Every application shall be registered or numbered by the Registrar or Superintendent or the officer authorised by him in his behalf in a register to be kept for this purpose.

(7) The Tribunal shall maintain such registers as prescribed for use in civil courts as may be necessary.

(8) A copy of the memorandum of application, shall be served on the other party prior to filing of the same before the Tribunal:

Provided that, in cases of extreme urgency, the Tribunal may, on an application if considers expedient so to do, dispense with the service of the copy of the application on the other party.

(9) Every application, plaint or memorandum of appeal or an application for execution or other application shall be accompanied by court fee.

(10) Written statement to the application preferred before the Tribunal may not be entertained from the respondent after sixty days have elapsed from the date of filing the application:

Provided that, if the Tribunal is satisfied that the respondent was prevented by sufficient cause from filing the written statement within the said period of sixty days, it may entertain the written statement within a further period of thirty days, but not thereafter.

(11) Reply to the written statement preferred before the Tribunal may not be entertained after sixty days have elapsed from the date of filing the written statement:

Provided that, if the Tribunal is satisfied that the applicant was prevented by sufficient cause from filing the reply within the said period of sixty days, it may entertain the reply within a further period of thirty days, but not thereafter.

(12) In case of division between the members of the Tribunal, regarding any decision of the majority of the members of the Tribunal shall prevail.

(13) Final hearing of any matter shall take place before the full bench:

Provided that, matters other than final hearing may be entertained by a single member or two members in the absence of the third member.

53. Documents.— All documents produced before the Tribunal in the course of hearing of an application, suit or appeal shall be filed duly indexed under cover of a list of documents. If any document filed is in a language other than English, its translation in English shall also be furnished under the list.

54. Powers to dismiss application without sending notice to the respondent.— The Tribunal, after considering all aspects of the application and after hearing the applicant or his authorised representative, may dismiss the application, without sending notice to the respondents.

55. Service of notices.— (1) Every notice to petitioner/respondents in the application shall be sent and served through Registered Post with acknowledgment due.

(2) Where the Tribunal is satisfied that the notice cannot be served in ordinary way and there are reasons to believe that the petitioner/respondents are keeping themselves away for the purposes of avoiding service of the notice, the Tribunal shall order substitute service of notice in accordance with the provisions of order 5 of rule 20 of the Code of Civil Procedure, 1908 (5 of 1908).

56. Sitting of Tribunal.— (1) The Waqf Tribunal shall ordinarily hold its sittings between 10-30 A.M. to 1-30 P.M. and 2-30 P.M. to 4-30 P.M. with an hour's lunch from 1-30 P.M. to 2-30 P.M. on every working day.

(2) The sittings of the Waqf Tribunal while on Tour may be as scheduled by the Chairman of the Tribunal.

57. Hearing and Disposal.— (1) Every application suit or appeal filed before the Tribunal shall be heard and disposed off in accordance with the procedure set out for hearing of suits and appeals in the Code of Civil Procedure, 1908 (5 of 1908).

(2) Unless the Tribunal dismisses the application, it shall notify the parties the date and place of hearing of the application, etc.

58. Proceedings to be open to public.— The proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may, if it thinks fit, order at any stage of the proceedings that the public generally or any person in particular shall not have access to or remain in the room of the Tribunal.

59. Order of Tribunal.— Every order of the Tribunal shall be in writing and shall be signed and dated under its seal.

60. Supply of copies of the order to parties.— (1) Every order of the Tribunal dismissing or allowing the application, shall be communicated to the parties or to their authorised representatives free of cost.

(2) Certified copies of any order proceeding or document marked in evidence may be obtained by the parties to the proceedings on payment of such fee as may be fixed as per Civil Courts rules by the office of the Tribunal.

61. Orders and directions in certain cases.— The Tribunal may, notwithstanding any of the foregoing provisions, give such orders or give such directions as may be necessary or expedient to secure the ends of justice.

62. Execution of Order under sub-section (8) of section 83 of the Act.— A party to the proceeding seeking enforcement of any order of the Tribunal shall apply to the Tribunal along with a certified copy of the order for its execution and the Tribunal shall forward the said order for execution in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908) to the Civil Court having jurisdiction.

63. Forms of Waqf Tribunal.— All the Forms prescribed by these rules shall be used by the Tribunal so far as they are applicable with appropriate modifications.

64. Form of Receipt for Court Fee, etc.— The Tribunal shall issue a Cash receipt in Form 60 in respect of money collected by it under the Act or the Rules.

65. Language of Tribunal.— The language of the Tribunal shall be English:

Provided that the parties to proceedings before the Tribunal may file documents or proceedings drawn up in Urdu or Hindi or Marathi or the regional language, if they so desire:

Provided further that, every such document or proceedings in Urdu or Hindi or Marathi or the regional language shall be accompanied by its true translation into English:

Provided also that, the Tribunal may, in its discretion, permit the use of Urdu or Hindi or Marathi or local regional language in the proceedings but the final order shall be in English.

66. Seal of the Tribunal.— The official seal of the Tribunal shall be such as the Government may specify.

67. Code of Civil Procedure, 1908 and the Bombay High Court Rules to be generally followed.— In deciding any question relating to the procedure not specially provided by the Act or these rules, the Tribunal shall, as far as possible, be guided by the provisions contained in the Code of Civil Procedure, 1908 (5 of 1908) and the Bombay High Court Rules.

CHAPTER XXX

ANNUAL REPORT

68. Annual report.— (1) The Government shall, as soon as after 1st day of April in every year, cause the annual report of the Board to be prepared in two parts in Form 61. Part I of the Report shall contain proper embodying of the particulars referred to therein; and part II shall contain the statistical particulars in the Forms specified therein.

(2) The Board shall submit its annual report detailing activities of the preceding financial year, to the Government by the end of July every year.

(3) The Government shall finalise the annual report of the Board by the end of September and such report shall be laid before both the Houses of State Legislature, in its next session and after that, it will issue a consolidated review on the said Report.

CHAPTER XXXI

SUITS BY OR AGAINST THE BOARD

69. Suits by or against the Board.— (1) The Chief Executive Officer shall be competent to sanction –

(a) filing of suit, writ, appeal or cases connected with a waqf matter or property before the Tribunal or Court or any other authority;

(b) defending of suit, writ, appeal or cases connected with a waqf matter or property before the Tribunal or Court or any other authority.

(2) The Chief Executive Officer shall be competent to appoint a legal representative to file or defend a suit, writ, appeal or any other proceedings connected with any waqf matter or property before the Tribunal or Court or any other authority.

(3) The Chief Executive Officer of the Board or any other person, authorised by the Chief Executive Officer of the Board shall be competent to sign suit, writ, appeal and affidavit or counter reply in the cases or proceedings connected with a waqf matter or property before the Tribunal or Court or any other authority.

(4) The Chief Executive Officer shall be competent to authorise any employee of the Board to tender evidence or produce record on behalf of the Board before the Tribunal or Court or any other authority.

FORM 1
[See rule 5]

REPORT OF SURVEY COMMISSIONER TO THE GOVERNMENT

1. The number of auqaf in the State, showing Shia auqaf and Sunni auqaf separately.
2. The nature and object of each waqf.
3. The gross income of the property from each waqf.
4. The amount of land revenue, cess, rates and taxes payable in respect of each waqf.
5. The expenses incurred in the realisation of income and the pay or other remuneration of the mutawalli, if any, of each waqf.
6. Particulars relating to each waqf to be given as under:
 - (a) name of the waqf;
 - (b) name of the waqif, if any;
 - (c) date or the year of the creation of the waqf;
 - (d) details of the Waqf Deed;
 - (e) name of the mutawalli and his pay or remuneration, if any;
 - (f) location and nature of immovable property showing the village or town where situated along with the municipal or survey number, area, description of the tenure and the estimated value thereof;
 - (g) description of movable property and value thereof, including investments and their particulars;
 - (h) site plan of the waqf property;
 - (i) encumbrances, if any, on the properties mentioned in clauses (f) to (h) above;
 - (j) manner of administration of waqf, whether under the scheme settled by a court of law or by a registered document or established custom or usage;
 - (k) whether the waqf is already under the general supervision of the Board;
 - (l) nature and value of grant received; and
 - (m) total cost of survey.

SIGNATURE OF
SURVEY COMMISSIONER

FORM 2
[See rule 7]

PARTICULARS OF LIST OF AUQAF

1. Name of waqf with description of waqf property (e.g. land building, graveyard etc.).
2. Location of waqf property, stating khasra no., village in rural areas and mohalla, ward, road, and municipal number in case of urban property.
3. Nature and object of waqf.
4. Details of waqf properties, if immovable:
 - (a) area, showing built up area separately;
 - (b) boundaries; and
 - (c) value.
5. Nature and value of movable property.
6. Date or year of creation of waqf.
7. Details of Waqf Deed.
8. Gross receipts.
9. Grants received.
10. Gross income of property comprised in each waqf.
11. Amount of land revenue, cess, rates and taxes payable in respect of such property.
12. Expenses incurred in realisation of income.
13. Details of Administration
 - (i) By Custom/Usage
 - (ii) By scheme settled by court
 - (iii) By Schemes of Management approved by the Board.
14. Name and address of mutawalli.
15. Pay or remuneration of mutawalli of each waqf, if any.

Note— Separate list shall be prepared for Sunni and Shia auqaf.

FORM-3
[See rule 9]

Application for updating of Records of Waqf Properties.

To,
The Commissioner _____ Corporation/
_____/of _____ Tahsil/Chief Officer of
_____/Municipal Council/ Secretary if _____ Gram Panchayat.

It is hereby requested that the records of properties indicated below be updated under rule 9 of Maharashtra Waqf Rules, 2021.

1. Name of the Waqf
2. Name of the Mutawalli
3. Whether it is a newly Registered Waqf
4. Registration No. of Waqf and date
5. Details of the Waqf Property

- (a) Survey No.
- (b) Property No.
- (c) Extent

6. Whether the property is Waqf by usage if so, the use and period of usage to be indicated.

7. If acquired by Sale/Gift/Mortgage the Document No. /Deed No. to be mentioned.

8. Name of the Waqf in favour of which the records is to be updated.

9. Name of the Mutawalli or name of the authorized person to sign the notices etc. regarding update.

10. Any other relevant information

11. List of documents

12. Any other documents

Signature of the Applicant.

ACKNOWLEDEMENT

Received Application No-----date-----from ----- regarding updating of records of -----Waqf on ----- (date).

Signature of the concerned authority.

FORM 4
[See rule 11]

**Notification under section 14 (1) (b) of the Waqf Act, 1995 regarding
appointment of Members of Maharashtra State Board of Waqfs.**

The Government of Maharashtra by virtue of its power conferred under sub-section (9) of section 14 of the Waqf Act, 1995 notified that the persons noted hereunder are appointed as Members of Maharashtra State Board of Waqfs. They shall hold the office of the Member of the Board for a period of five years under section 15 of Waqf Act, 1995

Sr.No (1)	Name of Member (2)	Address (3)	Age (4)

If elected, the name of the Electoral college (5)	If nominated, the name of the category of nominations (6)	Remarks (7)

By order and in the name of the Governor of Maharashtra,

Secretary/Principal Secretary/Additional Chief Secretary to
Government of Maharashtra,
Minorities Development Department.

