

- (j) value of the properties;
 - (k) gross annual income from immovable properties;
 - (l) the amount of land revenue cesses, rates and taxes payable;
 - (11) Description and value of movable properties including investments;
 - (12) Gross annual income from movables;
 - (13) Other incomes, if any;
 - (14) Encumbrances, if any, on the movable or immovable properties;
 - (15) The amount of land revenue, cesses, rates and taxes payable in respect of each waqf; if applicable
 - (16) The expenses incurred in the realisation of the income;
 - (17) The pay or other remuneration of the mutawalli of each waqf;
 - (18) Expenses for the performance of the functions specified in the waqf deed or established by custom;
 - (19) Procedure for election of mutawalli or rules of succession to the post of mutawalli;
 - (20) Name and address of the present mutawalli;
 - (21) Details of waqf properties alienated (including details of building and door numbers);
 - (22) Details of waqf institutions;
 - (23) Details of leased buildings; whether it is leased as per Lease Rules;
 - (24) Total cost of making the survey;
- (4) The Survey Commissioner shall also furnish a separate list of mutawallis of the auqaf having an annual income of rupees one lakh and above.

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Government of Kerala
2019



Regn. No. KERBIL/2012/45073
dated: 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2018-20

കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY.

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA
Revenue (F) Department
NOTIFICATION

G. O. (Ms.) No. 8/2019/RD. Dated, Thiruvananthapuram, 7th January, 2019.

S. R. O. No. 18/2019.—In exercise of the powers conferred by section 109 of the Waqf Act, 1995 (Central Act 43 of 1995) and in supersession of the Kerala Wakf Rules, 1996 issued as notification under G. O. (Ms.) No. 508/96/RD, dated the 6th September, 1996 and published as S. R. O. No. 658/96 in the Kerala Gazette Extraordinary No. 1056 dated 6th September, 1996, the Government of Kerala hereby make the following rules, namely:—

RULES

CHAPTER I

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Waqf Rules, 2019.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules unless the context otherwise requires,—

(a) 'Act' means the Waqf Act, 1995 (Central Act 43 of 1995);

(b) 'Board' means the Kerala State Auqaf Board established under sub-section (1) of section 13 of the Act;

(c) 'Candidate' means a person qualified to seek election, who has been duly nominated in accordance with these rules;

(d) 'Chairperson' means the Chairperson of the Board elected under sub-section (8) of section 14;

(e) 'Chief Executive Officer' means the chief executive officer of the Board appointed under sub-section (1) of section 23;

(f) 'Clear days' means the number of days to be counted excluding the first and the last day;

(g) 'Continuing candidate' means a candidate not elected or not excluded from the poll at any given time;

(h) 'Elector' means a person who is qualified to vote at the election and having his name in the electoral roll;

(i) '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 authority whether by way of grant, lease, licence or transfer authorising such occupation which has been expired or terminated for any reason whatsoever; and includes any construction, alteration or addition carried out to the building without the authority;

(5) Location of waqf institutions.

(a) district;

(b) taluk;

(c) village;

(d) municipality/village panchayat;

(e) local name of the place where waqf situates;

(6) Date or year of creation of the waqf;

(7) Number, year and date of waqf deed;

(8) Nature and objects of waqf;

Hanafi/Shafie/Maliki/Hambali of Sunni law/others

(9) How the waqf is administered at present whether under a scheme settled by law or by registered document or established custom or usage or by mutawalli or waqf committee as per bye-law;

(10) Details of immovable properties of auqaf and place where it is situated, namely:—

(a) district;

(b) taluk;

(c) kara/desom;

(d) municipality/village panchayat;

(e) village/amsom and thandapper number;

(f) block number;

(g) survey number and sub-division number;

(h) extent with sketch of the property; including four boundaries of all plots;

(i) details of buildings and its door numbers;

SURVEY OF AUQAF AND PUBLICATION OF LIST OF AUQAF

4. *Appointment of Survey Commissioners and their functions.*—

(1) The Government shall, under sub-section (1) of section 4, appoint,—

(a) an Officer of the State Government not below the rank of the Secretary to Government as Survey Commissioner of Auqaf;

(b) an Officer of the State Government not below the rank of Joint Secretary to Government working in District level as Additional Survey Commissioner of Auqaf;

(c) a person appointed by the Government having seven years administrative experience in legal matters with Law degree from a recognised University, as full time Joint Survey Commissioner of Auqaf; and

(d) an Officer of the State Government not below the rank of Deputy Collector as Assistant Survey Commissioner of Auqaf.

