



PUNJAB WAKF REGULATIONS, 1986

PUNJAB WAKF BOARD

The Punjab Wakf Board with the previous sanction of the erstwhile Punjab State Government made Regulations which were published in the Punjab Government Gazette Part III, dated September 1, 1967 and Haryana Government Gazette, dated July 25, 1967. As directed by the Government of India; Ministry of Law (Legislative Department) vide its letter No. 13(14) (3)/67-Wakf, dated 13-8-1969 the Regulations are being published in the Gazette of Government of India.

In exercise of the powers conferred by section 68 of the Wakf Act, 1954 (29 of 1954) the Punjab Wakf Board, with the previous sanction of the State Government hereby makes the following regulations:

1. *Short title and commencement*:—(i) These regulations may be called the Punjab Wakf Regulations, 1966.

(ii) They shall come into force at once.

2. *Definitions*:—In these regulations, unless the context otherwise requires:

(a) 'Act' means the Wakf Act, 1954 (29 of 1954);

(b) 'Board' means the Punjab Wakf Board;

(c) 'Form' means a form appended to these regulations;

(d) 'Employee' means any person in the employment of the Board and includes mamans, Mauzzans, Care-takers, Teachers, hadims and Mujawirs;

(e) 'Fund' means the Wakf fund constituted under section 48 of the Wakf Act 1954;

(f) 'Government' means the Government of the State of Punjab;

(g) 'Rules' means the Punjab Wakf Rules, 1964;

(h) 'Section' means the section of the Act;

(i) All other words and expressions used but not defined in these regulations used shall have the meanings respectively assigned to them in the Act and the rules made thereunder.

3. *Time of meeting* [Section 68(2) (a)]:—The Board shall ordinarily meet once a month; provided that the Chairman or at least four members may requisition a special meeting.

4. *Place of meeting* [Section 68 (2) (a)]:—The meetings of the Board shall ordinarily be held at its office.

Provided that such meetings may also be held at such places in the State as the Chairman or the majority of the members may consider necessary and expedient.

5. *Notice of meeting* [Section 68 (2) (a)]:—(1) The meeting of the Board shall be convened by the Secretary who shall give to every member notice of the date on which and the time and place at which the meeting is to be held at least ten days before the date of the meeting. The date of the meeting shall be fixed by the Secretary in consultation with the Chairman:

Provided that in the case of a special meeting such notice may be for a shorter period.

(2) Notices of meetings may be sent by post under certificate of posting or may be served personally.

6. *Quorum* [Section 68 (2) (d)]:—(1) Quorum for a meeting of the Board shall be five including the Chairman:

(2) If at a meeting of the Board there is no quorum, it shall be adjourned to such other date as may be

deemed fit. No quorum shall be necessary at such adjourned meeting.

7. *Agenda* [Section 68 (2) (b)]:—(1) The Secretary shall in consultation with the Chairman prepare the agenda of the business to be transacted at a meeting.

(2) A copy of the agenda shall be forwarded to every member at least 7 days before the date fixed for the meeting.

(3) The agenda shall set forth clearly and fully the business to be transacted at the meeting and no business other than that so set forth shall be transacted except with the permission of the Chairman or with the assent of three-fourths of the member present at the meeting.

8. *Notice of motions*—Section 68 (2) (b)—Notices of motions intended to be taken up at a meeting shall along with draft resolutions reach the Secretary ten days before the date of the meeting for being included in the agenda. Notices received thereafter shall be included in the agenda for the next succeeding meeting:

Provided that formal votes of thanks messages of congratulations or condolence and other matters of like nature may be moved without notice by the Chairman himself or by any member present with the permission of the Chairman.

9. *Language of conducting business*—Section 68 (2) (b)—The business of the meeting shall be conducted either in English or in Hindi or in Urdu. If any of the members present does not understand English, the Chairman shall have the subject matter explained to him when the business is conducted in English.

10. *Order of business*—Section 68 (2) (b)—(1) At an ordinary meeting the business shall be conducted in the following order—

(a) the minutes of the last ordinary meeting and of any special meeting held thereafter shall be read and approved;

(b) letters, if any, from Central Government and State Government and the reports, if any, of the Committees shall be read; accounts and statement shall be considered and passed;

(c) business postponed from the last ordinary meeting shall be transacted;

(d) other business fixed for the meeting shall then be transacted; and

(e) motions of which due notice has been given shall be in the order of priority as received in the office.

(2) At a special meeting only the business for which the meeting was requisitioned shall be considered.

11. *Adjournment and closure*—Section 68 (2) (b)—(1) A motion for adjournment of the meeting or adjournment of discussion or closure may be made at any time in the course of a meeting with the permission of the Chairman.

(2) If a motion for adjournment or discussion on any item is carried such discussion shall stand postponed to the next meeting.

12. *Point of order*—Section 68 (2) (b)—(1) Any member may at any time in the course of discussion draw the attention of the Chairman to a point of order.

(2) If the point of order is raised by a member while another member is addressing the meeting, the latter shall forthwith resume his seat until the Chairman whose decision shall be final, has given his ruling.