FORM 5
[See rule 13 (1)]

Notice

A meeting is convened at (Place).....
on (date)..... at time to elect the Chairperson of
the Board as provided under sub-section (8) of Section 14 of the Waqf Act,
1995.....

You are, therefore, requested to attend the said meeting at the given
time and place.

Nomination to contest for the post of Chairperson may be filed
before the Presiding Officer on or before the time and date of the said
meeting.

Secretary/Principal Secretary/
Additional Chief Secretary to
Government of Maharashtra,
Minorities Development Department
and Officer authorised to conduct
Election of Chairperson.

FORM 6
[See rule 13 (7)]

Notification by Government regarding appointment of Chairperson.

NOTIFICATION

(Under rule 27 of Maharashtra State Board of Waqf (Conduct of Election) Rules, 2000)

It is hereby notified that Shri/Smt.....
S/o,D/o,W/o.....a
member of the Maharashtra State Board of Waqfs is duly elected as
Chairperson of Maharashtra State Board of Waqfs as per sub-section (8) of
section 14 of the Waqf Act, 1995.

By order and in the name of the Governor of Maharashtra.

Secretary/Principal Secretary/
Additional Chief Secretary to
Government of Maharashtra,
Minorities Development Department.

FORM 7
[See rule 15 (1)]

Application for inspection of records/registers/other documents in any Public Office.

The Movable/immovable properties mentioned hereunder are

- (1) Waqf Properties belonging to _____ (Waqf)
- (2) Claimed to be Waqf Properties.

It is required to inspect the documents mentioned in column (3) of the table below under section 29 of the Waqf Act, 1995.

TABLE

Sr No.	Details of movable/ immovable properties	Record/Register/other documents to be inspected.	Official Person authorised
(1)	(2)	(3)	(4)
A Movable			
B Immovable			

You are hereby requested to permit the Official/Person authorised in column 4 of the table above to inspect the said record/register and other relevant documents immediately.

A Fee of Rs. _____ (in words) _____ is remitted vide challan/receipt No. _____ dated _____.

C.E.O., Maharashtra State Board of Waqfs

D.W.O. _____ Dist.

To _____

(here indicate the authority
to whom application is made)

FORM 8
[See rule 16 (1)]

APPLICATION FOR INSPECTION OF BOARD'S RECORD

Paste duplicate receipt here of application fee

To
The Chief Executive Officer,
..... Waqf Board,
.....

Name of the applicant..... s/o, w/o Shri Resident of
.....

Description of the file the record of which is to be inspected
.....

Name of the tenant (if any)

Name of the parties (if any)

Purpose of inspection

Date:

SIGNATURE OF APPLICANT

Order passed on the application by Chief Executive Officer:.....

Time of inspectionfrom..... toviz
.....hours.

Inspection fee paid.

Signature of official with designation in whose presence inspection was made.....

Date:

**SIGNATURE OF APPLICANT AFTER
INSPECTION MADE**

FORM 9
[See rule 16 (3)]

APPLICATION FOR PROVIDING CERTIFIED COPY

Paste duplicate copies of: (i) Application fee receipt (ii) Copying charges fee receipt Rs. 10/- per entry of Gazette notification, (iii) Rs. 20/- per 100 words or part thereof. (iv) Rs. 20/- per hour of inspection or fraction thereof.

To,

The Chief Executive Officer,
Maharashtra State Board of Waqfs,
Aurangabad.

Name of applicants/o, w/o..... Resident
of.....

Description of the file etc. from which the copy is required

Description of property including location

Name of tenant (if any)

Name of parties (if any).....

Nature of the case

Name and description of the Gazette or record of which copy is
required..... Purpose for which copy is required i.e. whether it is
required for private use or for filing in some court etc.
.....

Dated:

SIGNATURE OF APPLICANT

No. of applicant in the copying registers.....

Copying fee received with application

Order passed.....

SIGNATURE OF CHIEF EXECUTIVE OFFICER

Date:

Signature of copyist

Signature of recipient of the copy.....

FORM 10
[See rule 18 (2)]

NOTICE

Whereas it is learnt/informed/reported that the Waqf.....has ceased to exist or that the objects or parts thereof shown in the schedule below have ceased to exist.

Schedule

Sl.No.	Name of the Waqf/Waqf property which has ceased to exist	Details of moveable property	Details of immovable property					Details of funds
			Sy. No.	Area/Extent	Village Town	City	Usage	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

It is therefore hereby notified that an inquiry will be taken up regarding the said cessation and to ascertain the property and the funds of that waqfs and to order for recovery of the said property or funds and its utilization under Sec. 39(2) of the Waqf Act.

Any objections in this behalf shall be furnished to the undersigned on(date) at.....(place and time) when the inquiry will be taken up.

Chief Executive Officer/ Authorised Officer

To

FORM 11

[See rule 19 (1)]

Form of Information

Information pertaining to any property which is believed to be Waqf property whether a particular is a Waqf property or not/whether a Waqf is Shia or Sunni.

1. Name of the Waqf
 2. Date of Creation
 3. Establishment of Waqf
 4. District/Taluka
 5. City/Town/Village
 6. Name of the Mutawalli
 7. Secretary/President if any
 8. Activities of Waqf
 9. Properties of Waqf
 10. Details regarding management of the Waqf
-

Signature of the Reporting Officer.

FORM 12

[See rule 19 (3) (a)]

NOTICE

Whereas, the Maharashtra State Board of Waqfs after enquiry under section 40 (3) of the Waqf Act has reason to believe that the Property/properties indicated below in the schedule belongs to _____ (Name of Trust or Society) registered in pursuance of Indian Trust Act, 1882/Society Registration Act, 1960 or _____ (any other Act) is/are Waqf properties.

Schedule

Details of the Property	Khata No./ Sy.No./Property No.	Extent	Boundaries
(1)	(2)	(3)	(4)
			N
			S
			E
			W

Therefore, you _____ (name of authority by whom the Trust is registered) are hereby called upon to register the property/properties in the schedule under the Waqf Act, 1995 within 7 days of the service of this Notice failing which the Board shall proceed to register the said properties under the Act.

Chief Executive Officer / Authorised Officer.

FORM 13

[See rule 19 (3) (b)]

Show Cause Notice

Whereas the Maharashtra State Board of Waqfs after enquiry under section 40 (3) of the Waqf Act, 1995 has reason to believe that the property/ properties indicated below in the schedule belongs to _____ (Name of Trust or Society) registered in pursuance of Indian Trust Act, 1882/Society Registration Act, 1960 or _____ (any other Act) is/are Waqf properties.

Schedule

Details of the Property	Khata No./Sy.No./Property No.	Extent	Boundaries
(1)	(2)	(3)	(4)
			N
			S
			E
			W

Therefore you _____ (Name of the authority by whom the Trust or Society is registered) are hereby called upon to furnish your written objection /suggestion showing cause as to why the property/properties noted in schedule above should not be registered under the provisions of Waqf Act, 1995, within 7 days from the receipt of this Notice, failing which the Board shall pass orders under section 40 of the Waqf Act, 1995.

Chief Executive Officer / Authorised Officer.

FORM 14
[See rule 20 (1)]

**SEPARATE BUDGET BY MUTAWALLIES AND AUQAF UNDER THE
DIRECT MANAGEMENT OF THE BOARD FOR THE YEAR 20...-20....**

Estimated Receipts

Receipts of rent from the properties
Donation/contribution
Miscellaneous receipt, if any.

Estimated Expenditure

Salary of the employees of
Miscellaneous expenditure with details
Maintenance of property expenditure
Any other anticipated items.

Excess of expenditure over receipt

1. Actual for the current year
 2. Actual for the preceding year
- Proposed

Excess of receipt over expenditure

Date:

Place:

FORM 15
[See rule 21 (1)]

ANNUAL BUDGET ESTIMATE OF WAQF FOR 20..... 20.....

A B S T R A C T

Actuals for 20.....20.....	Sanctioned estimate for Current year 20.....20.....	Revised estimate for current year		Total Budget Estimate for year 20.....20.....
		Actuals for 8 months	Probable or Expected expenditure for 4 months	
(1)	(2)	(3)	(4)	(5)

Opening Balance

Total.....

Receipts (Statement I)

Total.....

Expenditure (Statement II)

Total.....

Closing Balance

Total.....

Statement I (Receipts)

Sl. No.	Particulars	Actuals for previous year	Actuals for year of report	Revised Budget for ensuring year	Budget Estimates	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. Opening Balance
2. Cash at Bank
3. On hand (Cash, Cheque & DD)
4. Income from Rent:
 - a) Residence
 - b) Office Complex's
 - c) Shops
 - d) Schools
 - e) Shadi Mahal
 - f) Others

 Total :

5. Security Deposits
6. Goodwill
7. Income from Hundi
8. Income from Agriculture Land:
 - a) Sale of Agricultural Crops
 - b) Sale of usufructs of trees (income from fasal)
 - c) Sale of trees
 - d) Annuity
 - e) Tasdik Allowance
 - f) Cash Grants

 Total :

9.A. Miscellaneous receipts :

- a) Nazar/Presents
- b) Subscription fee
- c) Meelad/Ramzan Donation
- d) Nikah fee
- e) Hide & Skin
- f) Golak collections

Total :

9. B. Receipts from :

- a) Grant-in-aid
- b) Loan recovery
- c) Salary & Festival Advance recovery
- d) Interest from bank
- e) Loan from Central Waqf Council, New Delhi
- f) Fixed Deposit Receipts
- g) Royalty/E.M.D

Total :

10. Any other receipts

Grand Total :

Statement II (Expenditure)

Sl. No.	Particulars	Actuals for previous year	Actuals for year of report	Revised Budget for ensuring year	Budget Estimates	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. General Administration

1. Salaries
2. T.A.
3. Office Expenses:
 - (i) Purchase of furniture
 - (ii) Purchase of Stationery & forms:
 - a) Printing Receipts
 - b) Printing/Purchase of Books of Accounts.
 - (iii) Postal Charges
 - (iv) Telephone Charges
 - (v) Water Charges
 - (vi) Electric Charges
 - (vii) Office imprest amount
 - (viii) Purchase of Vessels
 - (ix) Purchase of Machinery & Electrical items
 - (x) Meeting Expenses

 Total :

4. Legal Expenses
5. Audit Expenses
6. Corporation/Municipal/Land Tax
7. Waqf Contribution to Board

 Total :

II. Capital Expenditure:

- (i) Construction Expenses
- (ii) Repayment of Loan/Advances
- (iii) Security deposit
- (iv) Building Licence/Plan Fee
- (v) Royalty
- (vi) E.M.D.
- (vii)

 Total :

III. Charitable Expenses:

- (i) Scholarship/Freeship
- (ii) Medical Expenses
- (iii) Marriage Expenses
- (iv) _____

Total :

IV Festival Expenses

- (i) Meelad
- (ii) Shab-e-Meraj
- (iii) Shab-e-Qadar
- (iv) Shab-e-Barat
- (v) Idgah/Mosque/Dargah expenses
- (vi) Urs
- (vii) _____

Total :

V. Miscellaneous Expenses

- (i) _____
- (ii) _____

Total :

Grand Total :

FORM 16
[See rule 21 (2) (a)]

LIST OF WAQFS

List of Waqfs under direct management as onfor preparation of Budget under Section 45.

