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MUHAMMADAN WAQF REGULATIONS 1944

GN No. 216 of 1944

(Lane 11/63) - sections 49 and 62 - 12 September 1944

1. Short title

These regulations may be cited as the **Muhammadan Waqf Regulations 1944**.

2. Interpretation of terms

In these regulations-

"Act" means the Waqf Act;

"Board" means the Board of Waqf Commissioners established under the terms of the Act.

Any other term or expression used in these regulations shall, unless the context otherwise requires, have the same meaning as in the Act.

3. Publication of names in the *Gazette*

The names of the chairman and of the members of the Board shall be published in the *Gazette* as soon as possible after their appointment.

4. Office of Board

The office of the Board shall be situated in such place as the chairman shall decide.

5. Appointment of officers and servants

The Board shall have power to appoint a secretary and other officers and servants who may receive such salaries and allowances as the Board may determine. The Board may require any officer to furnish security in such amount as may be determined by the Board.

6. Promotion and dismissal of officers and servants

The powers of promoting or granting leave to, suspending or dismissing officers and servants of the Board shall rest with the Board:

Provided that the Chairman may grant leave of a period not exceeding one month and may suspend an officer or servant pending disciplinary action being taken by the Board against such officer or servant.

7. Payment of allowances to members, officers and servants

The chairman, members, officers and servants of the Board may be paid allowances for travelling in connection with their duties at such rates as may be allowed by the Board.

8. Minutes of proceedings to be recorded

The Board shall meet at least once a month, and the minutes of proceedings of every meeting shall be recorded in a book by the secretary and signed by the chairman.

In case of absence through any cause of the chairman, the meeting of the Board shall be presided over by a chairman chosen from amongst themselves by the members present:

9. Signing of cheques, deeds, etc

All cheques, promissory notes and deeds shall be signed by the chairman and one of the members.

10. Delivery of receipts and payment into bank

The secretary shall receive all moneys due to the Board and shall deliver receipts for same on the printed forms of the Board. All moneys collected shall be paid by the secretary into a bank to the credit of a fund called the "Waqf Administration Fund" at the latest on the day following that on which the sum was received.

11. Payment to be made by cheques

The settlement of accounts due by the Board shall be effected by means of cheques and all payments shall be made by order of the chairman:

Provided that payments not exceeding twenty rupees may be paid in cash.

12. Keeping of accounts

Proper accounts of all sums collected and payments effected shall be kept by the secretary. The secretary shall present to the Board quarterly accounts of receipts and expenditure.

13. Audit of accounts of the Board

The accounts of the Board shall be audited and examined annually by such auditor as shall be appointed by the Board.

14. Certificate of registration

The Board shall deliver a certificate of registration of any waqf registered with the Board to the mutawalli of such waqf.

15. Annual contribution payable to the Board

The mutawalli of every waqf registered with the Board shall pay to the Board an annual contribution of three per centum of the gross annual income of the waqf from all sources:

Provided that a waqf the gross annual income of which from all sources is not in excess of one hundred rupees per annum shall be exempted from payment of contribution under this regulation.

16. Payment of contribution

The annual contribution (... *spent*) shall be payable not later than the 30th April immediately following the year for which it is due.

17. Proceedings by or against the Board

The Board may act, sue and be sued through its chairman. The Board may, however, depute any member or the secretary of the Board to represent the Board before any Court and in any suit to which the Board is a party or in which it is otherwise interested.

18. Notification of change of mutawalli

The Board shall be notified of any change of mutawalli of a waqf by the succeeding mutawalli within ten days of such change. Any mutawalli failing to comply with the requirements of this regulation shall be punishable by a fine not exceeding 500 rupees.

19. Penalty for negligence of mutawalli

(1) It shall be the duty of a mutawalli-

(a) to apply for registration of a waqf as provided in subsection (2) of section 5 of the Act;

(b) to allow inspection of the Waqf properties managed or administered by him and the \ examination of accounts, deeds and documents by the Board or by any other person authorised in that behalf by the Board;

(c) to furnish such information whether documentary or oral as may be required of him by the Board;

(d) to deposit any surplus income in his hands in any of the local banks when directed to do so by the Board;

(e) to comply with any order or direction given by the Board in the interest of the Waqf property.

(2) If a mutawalli fails to comply with any of the provisions of the preceding regulation he shall be liable to a fine not exceeding 500 rupees.

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