13. *Order and discipline in the meetings*—Section 68 (2) (b) :—The Chairman shall see that order and discipline is maintained in the meeting of the Board. If a member fails to comply with the orders of the Chairman, the Chairman may, with the approval of the majority of members present, debar him from attending the rest of the meeting (Sitting)

14. *Minutes*—Section (2) (b) :—(1) The minutes of every meeting together with names of members present shall be recorded by the Secretary in English or Hindi or Urdu in a book specially kept for the purposes and signed by the person presiding at the meeting, members present and also by the Secretary.

(2) Protests or dissents shall be handed over to the person presiding before conclusion of the meeting at which a resolution protested, against was passed.

(3) A protest or dissents duly made shall be recorded in the minutes.

15. *Constitution of Committees*—Section 68(2) (c) :—(1) The Board may, whenever it considers necessary establish by a resolution in that behalf a committee or committees for such purposes and with such functions and powers as it considers appropriate.

(2) Each committee shall consist of at least three members who shall be appointed by the Board.

16. *Quorum*—Section 68 (2) (c) :—The quorum at a meeting of the committee shall be two-thirds of its total number of members.

17. *Election of Chairman*—Section 68 (2) (c) :—(1) The members of the committee shall, at a meeting convened by the Secretary, elect from amongst themselves a president who shall preside at its meetings;

Provided that the Chairman of the Board may attend any meeting of any committee and when he is so present, he shall preside over the meeting.

(2) The meetings of the committees shall be convened by the Secretary of the Board who shall prepare the agenda. The President of a committee may also ask the Secretary to call a meeting of the committee, if he so desires.

18. *Meetings of Committees*—Section 68 (2) (c) :—The regulations governing the conduct of business of the Board shall apply *mutatis mutandis* to the meetings of the committee.

19. *Term of committees*—Section 68 (2) (c) :—Each committee shall be constituted for a term of one year.

Provided that the Board may by resolution made in that behalf extend the term for a further specified period not exceeding six months.

20. *Allowances of the Chairman and Members*—Section 68 (2) (d) :—(1) The Chairman and members of the Board including the members of the committees shall draw travelling allowances in respect of the journeys performed from their usual place of residence to the place of the meeting of the Board and back or for journeys undertaken for the business of the Board at the rates admissible to 1st Grade Officers under the provisions of the Punjab Travelling Allowances Rules, 1947 and the Punjab Civil Service Rules, Volume III.

Provided that for journeys performed by a member in his own car, he shall be entitled to travelling allowance of the rate of first class of Railway fare with usual incidental charges.

(2) The Chairman and members of the Board or Committees thereof shall be entitled to daily allowance

at the rate of rupees ten per day in connection with the meetings or any other business of the Board.

21. *Service under the Board*—Section 68 (2) (e) :—All posts under the Board shall be classified into Class I, Class II and Class III as specified below :—

(i) All posts carrying a minimum salary of Rs. 200 or more shall be classified as Class I

(ii) All posts carrying a minimum salary of Rs. 60 or more but less than Rs. 200 shall be classified as class II.

(iii) All posts carrying a minimum salary less than Rs. 60 shall be classified as Class III.

22. *Qualification of appointment*—Section 68(2) (e) :—No person shall be eligible for appointment in Class I, unless he is a graduate and possesses administrative experience and is conversant with land records and land revenue laws. For technical posts the qualifications shall be equivalent technical qualifications, i.e., diploma in engineering for Overseers and degree in engineering for Assistant Engineer. For class II posts the minimum qualifications shall be matriculation or any other qualifications for recruitment to specified categories of posts as may be necessary.

Provided that persons who are qualified Patwaris or experienced in Patwari work may be appointed as Rent Collector in Class II.

23. *Working hours*—Section 68 (2) (e) :—Unless otherwise fixed by the Board, the working hours of the employees of the Board shall be the same as fixed for the employees of the State Government.

24. *Appointing Authority*—Section 68 (2) (e) :—(1) Appointments to posts under the Board shall be made by the authorities specified below :—

Posts

Class I

Class II

Class III

Appointing Authority

Chairman

Secretary with the approval of the Chairman

Secretary

(2) All appointments to be made by the Chairman shall be on the recommendation of a selection committee appointed by the Board which shall consist of the Chairman and two members.

(3) All orders of posting and transfers of class I employees shall be made by the Chairman and those of Class II by the Secretary with the approval of the Chairman and of Class III by the Secretary.

25. *Probation*—Section 68 (2) (e) :—Every appointment to a post in Class I and Class II shall be subject to probation or trial for a period of one year which is liable to be extended further by the appointing authority at his discretion. A person shall be confirmed at the earliest opportunity.

26. *Termination of Probation*—Section 68(2) (e) :—The appointing authority may before the expiry of the period of probation or trial for reasons to be recorded in writing, terminate the probation of any person and revert him to his permanent post under the Board or discharge him from the service of the Board.

Provided that a notice of one month shall be given before discharge or the employee shall be paid one month's emolument in lieu thereof. If any leave is granted, the period of notice and leave shall run concurrently and for this purpose 'emoluments' shall include leave allowances.

27. *Disqualification for appointment*—Section 68(2) (e) :—Any person who has been convicted for an offence involving moral turpitude or who has been dismissed from the service of the Government of India or State

Government or of any local authority or any person who has been declared medically unfit, shall be disqualified for appointments under the Board.