Sl.No.	Name of the Waqf	Name of the Administrator	Order No. date period of Direct Management
(1)	(2)	(3)	(4)

Date:

Chief Executive Officer Maharashtra
State Board of Waqfs

FORM 17
[See rule 21 (2) (b)]

**PREPARATION OF BUDGET PROPOSALS BY WAQFS UNDER DIRECT
MANAGEMENT**

From:

The Chief Executive Officer,
Maharashtra State Board of Waqfs,

To

Sir,

Sub.: Preparation of Budget proposals by waqfs under direct management.

Thewaqf is under direct management of the
..... State Board of Waqf u/s 45 as per Order No.dated for a period of
.....

As per Sec. 45 of Waqf Act, 199, the budget of the above institution needs to be placed
before the Board. Therefore you are requested to prepare and furnish the budget covering
the estimated receipts and expenditure in the prescribed proforma with a statement giving
details of the increase if any with income of the waqf and also steps taken for its better
management.

The budget prepared shall reach the under signed by 31st
December.....(Year).

Date:

Chief Executive Officer/
Authorised Officer
Maharashtra State Board of Waqfs, Aurangabad.

FORM 18
[See rule 21 (3)]

**STATEMENT GIVING DETAILS OF INCREASE IN THE INCOME OF
AUQAF UNDER DIRECT MANAGEMENT.**

Name of Waqf :

District :

Sl.No.	Details of income sources	Brief detail of audit of the previous year 19____	Order No. date of taking over under direct management	Details of increase in immovable property after taking over under direct management	Increase in the income if any
(1)	(2)	(3)	(4)	(5)	(6)
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					

(Details to be adopted from the Statement In receipts of Budget)

Steps taken for better management:

- 1.
- 2.
- 3.

Results:

- 1.
- 2.
- 3.

Signature of Administrator/
Chief Executive Officer/
Maharashtra State Board of Waqfs, Aurangabad.

FORM 19
[See rule 21 (4)]

Statement giving details of increase in the income of Waqf under direct management.

Name of Waqf :

District :

Sr. No.	Detail of income sources	Brief detail of Audit of the previous year 20...	Order No. date of taking over under direct management	Details of increase in immovable property after taking over under direct management	Increase in the income if any
(1)	(2)	(3)	(4)	(5)	(6)

(Details to be adapted from the Statement 1 Receipts of Budget)

Signature of Administrator/
Chief Executive Officer/
Maharashtra State Board of Waqfs, Aurangabad.

FORM 20(A)
[See Rule 22 (1) (i)]

CASH BOOK

Receipts

Date of Receipt	Receipt	Particulars Salary	T.A.	Office Expenses	Misc.	Cash	Bank
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Payments

Date of Payment	Voucher No. Particulars	Salary	T.A.	Office Expenses	Misc.	Cash	Bank
						Amount Cheque No.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Demand Collection Balance of Waqf Contribution

[illegible]

REGISTER OF MOVABLE PROPERTY

[illegible]

FORM 20(G)

[See Rule 22 (1) (vii)]

Register of Lease/Mortgage

[illegible]

FORM 20(H)
[See Rule 22 (1) (viii)]

Register of Rents

- a) Name of the Tenant
- b) Shop No. /Block No. / Premises No.
- c) Extent
- d) Rent fixed
- e) Authority fixing the rent
- f) Date of Occupation
- g) Advance/Security Deposit.

Details of Collection

Sr. No.	Month	Opening Balance	Monthly rent	Total	Collection	Balance	Receipt No. and date	Initials of the Ledger Clerk	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Rents								
2.	Cess								
3.									
4.									
5.									
6.									

Register of Inspection Book

[illegible]

Minutes-Book

[illegible]

Register of Securities/Fixed Deposits/ Investment

[illegible]

FORM 20(O)
[See rule 12 (1) (xiv)]

Register of Stock and Issue

Sr. No.	Item No.	Description of the Item	Admissible Quantity/ Number	Quantity/ Number received	Actual use of last two years	
					20____	20____
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Item issued to	Date of issue	Remaining Stock in hand	Initials of Issuing Clerk with date	Remarks
(8)	(9)	(10)	(11)	(12)

Store Clerk (Name)_____

Signature_____

Store Superintendent (Name) _____

Signature_____

FORM 21
[See Rule 22 (2)]

Statement of Account for the year 200.... 200.....

Receipts

Sr. No.	Particulars	Rs.	Ps.
(1)	Opening Balance		
	a) Cash Bank.....		
	b) On Hand cash/cheque/DD		
(2)	Income from Rents;		
	(i) (a) Buildings		
	(b) Shops		
	(c) Schools		
	(d) Shadi Khana		
	(ii) (a) Security Deposits		
	(b) Goodwill		
(3)	Income from Agriculture:		
	a) Sale of Agriculture Produce		
	b) Sale of usufructs of Trees		
	c) Sale of Trees		
	d) Annuity		
	e) Tasdiq Allowance		
	f) Cash Grants		
(4)	Income from any other source:		
	a) Nazar/Presents		
	b) Subscription Fee		
	c) Milad/Ramzan Donation		
	d) Nikah Fee		
	e) Hide and Skin		
	f) Golarak Collection		
	g) Donations		
(5)	Miscellaneous Receipts:		
	a) Grant-in-Aid		
	b) Recovery of Loan		
	c) Recovery of Festival Advance		
	d) Interest from Bank		
	e) Loan from C.W.C. New Delhi		
	f) Fixed Deposit /Receipts		

Expenditure

Sr. No.	Particular	Rs.	Ps.
(I)	General Administration:		
	1) Salaries		
	2) Travelling Allowance		
	3) Office Expenses :		
	(i) Purchase of Furniture		
	(ii) Purchase of Stationery and Forms;		
	a) Printing of receipts books		
	b) Purchase of Books of Account		
	c) Postal Charges		
	d) Telephone charges		
	e) Water charges		
	f) Electric charges		
	g) Office imprest		
	h) Purchase of Vessels		
	i) Purchase of Machines/Electrical items		
	j) Meeting Expenses		
	4) Legal expenses		
	5) Audi expenses		
	6) Corporation/Municipal /Land Tax		
(II)	Capital Expenditure:		
	1) Construction expenses		
	2) Repayment of Loan /Advances		
	3) Security Deposits		
	4) Building Licence/Plan Fee		
	5) Royalty		
	6) Refund of E.M.D.		
(III)	Charitable Expenses:		
	1) Scholarship /Freeship		
	2) Medical Expenses		
	3) Marriage Expenses		
(IV)	Festival Expenses:		
	1) Meelad		
	2) Shab-e-Meeraj		
	3) Shab-e-Barat		
	4) Shab-e-Qadar		
	5) Mosque/Idgah/Dargah expenses		
(V)	Miscellaneous Expenses:		
	1) .		
	2) .		
	3) .		

FORM 22
[See Rule 22 (3)]

NOTICE

Notice under Section 46 and rule 22(3) to the Mutawalli /Managing Committee of a waqf for non-submission of statement of accounts of.....year.

The statement of accounts of a waqf should be furnished to the Maharashtra State Board of Waqfs before 1-5for the year.....under Section 46(2) of the Waqf Act. It is noticed that you Janab.....Mutawalli /President/Secretary of.....Waqf has failed to furnish the statement of accounts for the year.....before 1-5.....You are therefore hereby directed to furnish the same within seven days from the receipt of this notice and also furnish your explanation as to why action should not be initiated against you to impose a penalty under Section 61 of the Waqf Act, 1995. If you fail to furnish the said statement of accounts/ your explanation for non-submission the Board shall proceed in accordance with law after the expiry of Seven days.

Chief Executive Officer/
Authorised Officer/
Waqf Officer /Waqf Inspector

To,
Janab.....
Mutawalli/President/Secretary
.....(name of the Waqf institution.)

FORM 23

[See Rule 23 (1)]

Report of Audit of Waqfs

1. Name of the Waqf.
2. Name of the Mutawalli/
Managing Committee.
3. If the Waqf is under Direct
Management, Order No. date and
Name of the Administrator.
4. Category under sub-rule (1)
of Rule 13.
5. Date of last Audit.
6. Date of Present Audit.
7. Names of Audit Officer and Staff.
8. Action taken on previous audit report-
 - (a) Total No. of Paras observed
 - (b) No. of Paras for which
Compliance furnished.
 - (c) No. of Paras dropped
 - (d) No. of Paras for which
Compliance is due.
 - (e) Total Amount ordered
for recovery in the Audit.
 - (f) Amount Recovered, Balance and
reasons for non-recovery of Balance.
9. Whether statement of Account furnished
under sub-rule (2) of rule 22.
10. Whether Budget is furnished and approved
by the Board.
11. Whether registers under sub-rule (1) Rule 22
are maintained (separate paras regarding
verification and observations be recorded).
12. Whether the 7% Waqf contribution payable
is assessed and paid under Section 77.
13. If Loans are availed, whether there is
repayment of such loans.
14. (a) Whether amount due to the Waqf
are recovered in times ?
(b) Balance to be collected
(c) Balance due and the period of such
dues. (To be enclosed in each case).
15. Details of properties under Section 51, 52,

53,54,56 etc. may be checked.

16. Whether any grants are released? If so, the details.
17. Whether the grants are utilized properly?
18. Is there any property which can be developed commercially?

A brief note on the proposal for development.

Signature of the Auditor.

FORM 24

[See Rule 23 (2)]

Annual Programme of audit of Waqf institutions for the year.....for.....District.

(A) List of Waqfs with net annual income of above one lakh (to be audited every year).

Sr. No.	Name of Waqf	Name of the Mutawalli/ Section of the Waqf	Approximate annual income	Year of last audit	Date of current audit	Name of auditor
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Chief Executive Officer

(B) List of Waqfs with net annual income above Rs.10,000 and below one lakh (to be audited once in three years.)

Sr. No.	Name of Waqf	Name of the Mutawalli/ Section of the Waqf	Approximate annual income	Year of last audit	Date of current audit	Name of auditor
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Chief Executive Officer

(C) List of Waqfs with net annual income above Rs.10,000 and below one lakh (to be audited once in five years.)

Sr. No.	Name of Waqf	Name of the Mutawalli/ Section of the Waqf	Approximate annual income	Year of last audit	Date of current audit	Name of auditor
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Chief Executive Officer.

FORM 25
[See Rule 23 (5)]

Notice

Notice to Mutawalli/Secretary of a waqf institution intimating in advance the programme of audit of the Waqf for.....year (to be issued 15 days in advance before the date of audit).

The audit of every Waqf is to be conducted under Section 47 of Waqf Act, 1995 and rule 23, sub-rule (5) of rule 23 of Maharashtra Waqf Rules, 2021.