(2) The Survey Commissioner shall within six months from the date of his appointment or within such extended period, after making such inquiry as he may consider necessary, submit his report, in respect of auqaf existing in the State or any part thereof, to the Government containing the following particulars, namely:—

(1) The number of auqaf in the State showing the Shia Auqaf and Sunni Auqaf separately;

(2) The name, nature and objects of each waqf;

(3) Whether registered waqf, if so, registration number;

(4) Whether it is a waqf by user;

(j) 'Exhausted paper' means a ballot paper on which no further preference is recorded for a continuing candidate provided that a paper shall also be deemed to be exhausted in any case in which—

(1) the names of two or more candidates whether continuing or not are marked with the same figure and are next in earlier preference;

(2) the names of the candidates next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(k) 'First preference' means the figure, set opposite to the name of any candidate, 'Second preference' means the figure '2' set opposite to the name of any candidate;

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

(m) 'Government' means Government of Kerala;

(n) 'Mutawalli' means mutawalli defined under section 3(i) of the Act and qualified as prescribed in the Rules;

(o) 'Office bearers' means the President, Secretary and Treasurer of a waqf committee;

(p) 'Original votes' in regard to any candidate means the votes derived from the ballot papers on which a first preference is recorded for such candidate;

(q) 'Registered waqf' means the registered waqf institution or estate as provided under section 36 of the Act;

(r) 'Surplus' means the number by which the votes of any candidate, original and transferred exceed the quota as defined in these rules;

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

(t) 'State' means State of Kerala;

(u) 'Transferred vote' in regard to any candidate means a vote credited to such candidate and which is derived from a ballot paper on which a second or subsequent preference is recorded for such candidate;

(v) 'Unexhausted paper' means a ballot paper on which a further preference is recorded for a continuing candidate;

(w) 'Tribunal' means the Tribunal constituted under sub-section (1) of section 83 of the Act;

(x) 'Waqf premises' means,—

(i) any premises permanently dedicated by a person, orally or by an instrument in writing for any purpose recognized by Muslim law as pious, religious or charitable;

(ii) Premises notified as waqf in the registration record maintained by the Board; or

(iii) Premises notified as waqf property in the revenue records or official gazette under section 5 of the Act; or

(iv) Premises treated as waqf premises by user;

(y) 'Waqf property' means, any movable or immovable property referred to in clause (vi) of section 3 of the Act and includes premises thereof;

(z) 'Waqf committee' means the committee approved by the Board or chief executive officer for the administration of the waqf.

(2) Words and expressions used but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

QUALIFICATION AND DISQUALIFICATIONS OF MUTAWALLI

3. *Qualifications and disqualifications of Mutawalli.*—(1) A person shall not be qualified for being a Mutawalli as defined under the Act if he,—

(a) is not a Muslim, a citizen of India and an ordinary resident in the State;

(b) is a minor;

(c) has been convicted by a criminal court for any offence involving moral turpitude or for the offences under the Act;

(d) is of unsound mind and is so declared by a competent court;

(e) is an undischarged insolvent;

(f) is directly or indirectly interested in a lease or any other transaction relating to the property of that waqf;

(g) is a paid servant of the committee or has any share or interest in a contract for the supply of goods to, or for the execution of any works, or the performance of any service, undertaken by the waqf committee in respect of the waqf;

(h) if found to be guilty of misconduct or mismanagement;

(i) if he ceases to profess Islam religion; or

(j) is otherwise found unfit by the Board.

(2) Qualifications of a Mutawalli of a waqf shall be as such if it is specified by a waqf in the waqf deed provided that if the Mutawalli/Waqf Committee is not following the directions and conditions specified in the Waqf deed or not following the rituals and the prayers established by the custom, he/it shall be ceased to be a Mutawalli/Waqf Committee.

(c) one member nominated by the Government from amongst Muslims, who has professional experience in town planning or business management, social work, finance or revenue or agriculture and development activities;

(d) one member each from amongst Muslims to be nominated by the State Government from recognized scholars in Shia and Sunni Islamic Theology;

(e) one member from amongst Muslims to be nominated by the State Government from amongst the officers of the State Government, not below the rank of Joint Secretary to the Government:

Provided that atleast two members appointed on the Board shall be women.