28. *Certificates*—Section 68 (2) (e)—Every person appointed for the first time to a post under the Board, shall produce a certificate of age and health before the Secretary. The medical certificate shall be in the following form and it shall be annexed to the first bill submitted for the pay of the person concerned.

"I hereby certify that I have examined A.B., a candidate for employment as.....under the Punjab Wakf Board and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, except..... I do not consider this a disqualification for employment in the office..... A.B.'s age according to his own statement is.....years and by appearance is about.....years.

Medical Officer

In the case of Class I employees the certificate shall be of the Civil Surgeon of a District.

29. *Security* Section 68(2)(2):—(1) The Board may demand such security as it considers necessary from any of its employees but the amount of security so demanded shall not exceed the amount of cash likely to be handled by the employee.

(2) The rules laid down in the Punjab Financial Rules; in this behalf, shall be followed *mutatis mutandis* in matters relating to security deposit. For this purpose, the expression 'State Government or 'Head of Department' whenever it occurs shall mean the Board and the expression 'Government Servant' whenever it occurs shall mean the 'Employee of the Board'.

30. *Compulsory Retirement*—Section 68 (2) (e) :—(1) The date of compulsory retirement of an employee of the Board is the date on which he attains the age of 60 years. He may be retained in service after that date in exceptional circumstances with the sanction of the Board on public grounds which must be recorded in the resolution of the Board; provided he is medically fit, but he must not be retained after the age of 65 years.

(2) No extension shall be granted for more than a period of one year at a time and in the case of extension of a Class I and Class II employee beyond the age of 60 the medical fitness as aforesaid shall be certified before such extension.

31. *Service Book*—Section 68 (2) (e):—(1) A Service Book shall be maintained for every employee of the Board in the form prescribed by Government for its employees. The Service Book will be a record of the service and shall contain no remarks on work's or conduct.

(2) The Secretary shall be responsible for the correct and up-to-date maintenance of the Service-Book. He shall record an annual certificate of verification in the Service Books of the employees as early as possible after the end of every year.

32. *Character Roll*—Section 68 (2)(e)—In addition to the Service Book, a Character Roll shall be maintained in form appendix A to these regulations in which shall be entered censures, punishments and commendations. Adverse remarks against any employee, if any, shall be communicated to him. It shall be treated as confidential record. It shall contain a yearly report on the work of the employee concerned. Every year in the month of April, the Secretary shall enter his report on the work of each employee under him in regard to the preceding

year. The reports shall be forwarded to the Chairman who will record his comments with his signatures and date. The reports of all employees with the comments of the Chairman shall then be deposited with the Secretary for safe custody.

33. *Promotion and Efficiency*—Section 68 (2) (e) :—

(1) All promotions to higher grades or ranks shall be on the basis of seniority-cum-fitness and merit.

(2) There shall be no bar for reverting an employee from a higher post to which he may have been promoted on an officiating or trial basis, if he not found up to the mark.

(3) Efficiency bars in the time-scales of pay shall be rigorously applied and none shall be allowed to cross a bar unless the Secretary is satisfied that he has attained a reasonable standard of efficiency.

(4) An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a servant of the Board by a competent authority if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

34. *Advance Increment*—Section 68 (2) (e) :—The Board may, in exceptional circumstances, grant an increment in advance to an employee in consideration of his special qualifications, experience or exceptionally good work and conduct.

35. *Establishment*—Section 68 (2) (e) :—The Secretary shall early in April each year, prepare a detailed statement of all posts under the Board existing on the 1st April.

36. *Seniority*—Section 68 (2) (e) :—The relative seniority of employees in any grade shall be determined according to the dates of first appointment to the grade employees promoted on the same date shall keep the position *inter se* which they held in the lower grades from which they were promoted. Seniority of persons from outside at the same time shall be determined according to the order of merit or preference indicated at the time of selection for appointment.

37. *Reduction of Establishment*—Section 68 (2) (e) :—When any post or posts are abolished persons shall be selected for discharge or reversion on the basis of juniority, unless for reasons to be recorded the services of any persons are considered indispensable by the Board.

Explanation—An appointment the pay of which is reduced shall be deemed to be abolished within the meaning of this regulation.

38. *Order for abolition of post*—Section 68 (2) (e) :—(1) An order for abolition of a post or for reduction of the emoluments of an appointment shall not be brought into operation in the case of

before the expiry of three months, after the notice has been given to the employee affected, and in other cases, before the expiry of one month after the service of the notice.

(2) In the case of an employee on leave, the order shall not be brought into operation before the leave expires, but the leave and the period of notice shall run concurrently.

39. *Casual leave—Section 68(2)(e)*—The employees of the Board shall be entitled to casual leave at the following scale :

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|---|---------|
| 1. Employees having less than 10 years service | 10 days |
| 2. Employees having service of not less than 10 years but less than 20 years. | 15 days |
| 3. Employees having service of not less than 20 years | 20 days |

40. *Earned leave Section (2) (e)*—The employees of the Board shall be governed by the leave rules applicable to the employees of the Government as amended from time to time.

41. *Punishing Authority—Section 68 (2) (e)*—The appointing authority shall be the punishing authority. The Board shall be an appellate authority in regard to Class I and Class II posts and the Chairman shall be appellate authority in respect of Class III posts.