The annual programme of Audit for the year is already finalised and published by the Maharashtra State Board of Waqfs under sub-rule (2) of rule 23 of Maharashtra Waqf Rules, 2021. As per this annual programme the audit ofwaqf will be conducted byon.....date. You are therefore hereby directed to produce all the relevant records for the smooth conduct of audit.

Chief Executive Officer/ Authorised Officer.

To
Janab.....
Mutawalli/Secretary,
.....(name of the waqf)

Note : If you fail to comply with the above instructions action under Section 61(2) shall be taken against you and you may be punished with imprisonment for a term of up to six months and also fines up to 15,000 rupees.

FORM 26
[See Rule 24]

Notice

Notice to Mutawalli/Management Committee of thewaqf for taking action under sub-section (1) of section 48.

Whereas the Maharashtra State Board of Waqfs as per the annual programme of audit under sub-rule (2) of rule 23 had taken up the audit of waqf on date. The auditor has submitted his report u/s 47(2) of the Waqf Act, 1995 which reveals that the following grave acts of omissions/commissions/misuse of waqf property/waqf fund/falsification of records are reported.

- 1.
- 2.
- 3.

Now therefore the Maharashtra State Board of Waqf has to pass on order on the report of auditors under section 48(1) of Waqf Act, 1995 for the recovery of the amount certified by the auditors under section 47(2). You are therefore called upon to explain as to why such an order should not be passed against you for, the recovery of.....amount (in words and in figures) within seven days from the date of service of this notice. If no explanation is received within the stipulated time, the Board shall in addition to passing an order u/s 48(1) shall also proceed to impose penalty u/s 61 of the Waqf Act, 1995.

By order of the Board,

Chief Executive Officer.

Note : If you fail to comply the above instructions then action under Section 61(2) shall be taken against you and you may be punished with imprisonment for a term of up to six months and also fine up to 15,000 rupees.

FORM 27
[See Rule 25 (1)]

Notice of Demand under section 49 of the Waqf Act, 1995.

Notice

You are hereby required to take notice that a sum of Rs.
(Rs. in words) is due by you as per the Report of the Auditor
under section 47 of the Waqf Act, 1995 as modified by an Order of the Board or
Tribunal under section 48 of the Waqf Act, 1995 towards payment of Waqf contribution
from to and that unless it is paid to the account of the
Board, within sixty days from the date of service of this Notice, together with a sum
of Rs. (Rs. in words) being the fee
chargeable for this notice, compulsory proceeding will be taken according to Law for
the recovery of whole amount still due by you as per the Report of the Auditor.

Chief Executive Officer/
Asst. Commissioner/
Waqf Officer/Waqf Inspector.

To,

The Mutawalli/
Secretary of the Managing Committee,
.....
.....

Copy to,

The District Waqf Officer, District.

FORM 28
[See Rule 25(2)]

Notice defaulter under section 49 of the Waqf Act, 1995.

Notice

Whereas a Demand Notice regarding payment of dues issued to you under section 49 (1) of the Waqf Act, 1995 and inspite of expiry of time limit of sixty days, you have failed to remit, the amount of Rs. (Rs.) as per the Demand.

Therefore, you are hereby called upon to explain within seven days as to why a Certificate of Recovery of the said amount as arrears of Land Revenue should not be issued under section 49 (2) of the Waqf Act, 1995.

Chief Executive Officer.

To
The Mutawalli/
The Secretary of the Managing Committee,
.....
.....

Copy to,
The District Waqf Officer,District.

FORM 29
[See Rule 25 (3)]

Certificate of Recovery

It is hereby certified that the person(s)/the Waqf Institution noted in the Schedule is liable to pay Rs. (Rs.) under section 34/ section 49/ section 72 of the Waqf Act, 1995.

The said amount has not been paid inspite of reasonable opportunities being afforded by serving a Demand Notice No.....dated.....and a defaulter Notice No.....dated.....served on the person(s)/Mutawalli of the Waqf shown in Column (2) of the Schedule on.....(date)

Schedule

Sr. No.	Details of amount due	Name of the person (s) /Waqf Institution of the Waqf	Address of the person/Name the Mutawalli	Amount Due
(1)	(2)	(3)	(4)	(5)

It is therefore requested that the amount of Rs..... (Rupees) due under section 34/section, 49/section, 72 of the Waqf Act. 1995 be recovered as arrears of Land Revenue and remitted to the Chief Executive Officer, Maharashtra State Board of Waqfs, Aurangabad, by a Demand Draft.

By Order Of The Board,

Chief Executive Officer.

To
The Resident Deputy Collector,
.....District.

FORM 30

[See Rule 27 (1)]

(See Section 52 of Waqf Act, 1995)
(Act of Parliament)CHIEF EXECUTIVE OFFICER
MAHARASHTRA STATE BOARD OF WAQFS.

Dated :.....

To,

The Sub-Register

.....
.....

Sir,

**Sub : Transfer of Immovable Waqf property in contravention of section
51 of Waqf Act, 1995 Issue of certified copies of Deed of Transfer-
Reg.**

It is learnt/informed that the property shown in the Schedule below and notified as a waqf property under section.....of the Waqf Act and registered in the Register of Waqf under section 37 of Waqf s Act, 1995, has been transferred in contravention of section 51 of the Waqf Act; without obtaining prior approval of the Maharashtra State Board of Waqfs. You are therefore requested not to release the documents regarding this transaction without prior permission of the Government under sub-rule (1) of the rule 27.

Hence to initiate action as per section 52 of the Waqf Act, 1995 and under sub-rule (2) of rule 27 the Maharashtra Waqf Rules, 2021 certified copies of Transfer Deed and the encumbrance of the property are required. You are hereby intimated to furnish the above documents within the time limit of two days after the receipt of this application.

Shri.....is authorised to receive the documents cited above from you in person and his signature is attested below:

Chief Executive Officer,
The Maharashtra State Board of Waqfs.

Signature

Attested by.

FORM 31
[See Rule 27 (3)]

Notice To Transferors

Whereas the properties shown below in the Schedule are Waqf properties registered under Section 36 and 37 of the Waqf Act, 1995 and that you are appointed as Mutawalli/Secretary of Managing Committee to supervise and manage the said immovable properties.

Whereas it is now learnt/informed that these immovable properties has been transferred by you, without prior permission of the Waqf Board and thereby there is violation of section 51 of the Waqf Act, 1995.

Sr. No.	Sy No./Property No./Khata No.	Taluka/Village /Town	Extent/ Dimension	Boundaries
(1)	(2)	(3)	(4)	(5)

You are therefore called upon to explain/produce any documentary evidence for not having violated the provisions of section 51 of the Waqf Act, 1995 within seven (7) days from the receipt of this notice, failing which the Board shall proceed under section 52 of the Waqf Act, 1995 for the recovery of this immovable property. The Board shall also proceed against you under section 61(2) of the Waqf Act, 1995.

Chief Executive Officer/
Authorised Officer,
The Maharashtra State Board of Waqfs.

To,
.....
.....
.....

FORM 32
[See Rule 27 (3)]

NOTICE TO TRANSFEREE/PURCHASER

Whereas the properties shown below in the Schedule are Waqf properties registered under section 36 and 37 of the Waqf Act, 1995.

Whereas it is now learnt/informed that you are in possession of the Scheduled property of Waqf by way of Transfer/Gift/Sale/Mortgage Exchange vide document No.....dated.....Registered in office of Sub-Register.....

Sr. No.	Sy No./Property No./Khata No.	Taluka/Village /Town	Extent/ Dimension	Boundaries
(1)	(2)	(3)	(4)	(5)

Whereas, it is now learnt after due verification that the said transfer is in violation of section 51 of the Waqf Act, 1995. Therefore, you are called upon to explain as to why action should not be taken to recover the said property under section 52 of the Waqf Act, 1995 within seven (7) days from the date of receipt of this notice, failing which further action will be taken by the Maharashtra State Board of Waqfs.

Chief Executive Officer,
The Maharashtra State Board of Waqfs.

To,

.....
.....
.....

The Notice shall be served on the transferer/transferee as per sub-rule (3) of rule

FORM 33
[See rule 27 (4)]

Report of alienation of Waqf Property in violation of section 51 of the Waqf Act, 1995.

1. Name of the Waqf Institution
2. Registration No. of the Waqf Institution & Date
3. Whether Muzarai Waqf
4. Name of the Mutawalli/ Secretary of Managing Committee with the details of the Order of appointment etc. and the term
5. Name of the Administrator; details of Order of appointment etc. with term
6. Details of all the Waqf properties belonging to Waqf Institution.

Sr. No.	Sy No./ Mun. No.	Total Extent	Boundaries NSEW	Present Usage	Income derived
(1)	(2)	(3)	(4)	(5)	(6)

7. Details of Waqf properties transferred in violation of section 51 of Waqf Act, 1995
8. Whether the transferred by Gift/Sale/Exchange/Mortgage
9. Details of documents of transfer.

Registration No.	Date of Registration	Name of office of Registration	Name of the Transferer	Name of the Transferee
(1)	(2)	(3)	(4)	(5)

10. Date of issue of Notices to

Transferrer-----

Transferee-----

11. Details of objections, if any filed and the date of filing of objections both by Transferer and Transferee.
12. Recommendation of the Chief Executive Officer.
 - 1.
 - 2.
 - 3.

Chief Executive Officer/ Any
other Authorised Officer

FORM 34
[See rule 27 (6)]

REQUISITION UNDER SUB-SECTION (1) OF SECTION 52 OF THE WAQF ACT 1995 TO THE COLLECTOR FOR RECOVERY OF WAQF IMMOVABLE PROPERTY TRANSFERRED IN CONTRAVENTION OF SECTION 51 OR SECTION 56

1. Details of waqf property
2. Particulars of transfer deed, if any, executed in respect of the above property.
3. Name and full particulars of the person executing the deed, if any.
4. Name and full particulars of the person to whom the property has been transferred.
5. Result of comparison of the details of waqf property with the entries in the register of auqaf maintained under section 37 of the Waqf Act, 1995
6. Result of inquiry from the record of the Board regarding absence of sanction for the said transfer as required under section 51 or transferred in violation of section 56 of the Waqf Act.
7. Request to pass reasonable order to obtain and deliver possession of property to the Board.

Place:

CHIEF EXECUTIVE OFFICER
MAHARASHTRA STATE BOARD OF WAQFS

Date:

FORM 35
[See rule 27 (7)]

**ORDER OF THE COLLECTOR FOR DELIVERING POSSESSION OF WAQF
PROPERTY**

To

Shri
.....

Whereas a requisition has been received under sub-rule (6) of rule 27 of the Maharashtra State Waqf Rules, 2021 from the Chief Executive Officer, Maharashtra State Board Waqfs, regarding transfer of waqf property, detailed in the Schedule below in your favor by Shri in contravention of section 51 or section 56 of the Waqf Act, 1995.