10. *Appointment of Returning Officer.*—(1) The Additional Secretary to the Government in Charge of the Department dealing with Auqaf shall be the Returning Officer for the conduct of election of members referred to in clause (a) and (b) of rule 11.

(2) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting the election in accordance with the provisions of the Act and these rules.

11. *Powers and functions of the Returning Officer.*— (1) Subject to the other provisions of these rules, the Returning Officer shall be responsible for the conduct of elections of the members of the Board and shall have power,—

(a) to fix the date, place and time of all elections;

(b) to prescribe the form of notice, nomination, letter of intimation, declaration paper, ballot paper, ballot paper cover and the envelope for any election, the form of any other record to be prepared or maintained in relation to an election and the instructions to be contained in the notification;

(c) to decide, in cases of doubt, the validity or invalidity of each ballot paper or of each vote recorded thereon;

(d) to declare the result of each election; and

(e) to fix,—

(i) the date of notification;

(ii) the last date for receipt of nominations;

(iii) the date of scrutiny of nominations and publication of list of candidates validly nominated;

(iv) the last date and hour for withdrawal of candidature;

(v) the date of publication of the final list of candidates;

(vi) the date of issue of ballot paper;

(vii) the date and hour for the poll;

(viii) the date and hour of scrutiny and counting of votes.

(2) It shall be competent for the Returning Officer when any emergency arises to postpone the date or dates fixed in the programme for transaction of business connected with the elections at any intermediate stage after recording his reasons for so doing.

(3) The returning officer may, for sufficient cause, with the consent of the Government, postpone the date or dates fixed in the programme for publication of final list of valid nominations, for despatch of ballot papers, for poll or for scrutiny and counting of votes, when at any intermediate stage of an election any objection to any question is raised which necessitates the postponement of the programme.

(4) The Returning Officer shall have the power to direct the holding of elections in anticipation of vacancies that are about to occur by efflux of time.

12. *Maintenance of electoral rolls.*—(1) The Returning Officer shall maintain an electoral roll for each electoral college entitled to elect members at any election of members of the Board showing the names and address of all persons.

(2) The Returning Officer shall obtain the list of persons eligible to vote in the categories mentioned in sub-clause (i), (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 14 of the Act from the officers specified in sub-rule (3) and the list of such persons shall form the electoral college for that category and the persons whose names find place in the list, shall be electors for that category of members.

(3) The category-wise lists shall be obtained as follows:—

(a) For the election of Muslim Members of Parliament from the State or as the case may be, from the Secretary General, Lok Sabha/Rajya Sabha;

(b) For the election of Muslim Members of State Legislature under sub-clause (ii) of clause (b) of sub-section (1) of section 14 of the Act, from the Secretary, Kerala Legislative Assembly;

(c) For the election of Muslim Members of Bar Council under sub-clause (iii) of clause (b) of sub-section (1) of section 14 of the Act, from the Secretary of State Bar Council of Kerala;

(d) For the election of Mutawallies under sub-clause (iv) of clause (b) of sub-section (1) of Section 14 of the Act, from the Chief Executive Officer of the Board.

13. *Publication of electoral roll.*—The electoral rolls shall be published in the Board office not less than thirty clear days before the date of notification of the election. The Returning Officer shall notify the date of publication of each electoral roll, not less than thirty clear days before the date of publication of the roll, in news papers approved by the Government for the purpose.

14. *Eligibility to take part in elections.*—The names of persons who are on the electoral body thirty days before the date of publication of the roll alone shall be included in the electoral roll, and such person alone shall be entitled to participate in the election.

15. *Corrections, alterations, etc. in electoral roll.*—It shall be competent for the Returning Officer to make any addition, correction, alteration or deletion in any electoral roll, provided that the fact necessitating such correction or alteration or deletion is brought to his notice within fifteen days after the publication of the electoral roll and that he is satisfied that such correction or alteration or deletion is necessary.

16. *Prices of copies of electoral roll.*—Copies of the electoral roll or part thereof shall be made available to the electors on request and on payment of the price to be fixed for the roll or part thereof by the Returning Officer.

CHAPTER IV

MAINTENANCE OF REGISTER OF AUQAFS

7. *Register of Auqaf to be maintained.*—The Board shall enter the details thereof in the register of auqaf maintained by the Board under section 37 of the Act.