42. *Suspension—Section 68(2) (e)*—(1) The appointing authority may place an employee under suspension when an enquiry into his conduct is contemplated or is pending or when a complaint against him or any criminal offence is under investigation or trial. An employee who is detained in custody on a criminal charge or otherwise, for a period longer than 48 hours shall be deemed to have been suspended by the appointing authority under this regulation. An order of suspension may be revoked at any time by the authority making the order or any authority to which it is subordinate.

Provided that no employee shall be kept under suspension for more than six months. The appointing authority must complete enquiry within this period (six months).

43. *Penalties—Section 68 (2) (e)*—Subject to the provisions of these regulations the following penalties may for good and sufficient reasons as hereinafter provided, be imposed on an employee of the Board, namely :—

- (i) Censure.
- (ii) Withholding of increments and promotions.
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of order.
- (iv) Reduction to a lower Class or post or to a lower time-scale or to a lower stage in a time-scale.
- (v) Compulsory retirement of an employee in permanent employment.
- (vi) Removal from the service of the Board which shall not be disqualification for future employment.
- (vii) Dismissed from the service of the Board which shall ordinarily be disqualification for future employment.

Explanation—The following shall be deemed to be reasons for the imposition of this regulation :

- (i) Non-promotion whether in a substantive or an officiating capacity of an employee, after consideration of his case, to a service, class or post for promotion to which he is eligible.
- (ii) Revision to a lower service, class or post of an employee, officiating in a higher service, class or post on the ground that he is considered after trial to be unsuitable for such higher services, class or post or on administrative grounds unconnected with his conduct.

(iii) Termination of service.

- (a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment of the rules and orders for which he was appointed, or
- (b) of a person appointed otherwise than under contract to hold a temporary appointment on expiration of the period for which he was appointed; or
- (c) of a person employed under an agreement, in accordance with the terms of such agreement.

44. *Procedure for imposing major penalties—Section 68(2) (e)*—No order imposing any of the penalties specified in clauses (v) to (vii) of regulation 43 shall be passed against an employee of the Board (other than an order passed on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required within reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires, or if the authority concerned so directs, an enquiry shall be held. At that enquiry oral evidence shall be heard and recorded as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witnesses to give evidence in person and have witnesses called, as he may wish, provided that the inquiring officer, may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. The proceeding shall contain a sufficient record thereof. The punishing authority shall, if it not the inquiring authority, consider the record of the inquiry, record its findings on each charge and pass appropriate orders on the case.

(2) The regulations shall not apply where the persons concerned has absconded, or where for other reasons it is impracticable to communicate with him. All or any of the provisions of this regulation may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the regulation and those requirements can be waived without injustice to the person charged.

45. *Procedure for imposing minor penalties—Section 68(2)(e)*—No order imposing any of the penalties specified in clauses (i) to (iv) of regulation 43 shall be passed except after the employees is informed in writing of the proposal to take action against him and of the allegations on which action is proposed to be taken and given an opportunity to make representation, if any, to be taken into consideration by the appointing authority.

46. *Pay and allowances on reinstatement—Section 68 (2) (e)*—(1) When an employee who has been dismissed, removed or suspended is reinstated, he shall be allowed the difference between the full pay with allowance and the subsistence grant if the authority competent to order reinstatement or to revoke the suspension order, in the case of suspension, certifies that it was wholly unjustified in such a case of suspension, the period of absence from duty shall be treated as a period spent on duty for all purposes.

(2) The pay and allowances of an employee who is removed or dismissed from service shall cease from the

date of removal or dismissal. Leave shall not be granted to an employee when the authority competent under these regulations to impose the penalty has decided to dismiss, remove or compulsorily retire him from the service of the Board.

47. *Appeal—Section 68(2) (e)* :—An employee may appeal to the appellate authority from an order by any subordinate authority imposing any of penalties mentioned in regulation 43. An appeal shall also lie against—

- (a) an order of suspension;
- (b) an order reverting to a lower service, class or post, an employee officiating in a high service, class or post otherwise than as a penalty;
- (c) an order determining the pay and allowance for the period of suspension to be paid to an employee on his re-instatement or determining whether such period shall be treated as a period on duty for any purpose.

48. *Form and contents of appeal—Section 68(2)(e)* :—An Appeal shall be preferred within one month of the date on which the appellant was informed of the order appealed against and shall contain all material statement and arguments relied on by appellant shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the Secretary or through the authority from whose order the appeal is preferred.

49. *Withholding of Appeals—Section 68 (2) (e)* :—

- (i) The authority which made the order appealed against may withhold the appeal if :—
 - (i) it is an appeal against an order from which no appeal lies; or
 - (ii) it does not comply with any of the provisions of regulation 48; or
 - (iii) it is not submitted within the period specified in regulation 48; or
 - (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced.

Provided that an appeal withheld on the ground only that it does not comply with the provisions of regulation 48 shall be returned to the appellant and if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and reasons therefor.

50. *Transmission of appeal—(1)* The authority which made the order appealed against shall without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under regulation 49 and thereupon such appeal shall be transmitted to that authority together with the comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under regulation 49 and thereupon such appeal shall be transmitted to that authority with holding the appeal and the relevant records.