Now, therefore in exercise of the powers conferred by sub-section (2) of section 52 of the said Act, I, Collector, District hereby direct you to deliver possession of the said property to the Waqf Board or to any person duly authorised by the said Board, within a period of thirty days from the date of service of this order failing which eviction proceedings shall be initiated against you. If you are aggrieved by the order, you may, within a period of thirty days from the date of service of this order, prefer an appeal to the Tribunal. In case you fail to comply with this order, and do not prefer an appeal within the time specified, the said property shall be taken possession of by me or by any person duly authorised using such force, as may be necessary for the purpose, and deliver it to the said Board.

Date

SIGNATURE OF THE COLLECTOR
SEAL

FORM 36
[See Rule 28 (1)]

(Application for permission to acquire immovable property by a Waqf out of its funds)

1. Name of the Waqf Institution
2. Registration No. & Date
(Copy of the same by enclosed)
3. Name of the Mutawalli/
Managing Committee
4. Date of appointment of the
Mutawalli/Managing Committee
and term
5. Details of immovable property
already owned by the institution :

Sy. No./ Khanesumari No.	Extent Area	Village	Town	City
(1)	(2)	(3)	(4)	(5)

6. Total annual income of the Waqf
as per audited statement of
accounts for the past three years :
7. Details of properties proposed to be
acquired by the Waqf.
 - i. Sy. No. /M. No. /Corp. No.
 - ii. Extent/ Dimension
 - iii. Name of the Seller
 - iv. Details of Buildings/
Structures on the property
(In case of urban property land)
 - v. Wet /Dry land
(In case of Agricultural land)
 - vi. Value as per sale statistic
of the sub-Registrar for the past
five years.
 - vii. Market value of the proposed
property to be purchased
 - viii. Consideration for the settlement
is made
 - ix. Litigation, if any on the said
proposed Property for purchase
 - x. Purpose for which the said
Immovable property is acquired.
8. Enclosure to the application,-
 - a) Registration Certificate of the Waqf
Institution

- b) Khate/ M. No./ Tahsil record of the property to be purchased
- c) Declaration
- d) Previous Sale Deed
- e) No objection from the Seller
- f) Resolution of the Managing Committee to purchase property
- g) Statement of accounts of the previous year
- h) Encumbrance Certificate of the property

Signature of the Mutawalli/
Secretary, Managing Committee

DECLARATION

I,.....Mutawalli/Secretary of the
Managing Committee ofhereby
declare that the above information furnished is true to the best of my knowledge.

I also declare that the proposed acquisition of the immovable property is for a bonafied intention to develop the Waqf institution to increase its income generation capacity.

If any of the above statement is found to be false, then I am liable to be prosecuted under section 61 (2) (b) of the Waqf Act, 1995.

Signature of the Mutawalli/
Secretary, Managing Committee of

.....
.....

FORM 37
(See Rule 28 (3))

Notification regarding the acquisition of immovable property of Waqf under section 53 of the Waqf Act, 1995.

Whereas the Mutawalli/Secretary of
has submitted an application dated.....for acquiring the immovable property noted in the Schedule below, out of its own funds under section 53 of the Act and sub rule (3) of rule 28 of Waqf rules.

Schedule

Name of the Waqf	Details of immovable property proposes for purchase				Amount proposed to purchase
	Sy.No./ Property No./ Khata No.	Extent Area/ Dimension	Village/ Town/ City	Boundaries NSEW	
(1)	(2)	(3)	(4)	(5)	(6)

Whereas, after careful consideration of this application, it is found that the said application is adequate and reasonable as per the report furnished by.....

Now, therefore in exercise of the powers conferred under section 53, it is informed to the general public and any person interested in this Waqf to file objections /suggestions, if any, in respect of the said transaction to the Board within 10 days from the date of publication of this Notification in the Official Gazette. The objections/ suggestions if any, shall be addressed to the Chief Executive officer and the Ex-Officio Secretary of the Maharashtra State Board of Waqfs in an envelope superscribed “Objections/ Suggestions with reference to Notification No.----- dated-----”

Chief Executive Officer/
Maharashtra State Board of Waqfs

FORM 38
[See rule 29 (1)]

FORM OF NOTICE UNDER SUB-SECTION (1) OF SECTION 54
OF THE WAQF ACT, 1995

To

Shri
.....

Whereas I, the undersigned, am of the opinion, on the grounds specified below that you are an encroacher of the waqf property mentioned in the schedule below and that you should vacate the said premises:

Grounds

.....
.....

Now, therefore, in pursuance of the provisions of sub-section (1) of section 54 of the Waqf Act, 1995, I hereby call upon you to show cause on why such an order should not be made;

And in pursuance of sub-section (3) of section 54 of the Act, I also call upon you to appear before the undersigned in person or through a duly authorised representative, capable to answer all questions connected with the matter along the evidence which you intend to produce in support of the cause shown, on..... at for personal hearing. In case, you fail to appear on the said date and time, it will be presumed that you are an encroacher on the said waqf property and further action shall be taken for your eviction according to law.

SCHEDULE:

Details of Waqf Property:

Date:

Signature and seal of the
Chief Executive Officer

Copy to: Mutawalli

FORM 39
[See rule 30 (9)]

**APPLICATION TO EXECUTIVE MAGISTRATE UNDER SECTION 55 OF
THE WAQF ACT 1995**

To

The Executive Magistrate,
.....

Whereas the Waqf Tribunal has passed an order under sub-section (4) of section 54 of the Waqf Act 1995 on (copy annexed);

Whereas Shri./Smt./Km. has failed to vacate the land, building, space or other property to which the order relates, within the time specified in the order;

Whereas under section 55 of the Waqf Act 1995, you are requested to make an order, directing the encroacher to remove the encroachment, as the case may be, vacate the land, building, space or other property and to deliver possession thereof to Shri mutawalli/Secretary of the Managing Committee of the property / Waqf Board. In default of compliance with the order, remove the encroachment or evict the encroacher within one month of the receipt of this application from the waqf premises with the assistance of police.

Whereas your attention is drawn to proviso to sub-section (6) of section 7 of the Waqf Act, 1995.(as amended).

Date:

SIGNATURE AND SEAL OF THE
CHIEF EXECUTIVE OFFICER

FORM 40
[See rule 33 (1)]

PUBLIC NOTICE

Whereas a vacancy in the office of Mutawalli of,-----
----- (waqf institution) has arisen and as per the terms of Deed, there is no other person to be appointed again for this vacancy, hence, it is hereby notified for the information of the public or persons interested in this Waqf that Shri-----
-----S/O----- has been proposed by the District Waqf Officer,
----- District for filling up of Vacancy of the Mutawalli of the said institution as per details in the schedule below for being appointed as Mutawalli, for such period and under such terms and conditions as the Maharashtra State Board of Waqfs may think fit.

Schedule

Sr.No.	Item	Details
1	Name of the Waqf institution	
2	Regn. No. & Date	
3	Detail of Appointment of Mutawalli under the Waqf Deed	
4	Name of person proposed as Mutawalli under section 63 of the Waqf Act, 1995.	
5	Name of the former Mutawalli.	

Anyone having objections/suggestions to this proposal, may in writing inform the same to the Chief Executive Officer/authorised Officer within seven days, from the date of publication of this Notice failing which, it will be presumed that there are no objections/ suggestions and the Board will proceed further in appointing the person notified herein above as the Mutawalli of the above said institution under section 63 of the Waqf Act, 1995.

Chief Executive Officer/
Authorised Officer.

Copy to concerned.

FORM 41
[See Rule 33 (2)]

NOTICE

(To be issued when there is a vacancy of office of Mutawalli of a Waqf and the right of any person to act as Mutawalli is disputed)

Whereas a vacancy in the office of the Mutawalli of..... (Waqf institution) has arise due to..... and the right of any person to act as Mutawalli is disputed before.....

Hence, it is hereby notified for the information of the public or persons interested in the Waqf that a proposal received from the Dist. Waqf Officer/Dist. Waqf Advisory Committee,..... District for the filling up of vacancy to the office to the Mutawalli of the said waqf institution by appointing the person noted in the Schedule below for such period and under such conditions as the Maharashtra State Board of Waqfs may think fit.

Schedule

Sr.No.	Item	Details
1	Name of the Waqf institution	
2	Regn. No. & Date	
3	Detail of Appointment of Mutawalli under the Waqf Deed	
4	Name of person proposed as Mutawalli under section 63 of the Waqf Act, 1995.	
5	Name of the former Mutawalli.	

Anyone having objections/suggestions to this proposal, may in writing inform the same to the Chief Executive Officer or authorised Officer, within Seven days, from the date of publication of this Notice, falling which, it will be presumed that there are no objections/suggestions and the Board will proceed in appointing the person notified hereinabove as the Mutawalli under section 63 of the Waqf Act, 1995.

Chief Executive Officer/
Authorised Officer.

Copy to the concerned.

FORM 42
[See rule 34 (1)]

NOTICE FOR HOLDING OF ENQUIRY

Notice to Mutawalli/Secretary of _____ (Waqf institution) under Sec. 64(3) of the Waqf Act, 1995 to conduct an enquiry. Whereas, you Shri _____ S/o _____ were appointed as Mutawalli/Secretary of (Waqf Institution) vide Board's Order No. _____ dated _____ for a period of ____ years and whereas, it is now established that you have violated the provisions of the Waqf Act, 1995, and liable for action under Sec. 64(1) for anyone/more than one reasons indicated below (tick whichever is appropriate).

- (a) has been convicted more than once of an offence punishable under Sec. 61 of the Waqf Act, 1995.
- (b) has been convicted of offence of criminal breach of trust or any other offence involving moral turpitude, and such conviction has not been reversed and he has not been granted full pardon with respect to such offence; or
- (c) is of unsound mind or is suffering from any other mental or physical defects or infirmity which would render him unfit to perform the functions and discharge the duties of a mutawalli; or
- (d) is an undischarged insolvent; or
- (e) is proved to be addicted to drinking liquor or other spirituous preparations, or is addicted to the taking of any narcotic drugs; or
- (f) is employed as a paid legal practitioner on behalf of or against the waqf or;
- (g) has failed, without reasonable excuse, to maintain regular accounts for two consecutive years or has failed to submit, in two consecutive years, the yearly statement of accounts, as required by sub-section (2) of Section 46; or
- (h) is interested, directly or indirectly,, in a subsisting lease in respect of any waqf property, or in any contract made with or any work being done for, the waqf or is in arrears in respect of any sum due by him to such waqf; or
- (i) continuously neglects his duties or commits any misfeasance, malfeasance misappropriation/misapplication of funds or breach of trust in relation to the waqf or in respect of any money or other waqf property: or

- (j) willfully and persistently disobeyed the lawful orders made by the Central Government, State Government, Board under any provision of this Act or rule or order made thereunder;
- (k) misappropriate or fraudulently dealt with the property of the waqf.
- (l) as per the information/audit report/report before the Board;
 - (1)
 - (2)
 - (3)

Therefore, by virtue of the powers conferred under Sec. 64(3) of the Waqf Act, 1995, notice is hereby given that an enquiry will be held under Sub Rule (1) of Rule 34 of Maharashtra State Waqf Rules, 2021 by the Maharashtra State Board of Waqfs.