8. *Copy of entries relating to immovable property to be sent to the Sub-Registrar, revenue and local authorities.*—The concerned Divisional Waqf Officer shall send details containing the entries including the entry of the name and description, address of the waqf relating to immovable property of such waqf made by him in the register kept under section 37 to the Sub Registrar of the sub-district appointed under the Indian Registration Act, 1908 (Act XVI of 1908) and to the respective village and local authorities in which such immovable property situate to make necessary entry in the records.

CHAPTER V

ESTABLISHMENT OF KERALA STATE WAQF BOARD, ELECTION AND NOMINATION OF MEMBERS

9. *Composition of the Kerala State Waqf Board.*—The Kerala State Waqf Board shall consist of the following members, namely:—

(a) two members to be elected in accordance with the system of proportional representation by means of single transferable vote from each of the electoral colleges consisting of—

(i) Muslim Members of the State Legislature;

(ii) Mutawallies of the auqaf having an annual income of rupees one lakh and above;

(b) One member to be elected in accordance with the system of proportional representation by means of single transferable vote from each of the electoral colleges consisting of—

(i) Muslim members of Parliament from the State;

(ii) Muslim members of the Bar Council of the State;

4. The gross income of the property comprised in each waqf;
5. The amount of land revenue, cesses, rates and taxes payable of each waqf;
6. The expenses incurred in the realisation of the income of each waqf;
7. The expenses incurred in giving the pay or other remuneration of the mutawalli of each waqf;
8. The mutawallis of the waqf having an annual income of rupees one lakh and above;
9. Details of waqf properties, if immovable, its extent, survey number, village, taluk, district;
10. Details of encroachment and alienation; if any;
11. Name of municipality or village panchayath with door numbers;
12. Any other particulars as Government may determine to publish.

(3) The Board also shall prepare and maintain a list of Auqafs, which have come to its notice in the course of collecting information under sub-section (1) of section 40 or which it has caused to be registered under section 41 or which have been registered at its office under section 36, and forward the same to the Government for publication in the Official Gazette for every three months.

(4) The Government, after receipt of the list of auqafs from the Board under sub-rule (3), shall publish the same in the Official Gazette.

(5) After publication in the Official Gazette the Government shall forward the list of auqafs to the Waqf Board and to the offices of Survey and Land Records, Sub Registrar, Tahsildar and Village Officer concerned on receipt of the same. The Village Officer shall effect mutation or updation of the same as per that list of auqafs and the Tahsildar concerned shall ensure the same.

17. *Electoral roll of electoral college of Parliament.*—The electoral roll of the electoral college of Parliament shall contain the names and address of the Muslim Members of the Rajya Sabha and Lok Sabha from the State:

Provided that if there are no Muslim Members in Parliament from the State, the electoral roll shall contain the names and address of the Ex-Muslim Members of Parliament.

18. *Electoral roll of the electoral college of State Legislature.*—The electoral roll of the electoral college of State Legislature shall contain the names and address of the Muslim Members of the Kerala Legislative Assembly of the State of Kerala:

Provided that if there are no Muslim Members in the Legislative Assembly, the electoral roll shall contain the names and address of the Ex-Muslim Members of the Legislative Assembly of Kerala.

19. *Electoral roll of the electoral college of the Bar Council of the State.*—The electoral roll of the electoral college of the Bar Council of the State shall contain the names and address of the Muslim Members of the Bar Council of Kerala:

Provided that if there are no Muslim Members in the Bar Council of Kerala the electoral roll shall contain the names and address of the Ex-Muslim members of the Bar Council of Kerala.

20. *Electoral roll of the electoral college of the Mutawallis.*—(1) The electoral roll of the electoral college of the Mutawallis shall contain the names and address of the mutawallis of the waqf having an annual income of rupees one lakh and above.

(2) For the purposes of preparing the electoral roll of the mutawalli under clause (d) of sub-rule (3) of rule 14, the Chief Executive Officer shall give one week time to the mutawallis, or as the case may be, to the managing committees to select,—

(a) one from among themselves, to be the representative of such waqf institution in case where waqf institution is having more than one mutawalli; and

(b) one office bearer of the waqf committee, as the representative of such waqf institution in case a waqf institution is being administered by a waqf committee:

Provided that if the waqf institution fails to elect and communicate to the Chief Executive Officer, the senior mutawalli in the case of the waqf institution having more than one mutawalli and the president of the waqf committee where a waqf institution is being administered by such committee, shall be deemed to have been selected; and their names shall be incorporated in the electoral rolls for the purpose of constituting the electoral college:

Provided further that only those mutawalli or the representatives of the waqf committees shall be eligible to vote, who are registered with the Board and having annual income of rupees one lakh in the preceding year and have paid annual contribution payable to the Board under section 72 of the Act up to the preceding year.