51. *Consideration of Appeal—Section 68 (2) (e)* :—

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 43 and having regard to circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of other appeals the appellate authority shall consider—

- (a) whether the procedure prescribed in these regulations has been complied with, and if not, whether such non-compliance has resulted in failure of justice;
- (b) whether the penalty imposed is excessive adequate or inadequate and after such consideration pass such order as it thinks proper.

52. *Termination of order in appeal—Section 68(2)(e)* :—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

53. *Terms and Conditions of Service of Imams, Mauzzans, Care-takers, Teachers, Khadims and Mujawirs—Section 68 (2) (e)* : The provisions of regulations from 21 to 52 shall not apply to Imams, Mauzzans, Care-Takers, Teachers, Khadims and Mujawirs in so far they are inconsistent with the following provisions :—

- (1) The appointing authority and the punishing authority in the case of Imams, Mauzzans, Care-Takers, Teachers, Khadims and Mujawirs shall be the Board. All appointments to these posts shall be made on the recommendation of Religious Affairs Committee.
- (2) The Religious Affairs Committee will interview the candidates, test their knowledge and submit its recommendations to the Board. The Imams shall possess the following qualifications :—
 - (a) candidates who possess the degree of "Farighul-Tehsil" shall be classed as of Grade I.
 - (b) candidates who have passed "Oafya and Oadoori" or are Hafiz Oari with knowledge of Muslim theology, shall be classed as of Grade II.
- (3) A person to be appointed as Mauzzan shall possess elementary knowledge of Massaal of Namaz and Roza.
- (4) A person to be appointed Khadim or Mujawir shall be "Ba-shara", be regular in the observance of Roza and Namaz be acquainted with "Fateha and Darood" and be physically fit to maintain the Dargah.
- (5) All kinds of leave to Imams, Mauzzans, Care-takers, Teachers, Khadims and Mujawirs shall be sanctioned by the Secretary. The Secretary shall also make officiating arrangement, in case any of the posts fall vacant, in consultation with the Chairman and in emergent cases he can also suspend any such employee with the approval of the Chairman. But the Secretary shall place all cases of officiating arrangement and suspension before the Board, which meets immediately after such orders.

54. *Form of application for registration of Wakfs—Section 68 (2)(1)* :— (1) An application for registration of Wakfs shall be in Form I and shall be filed in the office of the Secretary. The application for registration shall be accompanied with a fee of rupees five for a Wakf whose gross annual income exceeds rupees 5,000 and with a fee of one rupee for other Wakfs.

(2) On receipt of an application for registration the Secretary may before the registration of the Wakf make such enquiries as he considers necessary in respect of the genuineness and validity of the application and the correctness of any particulars mentioned therein, and when the application is made by any person other than the person administering the Wakf property the Secretary

shall before registering the Wakf give notice of the application to the person administering the wakf properties and shall hear him if he desires to be heard. When the Secretary finds that there are serious discrepancies between the submission of the persons administering the Wakf property and those of any other person regarding the validity of the application for registration and the correctness of any particulars mentioned therein he shall place the matter before the Board and obtain their orders as to the particulars that will be registered.

55. *Books to be kept at the office of the Board—* Section 68 (2) (f)—The following books and registers shall be maintained in the office of the Board in the forms mentioned or appended :—

- (a) Register of Wakfs in the form prescribed under the Punjab Wakf Rules, 1964,
 - (b) Banks Account Register in Form III showing daily deposit in the Bank in the account of Punjab Wakf Fund and in the Aukaf Fund separately.
- Explanation—*Aukaf Fund is the Fund which is comprised of the receipts on account of Wakfs for which there are no Mutawallis and which are therefore directly managed by the Board.
- (c) minutes Books of the meetings of the Board and those of the committees in Form IV.
 - (d) Registers showing list of members of the Board in Form V.
 - (e) Establishment Register in Form VI.
 - (f) Registers of Imams, Mauzzans, Care-takers, Teachers, Khadims and Mujawirs in Form VII.
 - (g) Annual Budget Register in Form VIII.
 - (h) Loan Register showing advances and loan and their recoveries in Form IX.
 - (i) The Wakf property register in Form X.

56. *Budget* Section 68 (2) (i) :— (1) The Mutawalli of every Wakf shall, before the end of the month of December in each year, submit to the Board a budget in Form XI of the next financial year for approval of the Board.

(2) Every such budget shall make adequate provision for :

- (a) The scale of expenditure for the time being in force in the wakf,
- (b) The due discharge of all liabilities binding on the Wakf;
- (c) Expenditure on religious, charitable and other purposes directed by the Wakf or according to custom or usage; and
- (d) The maintenance of a working balance.

(3) The Secretary shall on receipt of the budget scrutinise the same and shall along with his report thereon, place the same before the Board for its approval,

56-A. It will be the duty of the Mutawalli to see that the person to whom agricultural land is leased out is a *bona fide* agriculturist and tills the land himself and that the rent agreed to is fair and reasonable. At the time of audit of Mutawalli's accounts it should be examined with reference to Patwari's fard Girdawari that the above conditions are implemented both in spirit and letter.

56-B. Mutawalli's are prohibited from accepting pugris while leasing out urban property and infringement of this direction will render the Mutawalli liable to removal from the office of Mutawalli. This point will specifically be examined at the time of audit.