You are therefore called upon to file your objections, if any, to the said enquiry, within seven days, from the date of service of this Notice. If you fail to file your objections, the Board shall proceed with the enquiry and take a decision under Sec. 64 of the Waqf Act, 1995 as required under law.

Chief Executive Officer

To

Shri

Copy to the concerned.

FORM 43
[See rule 34 (3)]

NOTICE

**(NOTICE FOR SUSPENSION OF MUTAWALLI/MANAGING
COMMITTEE OF _____(WAQF INSTITUTION)
UNDER SEC. 64(5) OF THE WAQF ACT, 1995)**

Whereas, action under Section 64(1) is contemplated against you Shri _____ S/o _____ Mutawalli/Managing Committee of _____ (Waqf Institution).

Whereas, the Maharashtra State Board of Waqfs has taken up an enquiry under Section 64(3) of the Waqf Act, 1995 in this connection, and therefore your continuance in this office may hamper the proceedings of the enquiry. Now therefore, in exercise of the powers conferred under Section 64(4), Maharashtra State Board of Waqfs has decided to keep you under suspension from the office of the Mutawalli/Secretary of Managing Committee of (Waqf institution).

You are therefore, called upon to explain as to why orders keeping you under suspension should not be issued. If you fail to furnish an explanation, the Board shall proceed in accordance with law and action will be taken to suspend you from the office of the Mutawalli/Secretary of the Managing Committee of the above said institution, until the conclusion of enquiry initiated under Section 64(3) of the Waqf Act, 1995.

Chief Executive Officer

Date:

Shri
Mutawalli/Secretary

Copy to the concerned

FORM 44
[See rule 35]

**ANNUAL REPORT REGARDING WAQF INSTITUTIONS
UNDER THE DIRECT MANAGEMENT OF THE BOARD
UNDER SECTION 65 OF THE WAQF ACT.**

1. Name of the Waqf Institution.
2. Details of Registration of Institution under Section 37.
3. Order No. & date of taking the Institutions under direct management.
4. Name of the Official/person appointed as Administrator of Waqf Institution.
5. Income of the Waqf for the preceding year
6. Steps taken by the Administrator to improve the income of Waqf.
7. Period for which the Waqf is under the direct management and reasons for not entrusting the waqf to the Mutawalli/Managing Committee during the year.
8. Details of immoveable property and the income therefrom.
9. Details of project intended after taking the institution under direct management.
10. No. of Resolutions made after taking the Institution under the direct management.
11. Details of collection of arrears by way of rents/lease amount etc.
12. Details of Waqf contribution paid.
13. Recommendation of Board to the state Government regarding continuance under direct management.
 - (i)
 - (ii)
 - (iii)
 - (iv)

Chief Executive Officer
Maharashtra State Waqf Board

FORM 45
[See rule 36 (2)]

SHOW CAUSE NOTICE

Show Cause Notice under sub-section 2 of section 67 of the Waqf Act, 1995 for superseding a Committee for supervision/management of (Waqf institution) _____ constituted under Sec 67(1) of the Waqf Act, 1995, for a term of _____ period by the Board because the Committee so constituted is not performing/managing the issue in the interest of Waqfs for the reasons:

- i)
- ii)
- iii)
- iv)

(reasons shown above shall be the complaints and written objections about the same, observation of mis-management and misuse during the course of inspection etc., shall be indicated specifically).

Now therefore by virtue of the powers conferred with the Maharashtra State Board of Waqfs under Sub Section (2) of Section 67 of the Waqf Act, 1995, you are called upon to explain within one month from the date of issue of this Notice as to why an order of supersession of the Committee should not be passed. If no reply is received from you within the stipulated time, then the Board will proceed to pass an order under Sub Section (2) of Section 67 of the Waqf Act, 1995.

By Order of the Board

Chief Executive Officer

Date:

To

The Secretary/President,
Managing Committee

Copy to the District Waqf Officer, _____ District.

FORM 46
[See rule 36 (5)]

SHOW CAUSE NOTICE

Show Cause Notice to be issued to a Member for his removal from a committee under Section 67(6) of the Waqf Act, 1995)

Whereas Janab _____ S/o _____ was appointed as a Member of the Managing Committee of (Waqf institution) _____ by the Board under Section 67 (1) of the Waqf Act, 1995 on _____. Whereas, now there is sufficient evidence that Janab _____ Member of the above said committee has abused his position in such manner or has knowingly acted in a manner prejudicial to the interests of the Waqfs for the following reasons:

- (i)
- (ii)
- (iii)
- (iv)
- (v)

(Contents be taken from complaints, report of mis-conduct of the member in the meetings of the managing committee, report from the Mutawalli/Secretary of the Committee duly verified shall be indicated specifically)

Therefore, by virtue of powers conferred with the Maharashtra State Board of Waqfs under Sub Section (6) of Section 67 of the Waqf Act, 1995, Janab _____ is hereby called upon to show cause as to why an order should not be passed for your removal from the membership of the above said committee within seven days from the date of service of this Notice. If no reply is received, the Board shall proceed with in accordance with law under Section 67(6) of the Waqf Act, 1995.

By Order of the Board

Chief Executive Officer

Date:

To

Janab _____
Member, Managing Committee

Copy to the District Waqf Officer, _____ District.

FORM 47
[See rule 37(1)]

NOTICE

**(NOTICE UNDER SUB-SECTION (1) OF SECTION 69 OF THE WAQF ACT,
1995 TO THE MUTAWALLI/MANAGING COMMITTEE OR THE
APPLICANT TO ADOPT THE SCHEME OF MANAGEMENT APPROVED BY
THE BOARD FOR PROPER ADMINISTRATION OF WAQF)**

Whereas, under Sub Section (1) of Section 69 of the Waqf Act 1995, a Model Scheme of Management is prescribed for any Waqfs and whereas, in view of provision prescribed in above sub section, the Mutawalli/Secretary of Managing Committee of (Waqf institution) _____ is required to propose to prepare Scheme of Management with reference to Mansha-e-Waqif of _____ (Waqf institution).

It is hereby notified that the Mutawalli/applicant under Sub Section (1) of Section 69 of the Waqf Act, 1995, shall furnish the said Scheme alongwith the Resolution of the Managing Committee/General Body within fifteen days from the date of receipt of this Notice.

Date:

Chief Executive Officer

To

The Mutawalli/applicant
Of Managing Committee,

Copy to the District Waqf Officer, _____ District.

FORM 48

[See rule 39]

Application

(Application for an enquiry relating to the administration of Waqf under Section 70 of the Waqf Act, 1995.)

1. Name of the applicant :
2. Age and full address :
3. Name of the Waqf against which allegation is made :
4. Nature and interest of the applicant in the Waqf :
5. Details of allegations :
 - i)
 - ii)
 - iii)
 - iv)
 - v)
6. Details of documents produced in support of allegations :-
 - i)
 - ii)
 - iii)
 - iv)
 - v)
7. Name of the Mutawalli / President/Secretary and Members of the Managing Committee against whom allegations are made :
8. If the allegations pertain to misuse of immovable property, details of such property be furnished as under :
 - i) Khata No./S.No./M.No. :
 - ii) Income generated :
 - iii) Details of sale agreement / Registered documents if any :
 - iv) Name of the purchaser/lessee/ mortgager of the property
 - v) Amount received during the transactions :
9. Details of fee paid with D.D.No. & Receipt No. (to be enclosed) :

Signature of the Applicant

DECLARATION

I, ----- hereby declare that, whatever information furnished above, is true to the best of my knowledge and belief and I shall be available to furnish any documents / depositions when called upon to do so.

Signature of the Applicant.

PROFORMA OF AFFIDAVIT

I, ----- S/O -
----- aged about-----
years, residing at ----- do hereby
solemnly affirm and declare on oath as under :

- a) that I have filed an application under Section 70 of the Waqf Act, 1995 in the prescribed form for instituting an enquiry relating to the administration of the --
----- (Waqf institution).
- b) that I am a citizen of India and I have interest in the said Waqf by virtue of I being a Muslim/resident of the area/ ordinary member of the above Waqf/office bearer/member of the Managing Committee/ Mutawalli of the above said institution.
- c) that the allegation made in the application are in the best interest of the Waqf institution and I am fully aware of the facts given in the application.
- d) that I have fully gone through the provisions of the Waqf Act, 1995 and the Scheme of administration of -----
(Waqf institution).
- e) that the allegations made by me relates to violation under the provisions of the Waqf Act, 1995.

DEPONENT

WITNESSES :

- 1.
- 2.

"SWORN BEFORE ME"

(Affidavit should be sworn before the Ist Class Executive Magistrate/Notary on a Stamp paper of Rs.100.00)

FORM 49
[See Rule 40 (2)]

Notice

(Notice to a Waqf regarding the allegation made under Section 70 of the
Waqf Act, 1995)

Whereas an application under Section 70 of the Waqf Act, 1995 is filed
by Janab residing at
.....
..... making allegations against the
Waqf.....
.....

Enclosed is a copy of the application alongwith an Affidavit filed
under Rule 38 of Maharashtra Waqf Rules, 2021. You are hereby directed to
furnish your reply to the said allegations alongwith the required documents
within seven days from the date of receipt of this Notice.

If you fail to furnish your reply within the stipulated time, it will be
presumed that you have no explanation on the above allegations and
allegations made in the said application are accepted and the Board shall
proceed to hold an enquiry under Section 71 of the Waqf Act, 1995.

Chief Executive Officer, Maharashtra
State Board of Waqfs,
Aurangabad.

FORM 50
[See Rule 40 (4)]

Summons for Appearance or for Productions of Documents.

To

Shri son
ofresiding at
.....
.....(address).

Whereas for the purpose of an enquiry into
..... (here, specify the subject of the enquiry)
your attendance is considered necessary to examine you as a party to give
evidence as a witness/to produce documents. You are hereby summoned to
appear in person before the undersigned in his office on
.....(here specify time and date)
for the purpose of giving evidence/to produce the document specified in the
margin or for both.

Given under my hand this day of

Chief Executive Officer,
Maharashtra State Board of Waqfs,
Aurangabad.

FORM 51
[See rule 41 (2)]

**(STATEMENT INDICATING THE NET ANNUAL INCOME OF THE WAQF
AND THE CONTRIBUTION PAYABLE TO BE FURNISHED
BY 15TH JUNE EVERY YEAR).**

1. Name of the Waqf
2. The income assessed as per Statement of Accounts
3. Deduction from the income as per Sub Section (1) of Section 75
 - i)
 - ii)
 - iii)
 - iv)
 - v)
4. Net profit derived from the Waqf
5. 7% Waqf Contribution payable to the Waqf Board.

Signature of Mutawalli/
Secretary of the Managing Committee

To

The Chief Executive Officer
Maharashtra State Board of Waqfs,
Aurangabad.

Or

Authorised Officer

Copy to the District Waqf Officer, _____ District.

FORM 52
[See Rule 41 (4)]

Notice

(To be issued under section 76 read with Rules 41 (4), if it is found that net annual income needs to be revised.)