21. *Notification of election.*—When any vacancy occurs or is about to occur by efflux of time among the members the Board which has to be filled up by election, or if an election, has to be conducted for the constitution or reconstitution of the Board according to the provisions of the Act and these rules, the Returning Officer shall, under the direction of the Government, notify the fact in the Gazette and also simultaneously cause the notification to be published in news papers approved by the Government for the purpose. The notification shall contain the programme of the election from the date of notification of election giving the following particulars, namely:—

- (1) date of notification;
- (2) last date for receipt of nominations;
- (3) date of scrutiny of nomination and publication of list of candidates validly nominated;
- (4) last date and hour for withdrawal of candidature;
- (5) date of publication of the final list of candidates;
- (6) date of issue of ballot paper;
- (7) date and hour fixed for the poll;
- (8) date and hour for scrutiny and counting of votes.

(5) The Survey Commissioner shall also review the status of auqaf properties already notified in the earlier surveys and shall report the status and details of properties alienated or encroached if the status of such property has been changed in accordance with the provision of any law.

5. *Procedure to be followed by the Survey Commissioner.*—(1) The Survey Commissioner, shall have the power to regulate the procedure including the fixing of places and time of sittings and deciding whether to sit in public or in private and also monitor the works of Additional and Assistant Survey Commissioners.

(2) Where the Survey Commissioner in deciding any question under sub-section (3) of section 4 of the Act considers it necessary or proper to make an inquiry and such Survey Commissioner is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, he cannot come to a decision in the matter which is being inquired into, such Survey Commissioner shall have, for the purposes of such inquiry, the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908. (Central Act 5 of 1908) in respect of matters mentioned in sub-section (4) of section 4 of the Waqf Act, 1995 (Central Act 43 of 1995).

6. *Publication of List of Auqaf.*—(1) On receipt of a report under sub-section (3) of section 4 from the Survey Commissioner, the Government shall forward a copy of the same to the Board.

(2) The Board shall examine the report forwarded to it, and forward back it to the Government within six months of its receipt for publication in the Official Gazette, a list of Sunni auqaf or Shia auqaf in the State, whether in existence at the commencement of the Act or coming into existence thereafter, to which the report relates, and containing the following particulars, namely:—

1. Name of Auqaf (whether Shia or Sunni);
2. The nature and object of each waqf;
Hanafi/Shafie/Maliki/Hambali of Sunni law/others
3. Whether it is a waqf by user;

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31. *Defective ballot papers, etc.*—If the elector receives any ballot paper, ballot paper cover, or declaration form which is liable to be rejected for want of serial number, initial or for any reason arising from a clerical error or omission in the office of the Returning Officer, the elector shall within two days of the same but before the time fixed for the commencement of the election bring the matter to the notice of the Returning Officer who shall, if satisfied, issue by post fresh ballot paper or ballot paper cover or declaration paper, as the case may be, in its place. The fact that a fresh ballot paper, ballot paper cover or declaration has been issued shall be noted against the number of the elector on the electoral roll for use at the time of scrutiny and counting.

32. *Procedure when election papers are spoilt.*—When an elector has inadvertently spoilt the ballot paper or any other connected papers sent to him he shall make a declaration to that effect signed by himself and transmit the same to the Returning Officer, together with the spoilt papers and the Returning Officer, on receipt of the spoilt papers, shall cancel them and issue through the post, fresh ones.

33. *Voting.*—The elector, in case he desires to vote at the election, shall after filling up the declaration paper and the ballot paper in accordance with the directions given in the letter of intimation and/or on the reverse side of the ballot paper, enclose the ballot paper in the cover marked "Ballot paper cover" and stick it and enclose the same and declaration paper in the envelope addressed to the Returning Officer and send the envelope by registered post to the Returning Officer so as to reach him before the hour and date fixed for the poll or deposit the envelope or cause it to be deposited in the box provided for the purpose in the office of the Returning Officer during office hours on any working day, before the last date and hour fixed for the poll.