57. *Maintenance and Audit of Accounts of Wakf—* Section 68 (2) (i) :—(1) The following registers will be maintained by the Mutawalli for watch of Wakf in addition to the usual accounts and collection papers :

- (a) A register of demand and collection in Form XII.
- (b) A register of liabilities and expenditure in Form XIII.
- (c) An Inspection Book in Form XIV

(2) The Mutawalli's shall, before the 1st day of May every year, submit a full and true statement of accounts in Form XV, as required under section 32

(3) The Board shall appoint a qualified auditor or auditors to audit the accounts of Wakfs;

(4) The Auditor shall go into the accounts of Wakfs, verify the Wakf properties and note losses and gains giving the cause thereof. He shall ascertain and note :

- (i) the total demand;
- (ii) the actual income;
- (iii) amount in arrears;
- (iv) rent or land revenues payable to Government, cesses and taxes etc.
- (v) rent actually paid;
- (vi) rent in arrears;
- (vii) why not paid (with respect to each property and entire estate);
- (viii) the cost of collection as per Mutawalli's accounts and at 12 1/2 per cent;
- (ix) the net available income.

He shall comment on the realisation of dues, neglect or lacks of the Mutawalli and suggest means for better collection or management.

(5) He shall the proceed to examine the expenditure, check them item by item against vouchers where necessary and note irregularities and improper expenditure, if any pointing at the same time the person or persons responsible for them.

(6) He shall the classify the expenditure under each separate head as recorded in the account and work out the totals under each head and compare them with the directions of the wakf in the Wakf deed or according to usage and custom and report in what manner the wishes of the wakif have been complied with.

(7) He shall note whether there is any surplus income and whether any provision of the Wakf deed has become inoperative or impossible of execution on account of change of conditions and if so, in what manner such surplus and lapsed amounts may be spent in the best interests of the Wakf.

(8) The auditor shall particularly investigate the following facts :—

- (i) ~~Whether all the statutory dues have been paid~~ if not what dues are still outstanding and how they affect the property of the Wakf.
- (ii) The names of the beneficiaries, the dues of each to what extent they have been paid and whether arrears, if any, where justified by existing circumstances, Estate, Mosques Schools and Musafirkhana and such other institutions for which there is an allotment are to be treated as beneficiaries.

(iii) Whether the wakf is indebted and if so the name of the Creditors the date of each loan the amount of each loan, the rates of interest and the present position should be noted. If necessary a scheme of repayment within a reasonable time should be prepared in consultation with the Mutawalli and enclosed with his report.

58. Fees for inspection of records and for obtaining copies—Section 63 (2) (j)—(1) Application for inspection of proceeding or record of the Board shall be made in Form XVI which will be available at the office of the secretary on payment of thirteen paise.

(2) A single application shall be made and a single searching fee shall be paid for the inspection of all the papers relating to each single record or file.

(3) The ordinary searching fee shall be one rupee or a single record or file. In urgent cases double the ordinary fees shall be charged. The fee shall be paid in cash to the Cashier who on receipt of this fee shall put his initials in column 8 of the application.

(4) The copying section shall grant the inspection on the date and at the hour stated in column 9, and the applicant shall be allowed to take such notes of the record or proceeding as he desires. He shall acknowledge the inspection on the reverse side of the application.

(5) (a) Application for copies of proceedings or records of the Board shall be made in Form XVII which will be available at the office of the Secretary on payment of thirteen paise.

(b) Copying fee shall be charged at the rate of fifty paise for every hundred words whether in manuscript or typescript.

(c) The fee payable for certification of a document as true copy shall be fifty paise.

(d) In the case of urgent copies double the ordinary fees shall be charged.

59. Authentication of orders of Board—Section 68(2) (m):—(1) The Chairman or Secretary shall authenticate the orders and decisions of the Board.

(2) The common seal shall remain in the custody of the Secretary.

(3) All correspondence emanating from the Board shall be in the name of the Secretary and correspondence with the Board shall be addressed to the Secretary.

60. Financial and revenue year—Section 68(2) (n):—(1) The Financial year of the Board shall commence with effect from 1st April, each year.

(2) The revenue year shall commence from 1st October, every year.

61. Matters to be kept secret—Section 68(2) (n)—The Chairman, Members, Secretary and other Officers of the Board are bound to observe secrecy in matters whose disclosure may be prejudicial to the interest of the Board or any wakf.

Sd/-

Secretary
Punjab Wakf Board

APPENDIX A
CHARACTER BOOK
(See regulation 12)
PART I

Name of official with father's name, family residence, height and date of birth

Examination passed with date of passing

Brief account of family (e.g. occupation of father, social position and influence of family, reference to relations who are or have been in Government service)

Certified that the particulars given herein above and on the reverse are true to the best of my knowledge and belief.

CHARACTER BOOK—contd.

PART II

Notice of Works and Character

Post held at the date of entry	Notes of work and Character N. B.—Please preface each entry clearly with the date, name and rank of officer making entry.
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FORM II

[See regulation 54]

APPLICATION FOR REGISTRATION OF WAKFS UNDER SECTION 25 OF THE MUSLIM WAKF ACT, 1954

To
The Secretary,
Board of Wakfs,

Sir,

....., son of
of village P. O. District.....
being the Mutawalli/Wakf/beneficiary/person interested in the Wakf Properties which have been described below, do hereby apply for the registration of the said wakf under section 25 of the Muslim Wakf Act, 1954.