Whereas, you Shri.....
Mutawalli/Secretary of the Managing Committee of (Waqf institution
.....) has furnished returns of net annual
income under sub-rule (2) of Rule 41 and after verification under sub-rule (3)
of Rule 41 it is imminent that your annual income needs to be revised from
Rs..... (Rupees in Words) to
Rs. (Rupees in words) for the
reasons that you have not properly assessed income from the following
items,--

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)

Therefore, you are called upon to explain within seven days from the
date of receipt of this Notice, as to why annual income of the above said

institution should not be revised to the amount assessed by the District Waqf Officer, District. If you fail to furnish your reply, the revised amount assessed by the District Waqf Officer will be accepted and taken into the Demand.

Chief Executive Officer/Authorised Officer.

To,

The Mutawalli/

The Secretary of the Managing Committee.

.....

.....

Copy to the District Waqf Officer, District.

FORM 53
[See Rule 41 (11)]

(Register of Demand, Collection and Balance with regard to annual contribution payable to the Board under Section 72 of the Waqf Act, 1995)

**Demand, Collection and Balance of Maharashtra State Board of Waqfs,
Aurangabad**

Sr. No.	District	No of Waqf Institution in the Dist.	No. of Waqf Institutions to pay 7% contribution	No. of Waqf Institutions of which income is assessed & contribution fixed	Demand		
					Arrears	Current Demand	Total
1	2	3	4	5	6a	6b	6c

Collection			Balance			Remarks
Arrears	Current Demand	Total	Arrears	Current Demand	Total	
7a	7b	7c	8a	8b	8c	9

Chief Executive
Officer/ District Waqf
Officer/ Authorised
Officer.

FORM 54
[See rule 41 (12)]

Notice to Defaulter

To,

You are hereby required to take notice that a sum of Rs.----- due by you being the Waqf Contribution payable, has not been paid and that unless it is paid to Maharashtra State Board of Waqfs as provided by sub-rule (12) of Rule 41 within ten days from the date of service of this Notice together with the Sum of Rs.----- being the fee chargeable for this Notice, compulsory proceedings will be taken according to law for the recovery of whole of the Waqf contribution still due by your institution for the current year on your account.

Dated-----day of -----

Chief Executive Officer/
District Waqf Officer/
Authorised Officer.

FORM 55
[See rule 41 (14)]

Notice

(Notice regarding escaped amount leviable under Section 72 of the Act, 1995.)

Whereas it is seen from the Assessment furnished by you regarding the net annual income under sub-rule (1) of rule 41 read with section 72 of the Waqf Act, 1995, that the amount noted hereunder has escaped the assessment. Therefore, the contribution paid/payable by you needs to be revised.

1. Name of the Waqf Institution :
2. Year of Assessment :
3. Actual Amount Assessed :
4. Proposed Amount Assessed :
5. Escaped assessed amount :
6. Contribution levied as per Assessment under Col.3 :
7. Difference of Assessed amount :
8. Revised Contribution :
9. Remarks :

You are therefore called upon to explain within 30 days from the date of receipt of this Notice, as to why Demand as shown in column 8 should not be recovered from you. If you fail to furnish your explanation within 30 days, the said amount of Rs.----- (Rupees in words -----) will be taken to Demand as arrears and collected from you.

Chief Executive Officer.

To,
The Mutawalli/
The Secretary of the Managing Committee.

Copy to,

The District Waqf Officer, ----- District.

Register of Grants to Waqf Fund

Amount Released/Realised						
Date	Sr. No.	Details of Grants/Grant in Aid Released G.O.No. & Date	Amount Sanctioned	Amount Received	Progressive Total	Name of the Waqf
1	2	3	4	5	6	7

[illegible]

ABSTRACT FOR THE MONTH OF _____

[illegible]

Register of income form Court Fee under Waqf fund

[illegible]

In this column grand total is to be indicated at the end of each month.

Register of Waqf contribution under Waqf Fund

[illegible]

FORM 56(E)

[See Rule 42 (15) (e)]

Register of Investment /Deposits under Waqf Fund

[illegible]

FORM 56(G)
[See Rule 42 (15) (g)]

Receipts

Date of Receipt	Voucher No.	Particulars	Grants Rs.	Donation Rs.	Tribunal Fee Rs.	Waqf Contribution Rs.
1	2	3	4	5	6	7

Investment Rs.	Salary Rs.	T.A. Rs.	Other Expenses Rs.	Cash Rs.	Bank	Total
8	9	10	11	12	13	14

Payments

Date of Receipt	Voucher No.	Particulars	Grants Rs.	Donation Rs.	Tribunal Fee Rs.	Waqf Contribution Rs.
1	2	3	4	5	6	7

Investment Rs.	Salary Rs.	T.A. Rs.	Other Expenses Rs.	Cash Rs.	Bank	Total
8	9	10	11	12	13	14

FORM 57
[See rule 43 (1)]

(Part-A)
BUDGET ESTIMATE OF INCOME AND EXPENDITURE FOR THE
FINANCIAL YEAR 20....-20.....

DETAILS

INCOME
EXPENDITURE

Head of income	Actual for immediately preceding year	Budget estimate of current year	Revised estimate of current year	Budget estimate for next financial year	Head of expenditure	Actual for year immediately preceding current year	Budget estimates of current year	Revised budget estimate for the current year	Budget estimates for next financial year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

1. Contributions from auqaf under section 72 (1)

2. Other income:-

(a) Interest on investments and advances

(b) Fees for supply of documents and other petty items.

(c) Rents of land and building allowances

(d) Cash grants and amenities

(e) Sale of securities, stocks, debenture or other valuable charges

(f) Sale of immovable properties

(g) Other receipts

Total

1. Deficit from previous year.

(a) Allowance of fees to the Chairperson or members of the Board or Committees

(b) (i) Pay of Chief Executive Officer
(ii) Pay of establishment in the Board's office

(c) (i) Travelling allowance
(ii) Other allowances

(d) (i) Rents,
(ii) Postage
(iii) Stationary
(iv) Books and periodicals
(v) Electric and lighting charges
(vi) Telephone charges
(vii) Printing charges
(viii) Furniture
(ix) Miscellaneous

(e) (i) Lawyer's fee
(ii) Stamp charges
(iii) Court fees

(f) (i) Interest on loans
(ii) Loans and advances

(g) (i) Grants and scholarships
(ii) Capital expenditure on land and building
(iii) Maintenance and repair
(iv) Purchase of securities

(h) (i) Fuel for vehicles
(ii) Maintenance for vehicles

Total

EFICIT/Surplus at the end of the next financial year

(Part-B)

BUDGET ESTIMATE OF RECEIPTS AND PAYMENTS
FOR THE FINANCIAL YEAR

Receipt	Actual for the year immediately preceding current year	Budget estimate of current year	Revised budget estimate for current year	Budget estimate for next financial year	Head of payments	Actuals for year immediately preceding current year	Budget estimate of current year	Revised budget estimate for current year	Budget estimate for next financial year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Cash balance from previous year

(i) Income

(ii) Loans

(i) Expenditure

(ii) Payment of loans*

Cash balance at the end of year **

* From the surplus of income over expenditure or from balance of loans, etc. when there is no surplus.

** Includes advances of pay, travelling allowances and lawyer's fees.

(Part-C)

Actual for year immediately preceding current year Rs.	Budget estimate of current year Rs.	Revised budget estimate for current year Rs.	Head of assets	Budget estimate for next financial year Rs.	Head of liabilities	Budget estimate for next financial year Rs.	Revised estimate for current year Rs.	Budget estimate for current year Rs.	Actuals for year immediately preceding current year Rs.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Cash balance*

Loans

Deficit / Surplus at the end of the year

* Includes advances of pay, travelling allowances and lawyer's fees.

(Part-D)

BUDGET ESTIMATES OF INCOME AND EXPENDITURE DURING THE
FINANCIAL YEAR ABSTRACTS

Actual for the immediately preceding year	Budget estimate for current year	Revised budget estimate for Current year	Budget estimate for next year	Remarks
(1)	(2)	(3)	(4)	(5)

Deficit/Surplus at the end of the next financial year.....

FORM 57(A)
[See rule 43 (10) (a)]

**Budget Estimate of receipts of Maharashtra State Board of Waqfs for
the Financial year 20... - 20....**

Receipts

Sr. No.	Head of receipts	Actuals for the previous year	Budget Estimates of current year	Revised Budget Estimate for current year	Budget Estimate for next ensuing financial year
1	2	3	4	5	6
1	Opening Balance				
2	Rent of Building				
3	Contribution from Waqf Institution at rate 7% per annum.				
4	Maintenance Grants				
5	Tribunal Fee				
6	Other Grants				
7	Scrutiny Fee/Copying Fee				
8	Fines and Penalties				
9	Loans and Advances				
10	Interest and Guarantee Commission'				
11	Sale of Forms				
12	Recovery of Litigation Fee				
13	Service Charges				
14	Loan form Waqf Institution.				
15	Interest on Deposits				
16	Raising of Securities/Debentures.				
17	Sale of Properties				
18	Other Receipts				
	Grand Total				

Statement of Demand of Waqf Contribution

[illegible]

FORM 57(C)
[See rule 43 (10) (a)(ii)]

Sr. No.	Item	Grants proposed during the previous financial year 20...-20..	Grants received during the previous financial year 20...-20..	Additional grants received if any	Grants preferred for next ensuring year 20...-20..	Reasons for Increase	Remarks
1	2	3	4	5	6	7	8
1	Establishment charges on Salaries and allowances to Staff						
2	Honorarium and allowances for Chairperson and members of the Board						
3	Maintenance of vehicles						
4	Allowances to the other committees						
5	Contingency						
6	Any other item						
	Grand Total						

Statement of Rents Received

[illegible]

FORM 57(E)
[See rule 43 (10) (a)(iv)]

Statement of Interest on Deposits with Banks

[illegible]

FORM 57(F)
[See rule 43 (10) (b)]

**Budget Estimate of expenditure of Maharashtra State Board of Waqfs for the
Financial Year 200--- 200---**

Expenditure

Sr. No.	Head of receipts	Actuals for the previous year	Budget Estimates of current year	Revised Budget Estimate for current year	Budget Estimate for next ensuing financial year
1	2	3	4	5	6
	General Administration				
1	Deficit for previous year				
2	(a) Remuneration and Allowances to the Chairperson (b) Sitting Fee and Allowances to the Members of the Board				
3	Salary of CEO				
4	Salary of Officers				
5	Salary of Establishment (a) Permanent (b) Temporary				
6	Travelling Allowances				
7	Other Allowances				
8	Contingencies (a) Corporation Tax (b) Postage (c) Stationery (d) Books & Periodicals (e) Electric Charges (f) Telephone Charges (g) Printing Charges (h) Furniture (i) Hospitality Charges				
9	Legal Charges				
10	Interest on Loans and Advances				
11	Grants and Scholarship				
12	Capital Expenditure on Lands & Buildings				

13	Maintenance and repairs of Vehicle				
14	Maintenance and repairs of Board's Building				
15	Contribution to employees Provident Fund				
16	Pension, Gratuity and Family Pension				
17	Audit Fee				
18	Contribution to CWC, New Delhi				
	Grand Total				