34. *Recording of votes of illiterate or disabled elector, etc.*—(1) If an elector is unable through illiteracy, blindness or by reason of any physical or other disability to record his vote in the manner prescribed, it shall be competent for him to record his vote by the hand of any of the persons specified in sub-rule (2) and such persons shall on the declaration paper attest the incapacity and the fact of his having been requested by the elector to record his vote on his behalf and of its having been so marked by him in the presence of the elector.

(2) The following persons are empowered to record the vote under sub-rule (1), namely:—

- (i) Magistrates;
- (ii) District Registrars;
- (iii) Sub-Registrars:

Provided that such person attesting the declaration paper about the incapacity of an elector shall not be a near relative of a candidate contesting the election:

35. *Closing of ballot box.*—The Returning Officer shall close the slit of the ballot box and seal it immediately after the hour appointed on the last date fixed for the poll.

36. *Procedure of counting.*—The scrutiny and counting of votes shall be conducted by the Returning Officer from the hour appointed on the date fixed for the scrutiny and counting votes. No person shall be present at the scrutiny and counting except the Returning Officer and such persons as the Returning Officer may appoint to assist him, the candidate or not more than one representative of each candidate appointed by him in writing and approved by the Returning Officer. The ballot box shall be opened at the hour fixed for the scrutiny, and the envelopes in the box scrutinised by the Returning Officer.

37. *Envelope when rejected.*—(1) An envelope shall be rejected before opening,—

- (a) If it is not the one sent by the Returning Officer;
- (b) If it does not bear any serial number.

(2) If two envelopes bearing the same serial number are received and one of them is superscribed as 'Duplicate' the latter alone shall be accepted.

38. *Ballot paper cover when rejected.*—(1) A ballot paper cover shall be rejected,—

- (i) if it is not accompanied by the declaration paper sent by the Returning Officer; or
- (ii) if the envelope contains no declaration paper outside the ballot paper cover; or
- (iii) if the envelope contains anything other than the declaration paper and the ballot paper cover; or
- (iv) if the declaration is not in accordance with these rules; or
- (v) if the ballot paper is placed outside the ballot paper cover; or
- (vi) if more than one declaration paper or ballot paper cover have been enclosed in one and the same envelope; or
- (vii) if the serial number in the declaration paper differs from the serial number of the envelope addressed to the Returning Officer.

(2) In each case the rejection, the word “Rejected” shall be endorsed by the Returning Officer on the ballot paper cover or the declaration paper, as the case may be.

39. *Manner of recording votes.*—Every elector entitled to vote at the election shall have as many preferences as there are candidates. An elector may indicate the order of his preference by placing the figure 1 or 2, against the names of the candidates, who represent respectively his first or second choice, maintaining secrecy of voting.

40. *Ballot paper when rejected.*—(1) The ballot paper covers other than those rejected shall be mixed together and then opened in the presence of the Returning Officer. The Returning Officer shall then proceed with the scrutiny of the ballot papers.

29. *Despatch of ballot paper.*—The Returning Officer shall forward to each elector, through the post, a serially numbered declaration paper, a ballot paper containing the names and addresses of all candidates in the same order as in the final list of candidates validly nominated and bearing the initials of the Returning Officer and the date of posting, a ballot paper cover, and an envelope addressed to the Returning Officer and bearing a number corresponding to the serial number of the declaration paper, together with the letter of intimation, stating the number of vacancies to be filled by election, the date and hour fixed for the poll and the date and hour fixed for the scrutiny and counting of votes, and such guidance to the voters for exercising their franchise as may be deemed necessary. The papers shall be forwarded to the address of each elector as given in the electoral roll of the constituency or, if any elector has since the publication of the roll changed his address, to the address changed, provided the fact has been intimated to the Returning Officer not less than fourteen clear days before the date of posting of the ballot paper. The date fixed for the poll shall not be less than fourteen clear days after the date of posting of the ballot paper.

30. *Non receipt or loss of ballot paper by an elector.*—When any elector has not received or has lost the ballot paper sent to him, he may make and transmit a declaration to that effect signed by himself and request the Returning Officer to send him duplicate papers in place of the ones not received or lost, and the Returning Officer, if satisfied as to the genuineness of the declaration, issue duplicate papers through the post. In every case where duplicate papers are issued, the fact shall be noted against the number of the elector in the electoral roll for use at the time of scrutiny and counting of votes and the word “DUPLICATE” in block capital letters shall be written or stamped in ink on the declaration paper and the envelope addressed to the Returning Officer.