1. Description of Wakf properties including movables—
 - (a) Name of the District.
 - (b) Tauzi No. and No. of Than.
 - (c) Name of village/town.
 - (d) Khata No. and Khasra No.
 - (e) List of movables and their description with estimated value.
 - (f) Municipal holding No. if within Municipal limit :
 - (i) Area leased out to tenants.
 - (ii) Area of land under khud kasht.
 - (iii) Encumbrances and all ownaces, if any, and persons, bodies, or institutions in actual physical possession the same.
2. Gross annual income from such properties.
3. The amount of land revenue and cesses, and of all rates and taxes annually payable in respect of Wakf properties.
4. An estimate of the expenses annually incurred in the realization of the income of the Wakf properties. Cost of collection and maintenance of Wakf properties as follows :—
 - (i) in case of immovable properties, costs as annually incurred, subject to a maximum of 12 1/2 per cent of the gross income.
 - (ii) 1 per cent in the case of income from securities, debentures, shares, dividends, etc.
 - (iii) 1 per cent in the case of income from fixed contribution in lump sum, such as (1) a regular allowance paid by a trust fund or (2) when the entire Wakf property has been let out in theka etc., and
 - (iv) 1 per cent in case of the cash value or crops which do not require the employment of a collection staff.
5. List of expenditure directed by the Wakf or in accordance to Wakf deed or usage or custom for—
 - (a) Salary of the Mutawalli and allowances to individuals.
 - (b) Expenses for religious purposes.
 - (c) Expenses for charitable purposes.
 - (d) Expenses for other purposes.
6. A correct statement of the accumulated income out of the Wakf properties, in cash or kind.
7. The rule of succession to the office of Mutawalli under the Wakf deed or by custom or usage.
8. The manner in which the Wakf is administered at present that is, whether under a scheme settled by a court of law by a popularly constituted committee.
9. Name of Wakf (donor)
10. Name of Mutawalli with present address.
11. Year and date of the Wakf deed.
12. List of papers submitted.

VERIFICATION

I solemnly declare that the above statements are true to the best of my knowledge and belief and that I have concealed nothing.

Signature.....
Address.....

N. B.—A copy of the wakf deed should be forwarded with every such application. Where no deed was drawn up at the time of the creation of the Wakf the applicant should write a brief history and full particulars of the origin, nature and object of the wakf of all other necessary facts to the best of his knowledge.

FORM VI
ESTABLISHMENT REGISTER
[See regulation 55(e)]

Serial No.	Name of official	Father's name	Residence	Date of birth	Educational qualifications	Date of appointment	Name of post	Post held			Date of attending superannuation	Termination of services		Remarks
								Pay	From	To		Date	Cause	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM VII
REGISTER OF IMAMS, MAUZZANS, TEACHERS, KHADIMS AND CARE-TAKERS AND MUJAWIRS
[See regulation 55(f)]

Serial No.	Name	Father's name	Residence	Date of birth	Qualifications	Date of appointment	Name of post	Post held			Date of attending superannuation	Termination of services		REMARKS
								Pay	From	To		Date	Cause	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM VIII
ANNUAL BUDGET REGISTER
[See regulation 55(g)]

1. Department Head
 2. Major Head
 3. Minor Head
 4. Detailed Head
 5. Detailed Sub-head
 6. Allotment
- Months—
 April
 May
 June
 July etc.

FORM IX
REGISTER OF LOANS
[See regulation 55(h)]

Punjab Wakf Board
 Amount of loans of Rs.
 (Conditions of loans)
 To bear interest at

Received from

Per cent to be paid yearly/half yearly/quarterly and to be repaid.

Date	Amount of principal			Balance after each transaction	Amount of interest			Balance due	REMARKS		
	Receipt Amount	Payment Amount	Voucher		Calculated interest	Amount Paid	Period				
1	2	3	4	5	6	7	8	9	10	11	12

Appropriation Register of loans

Month	Opening balance	Receipts			Voucher No.	Expenditure		Closing Balance	REMARKS
		Particulars	Amount	Particulars		Amount			
1	2	3	4	5	6	7	8	9	

FORM X
WAKF PROPERTY REGISTER
[See regulation 55(i)]

Name of wakf	Page and S. No. of register maintained u/s 26 read with rule 10	DETAILS OF PROPERTY				
		Urban				
Immovables						
District	Tehsil	Town	Ward, block or mohalla	Municipal No.	Old/New	
1	2	3	4	5	6	7

Description of property i.e., whether house, shop, Plot, Mosque etc.	Accommodation	Dimenses	Valuation	Encumbrances	Electricity or water tap laid on	Taxes
8	9	10	11	12	13	14

Name of Occupant	Monthly rent	Movable			Immovables	
		Description with estimated value	Year Income received	Disposal, if any, and how	District	Tehsil
15	16	17	18	19	20	21

Village	Khasra No.	Area	Class of soil	Source of irrigation	Estimated value	Encumbrances	Tenure on which held
22	23	24	25	26	27	28	29

Name of lessee	From	To	Amount of lease money	land revenue	Cess	Other forms
30	31	32	33	34	35	36

Description	Estimated value	Movable		Authority	REMARKS
		Year Income derived	Disposal, if any		
37	38	39	40	41	42