FORM 57(G)
[See rule 43 (10) (b) (i)]

Statement of Payment of Salaries and Allowances to the Officers and the Staff

Sr. No.	Category and Designation	No. of Posts	Scale	Expenditure during the previous year 20..-20..	Expenditure during the current year up to	Increase by way of increments	Increase in allowances	Proposed Expenditure for next ensuing year	Remarks
1	2	3	4	5	6	7	8	9	10
1	Group A								
2	Group B								
3	Group C								
4	Group D								

FORM 57(I)
[See rule 43 (10) (b) (iii)]

Statement of Expenditure by District Waqf Advisory Committee

Sr. No.	Details	Amount spent during the previous year 20...-20...	Budget provision during the current year 20...-20...	Amount spent up to the end of...	Proposals for next ensuing financial year 20...-20...	Remarks
1	2	3	4	5	6	7
1	Sitting Fee					
2	Allowances					
3	Any Other Item					
	Grand Total					

FORM 57(J)
[See rule 43 (10) (b) (iv)]

Statement of Expenditure on Contingencies

Sr. No.	Details of Contingencies	During the Previous year		During the Current year		Proposed Expenditure for the next ensuring financial year 20...-20...	Remarks
		Allotment	Expenditure	Allotment	Expenditure up to		
1	2	3	4	5	6	7	8
1	Telephone						
2	Stationary						
3	Printing						
4	Maintenance of Vehicle						
5	Fuel						
6	Other Expenses						
	Grand Total						

**Statement of Expenditure on preservation and protection of
Waqf Properties.**

Sr. No.	No. of Waqf Properties	Amount spend during the previous year 20...-20...	Amount spend during the current year 20...-20...	Proposals for the next ensuing financial year		Remarks
				No. of Properties	Amount	
1	2	3	4	5	6	7
Total						

FORM 58
[See Rule 44 (1)]

Before the Maharashtra State Waqf Tribunal, Aurangabad.

_____Division

Between (A)Applicant.

Name

Full Address

AND

(B) and (C).....Respondents.

Name

Full Address

DETAILS OF APPLICATION

(1) Particulars of the order/s against which the application is made.

(a) Order No.....

(b) Date.....

(c) Passed by

(d) Subject in brief.....

(2) (a) Facts of the Case.

(b) Grounds for relief including the relevant legal provisions in support of relief.

(3) Matters not previously filed or pending with the Waqf Tribunal or any Court including High Court.

The Applicant further declares that he had not previously filed any Application/Writ Petition regarding the matter in respect of which this Application is made. In case the Applicant had previously filed any Application/Writ Petition, the gist of the decisions should be given.

(4) Relief

Verification

I (Name of the Applicant).....
 S/o.,D/o.,W/o.,age.....years,
 occupation, residing at
 do hereby verify that the contents of the
 para's 1 to are true to my knowledge, belief and information and that I
 have not suppressed any material facts.

Place:

Date:

Signature of Applicant

FORM 59
[See rule 51 (1)]

BEFORE THE MAHARASHTRA STATE WAQF TRIBUNAL, AURANGABAD.

Between (A) : Name and Full address Applicant

V/S

B, C and D Respondent

DETAILS OF THE APPLICATION

1. Particulars of the orders against which the application is made. The application is made against the following order:

- (a) Order number
- (b) Date
- (c) Passed by
- (d) Subject in brief

2. (a) Facts of the case

(b) Grounds for relief, including the relevant legal provisions in support of relief

3. Matters not previously filed or pending with the Tribunal or any Court including High Court/Supreme Court.

The Applicant further declares that he had not previously filed any application/Writ Petition regarding the matter in respect of which this application is made. In case the applicant had previously filed any application/Writ Petition, the copy of the decision should be given.

4. Relief/Prayer

Verification: 1 (Name of the Application) S/o..... W/o
.....D/o.....age.....Occupation.....

residing atdo

hereby verify that the contents of the Paras 1 to 4 are true to my knowledge and information and that I have not suppressed any material facts.

(Note: Application shall be accompanied by a Court fee of rupees five hundred)

(SIGNATURE OF APPLICANT)

Date:

Place:

FORM 60
[See rule 64]

MAHARASHTRA STATE WAQF TRIBUNAL, AURANGABAD

Cash Receipt

Received a sum of Rs. (Rupees) from
Shri on account of.....
.....

Signature of the Cashier Maharashtra
State Waqf Tribunal, Aurangabad.

FORM 61
[See rule 68 (1)]

**CONTENT OF THE ANNUAL REPORT ON THE WORKING AND
ADMINISTRATION OF THE MAHARASHTRA STATE BOARD OF WAQFS
AND THE ADMINISTRATION OF AUQAF IN MAHARASHTRA**

INDEX

Section I:	Administration and management
Section II:	Financial position
Section III:	Remunerative enterprises
Section IV:	Removal of encroachment, protection and leasing of waqf property
Section V:	Status of litigation with details of number of cases filed/defended in Tribunals and courts and the results
Section VI:	Development works
Section VII:	Religious works including maintenance of mosques and shrines.
Section VIII:	Charity
Section IX:	Grant of educational and vocational institutions and centres
Section X:	Any other activity

Section 1 : Administration and management

1. Jurisdiction:-

- (i) The area and population of Muslims.
- (ii) Number of auqaf.
- (iii) Number of circle and branches, if any.
- (iv) Number of mutawallis.
- (v) Number of waqf institutions.
- (vi) Status of survey of waqf properties.
- (vii) Number of new waqf registered during the year.

2. Personnel:-

- (i) Number and names of Board members
- (ii) Number of members by election and their names along with the electoral colleges.
- (iii) Number of members by nomination, their names and category.
- (iv) Chairperson-name and date of election.

- (v) Chief Executive Officer – name and period from which working
- (vi) Names of other officers (office and field)

3. Meetings and attendance:-

- (i) Number of ordinary and special meetings of the Board and meetings adjourned meetings.
- (ii) Regularity in holding of Board's meetings and attendance of members in the meetings.
- (iii) Whether meetings of the Board held as per Rules and Regulations. If not, reason thereof.
- (iv) Information regarding agenda and resolution-number of resolution
 - (a) tabled during the year;
 - (b) passed;
 - (c) discussed and withdrawn;
 - (d) referred again by the Chief Executive Officer to the Board;
 - (e) referred by the Chief Executive Officer to the State Government, and
 - (f) dropped.

4. Committees

- (i) Number of Standing Committees, their functions alongwith names of members.
- (ii) General summary of work of each Committee, average attendance and comments of the Board regarding the Standing Committees.

5. Summary of other meetings held in the head office or elsewhere during the year.

6. Date and details of Annual General meeting of the Board

Section II : Financial Position

1. Summary of the accounts during the year

Head of account	Opening balance	Receipt during the year	Expenditure during the year	Closing balance
(1)	(2)	(3)	(4)	(5)
Auqaf account				

2. Investments, loans and grants: Details of capital investments, loans and grants may be given.

3. Audit:-

- (i) The period for which the audit has been completed under section 80, and action taken on the audit report.
- (ii) Cases of mis-appropriation of money by the waqf institutions and action taken under the provisions of the Waqf Act, 1995 by the Waqf Board.
- (iii) Cases of improvement in the finances of any waqf, whether under direct management.
- (iv) Vigilance cases against the staff of Board.

Section III : Remunerative enterprises

1. Development of waqf properties from the funds of the Board or from loans from Central Waqf Council or any other institution and the achievements thereof and increase in the income by the development of the waqf.
2. Details of any other commercial project taken by the Board.

Section IV : Removal of encroachments, protection and leasing of waqf property.

1. Whether the list of encroachments is maintained by the Board and a programme to identify the encroachment on waqf properties is taken up by the Board. If so, details thereof.
2. Progress in implementation of the relevant provisions of the Waqf Act, 1995 to remove encroachments. Implementation of the orders and requisition sent to the Collector and Executive Magistrates regarding the removal of encroachment and restoration of waqf properties to be given with the action taken in detail. Problems faced by the Board in enforcement of orders to be highlighted. Information for removal of encroachment to be given in the following table:

Sl. No.	Category of waqf	Number of encroachments detected	Number of encroachments removed	Number of cases where proceedings are pending
(1)	(2)	(3)	(4)	(5)

3. Leasing of waqf properties: Total number of waqf properties leased,. Number of proposals for lease received and disposed of by the Board. Amount of lease, donation etc. received to be given in details.

Section V : Status of litigation

1. Details of applications, suits and writ petition pending in various courts to be given. Expenditure incurred by way of counsel fees to be given in the report. The efficiency of the panel of Advocates to be examined by checking number of cases in which orders are passed in favour of the Board.
2. Number of applications filed and defended in Tribunal and writs and suits filed in other courts during the year. Expenditure on counsel fee and other expenditure in legal cases during the year to be given.

3. Regarding Tribunals, the number of appeals and applications filed their disposal by each Tribunal may be reviewed. Problems faced by the Tribunal(s) in the disposal of cases may be highlighted. The Tribunal fee collected and its remittance to the waqf fund to be examined.

Section VI : Development works

1. Details of construction of buildings in head office and branch offices and schools etc. with their estimate and expenditure during the year.
2. Maintenance of all such buildings mentioned in para (1) to be given with estimate and expenditure on maintenance.
3. Development and maintenance of waqf property (not religious) like boundary walls etc, with estimate and expenditure during the year.

Section VII : Religious work

1. Details of construction of mosques with estimate and expenditure.
2. Details of maintenance expenditure of mosques, dargahs etc, along with amount of electricity bills.
3. Amount spent on urs and other festivals.
4. Details of salary of Imams and moazzins with number in different categories.
5. Details of grants to mosques.

Section VIII : Charity

1. Amount of pension of widows and orphans and details of their number district wise.
2. Amount of pension of retired Imams with details
3. Amount of other charity, like marriage of poor girls and others.
4. Amount of scholarship and number of students with classes.
5. Any other expenditure.

Section IX : Grant to educational and vocational institutions and centers

1. Details of expenditure on schools directly managed by the Board with their names, number of teaching staff etc.
2. Details of recurring grants to school, college etc. run by private organizations with the names of educational institutions.
3. Details of recurring grants to madarsa's with their names and place.
4. Information of one time grant of schools, colleges, madarsa's etc. with name of institution, their address and amount of grant.
5. Details of grants to vocational centre.
6. Details of activities with expenditure on the promotion of Urdu.

Section X : Any other activity

1. Visit of distinguished persons and address.
2. Relationship between the Board and the Chief Executive Officer in the smooth administration of the Board.
3. Inspection of Waqf Committees, Waqf Institutions and inspection by the Chief Executive Officer or other officers and the compliance of the said inspection.
4. Action taken on the review by the Government on the annual report of the preceding year.

Conclusion

Any other important matter affecting the general Administration of the Board and the waqf institutions.

CHIEF EXECUTIVE OFFICER

CHAIRPERSON OF
MAHARASHTRA STATE BOARD
OF WAQFS.

By order and in the name of the Governor of Maharashtra,

JAYASHREE MUKHERJEE,
Additional Chief Secretary.