FORM XII
REGISTER OF DEMAND AND COLLECTIONS
[See regulation 57 (I) (a)]

Name of the Wakf	Head of the Accounts	Demand			Collections			Balance	REMARKS
		Arrear	Current	Total	Arrear	Current	Total		
1	2	3	4	5	6	7	8	9	10
	1. Rents 2. Cesses 3. Produce of Income of groves (Fruit crops) (Khamara lands) 4. Sarjar								

FORM XIII
REGISTER OF LIABILITIES AND EXPENDITURE
[See regulation 57 (I) (i)]

Name of the Wakf	Head of Accounts	Kisti for which due	Liabilities	Expenditure		Balance	REMARKS
				Amount Paid	Date of Payment		
1	2	3	4	5	6	7	8
	1. Government Revenue 2. Rent 3. Cesses 4. Other taxes 5. Collection expenditure 6. Miscellaneous expenditure 7. Pay of Officer 8. Stationery 9. Repairs to and maintenance of property 10. Travelling Allowance and other miscellaneous 11. Law Charges— (i) Rent Suits (ii) Other Suits 12. Allowances— (i) Mutawalli (ii) Other beneficiary (iii) Individual 13. Payment of individual institution, mosque other than mosque 14. Repayment of loans with details				

FORM XIV
INSPECTION BOOK
[See regulation 57(I) (c)]

Name of Wakf.....
Place of location.....
(Village, Tehsil and District)

Date and time of visit	Name and designation of officer or other gentlemen making the visit or inspection	Remarks and Suggestions
1	2	3

FORM XV
STATEMENT OF ACCOUNT
[See regulation 57 (2)]

Name of Work	Heads of Accounts	Actual Income for the preceding 12 months from the 1st April to the 31st March	Reasons for variation from the budget estimate proposed for the year	Heads of Accounts	Actual expenditure for the preceding 12 months from the 1st April to the 31st March	Reasons for variation from the budget estimate proposed for the year
1	2	3	4	5	6	7
1. Income from cultivation	...			1. Expenditure on account of making collections from the Wakf properties	...	
2. Income from rents, cesses, sayartate	...			2. Expenditure incurred according to the directions of the Wakf or usage or custom for—		
3. Income from investment and deposits...				(a) Allowance to the Mutawalli and other individuals	...	
4. Income from business				(b) Expenses for religious purposes	...	
5. Income from Nazars and presents	...			(c) Expenses for charitable purposes	...	
6. Income from other sources—				(d) Expenses for other purposes	...	
(a) Income from shops situated in the premises of the Wakfs	...			3. Expenditure for improvement and repair of land	...	
(b) Income from house-rent	...			4. Expenditure for repair of houses	...	
(c) Grants and aids from Government if any	...			5. Expenditure for Services—		
(d) Compensation money received	...			(a) Rent and L. R. payable to Government	...	
(e) Miscellaneous income, such as Jaikar Phakar, Salami, Banker Hatkar, Sale proceeds, timber, fuel, shrubs, salt, sand, earth and stone	...			(b) Tax payable to Municipality etc,	...	
(f) Income from subscription in cash or kind.	...			(c) Contribution payable under Wakf Act (Central Act 92 of 1954)	...	
7. Any other items of income known to the Mutawalli belonging to the Wakf.	...			6. Expenditure for audit	...	
				7. Other minor expenses in connection with—		
				(a) Purchase of lands	...	
				(b) Construction of house for augmenting the income of Wakfs	...	
				(c) Interest on loan	...	
				(d) Repayment of loans and advances	...	
				(e) Investments other than current accounts in Bank	...	

*The variations, that is the difference between the figures in the budget estimates submitted by the Mutawalli for that year and the figures shown as actuals in statement.

M 429GI/69

FORM XVI

APPLICATION FOR INSPECTION OF PROCEEDINGS OR RECORDS OF THE BOARD

[See regulation 58 (1)]

No. and date	Name and address of the applicant	Nature of the document	Where the document relates to a Wakf, the relation of the applicant (to be instituted) with the Wakf to be inspected	Order granting or rejecting the application	Searching Fee Deposited		Initial of the cashier on receiving payment	Date and hour when the inspection shall be allowed	Signature of the officer receiving the application	REMARKS
					Ordinary	Urgent				
1	2	3	4	5	6	7	8	9	10	11
					Rs. P.	Rs. P.				

FORM XVII

APPLICATION FOR COPIES OF PROCEEDINGS AND RECORDS

[See regulation 58 (5) (a)]

No. and date	Name and address of the applicant	Specification of the document of which a copy is required	Where the document relates to a Wakf, the relation of the applicant with the Wakf
1	2	3	4

Order granting or rejecting the application	No. and date of words to be copied	Searching fee Deposited		Copying fee Deposited	
		Ordinary	Urgent	Ordinary	Urgent
5	6	7	8	9	10
		Rs. P.	Rs. P.	Rs. P.	Rs. P.

Certification fee deposited if a certified copy is required				Total of Columns 7—12				Initials of the officer on receiving payment
Ordinary		Urgent		Ordinary		Urgent		
11	12	13	14	15				
Rs. P.	Rs. P.	Rs. P.	Rs. P.					

Date and hour when the copy shall be ready	Date of Delivery	Signature of the applicant acknowledging receipt of the copy	REMARKS
16	17	18	19