26. *Withdrawal of candidature.*—Any candidate may withdraw his candidature by notice in writing signed by him and either sent by registered post or delivered in person or by messenger to the Returning Officer so as to be received by him not later than the hour on the day fixed for withdrawal, which shall not be less than five clear days after the last date for the receipt of nominations and the withdrawal once made shall be final. A candidate who has withdrawn his nomination shall not be eligible for renomination as a candidate for the same election to the Board.

27. *Publication of final list of candidates.*—The Returning Officer shall, after expiry of the period fixed for withdrawal of candidature publish in the Board Office a final list of candidates validly nominated. The final list of candidates validly nominated shall show the name, roll number and the designation, if any, and address of the candidates.

28. *Declaration of election of validly nominated candidates.*—(1) If the number of candidates validly nominated and not withdrawn does not exceed the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected.

(2) If the number of candidates validly nominated and not withdrawn is less than the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected, and the electorate shall be called upon to elect a person or persons, as the case may be, to fill the remaining vacancy or vacancies from the remaining electorate.

(3) If the number of candidates validly nominated and not withdrawn exceeds the number of vacancies to be filled by election, then the Returning Officer shall proceed with the election in the manner prescribed hereinafter.

(2) The Returning Officer shall reject a ballot paper as invalid, for the following reasons, namely:—

- (i) if the ballot paper cover contains any matter other than the ballot paper;
- (ii) if it does not bear the initials of the Returning Officer;
- (iii) if the voter signs his name or writes any word or makes any mark by which the identity of the voter becomes recognizable;
- (iv) if the figure 1 is not marked; or
- (v) if the figure 1 is set opposite the name of more than one candidate; or is so marked as to render it doubtful to which candidate it is intended to apply; or
- (vi) if the figure 1 and some other figure are set opposite the name of the same candidate;

(3) On every paper so rejected under sub-rule (2) the Returning Officer shall endorse the word "Rejected" stating the grounds of rejection, and keep such rejected papers in a separate packet.

41. *Fractions and preferences.*—In carrying out the provisions regarding the procedure for election hereinafter prescribed,—

- (i) all fractions shall be disregarded; and
- (ii) all preferences recorded for candidate already elected or excluded from the poll shall be ignored.

42. *Division into parcels according to first preference.*—After the invalid ballot papers, if any, have been rejected the remaining papers shall be divided into parcels, according to the first preferences recorded for each candidate and the number of papers in each parcel noted and credited to the concerned candidate's account.

43. *Quota.*—The number of papers in all the parcels shall then be added together and the total divided by a number exceeding by one the number of vacancies to be filled by election and the quotient increased by one shall be the number sufficient to secure the return of candidate, hereinafter called the "quota".

44. *When persons who obtained quota are declared elected.*—(1) If at the end of any count a number of candidates equal to the number of vacancies to be filled by election has obtained the quota, such candidates, shall be treated as elected and no further steps shall be taken.

(2) Any candidate, in whose parcel the number of votes on the first preference being counted is equal to or greater than the quota, shall be duly declared elected.

(3) If the number of papers in any such parcel is equal to the quota, the papers shall be set as finally disposed of.

45. *Transfer of surplus.*—(1) If the number of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voters preference, in the manner hereinafter prescribed.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in the order of magnitude, provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.

(3) Where two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate who is credited with the largest number of original votes shall have his surplus first distributed and if their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.

(4) (i) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to the candidate, divide the unexhausted paper into sub-parcels according to the next preference recorded thereon and make a separate sub-parcel of the exhausted papers.

(ii) The number of the papers in each sub-parcel and the total of all the unexhausted papers shall then be ascertained.

(iii) If the total number of the unexhausted papers is equal to or less than the surplus to be transferred, all the sub-parcels shall be transferred to the continuing candidates, the value of each paper so transferred being one.

22. *Presentation of nomination paper and requirements for a valid nomination.*—(1) On or before the date appointed under rule 23, each candidate shall either in person or by his proposer deliver to the Returning Officer at the place specified in this behalf in the notification issued under rule 23 a nomination paper in the prescribed form, which shall, on application, be supplied free of cost by the Returning Officer to any elector whose name is in the electoral roll.

(2) Every nomination paper shall be proposed by an elector whose name is in the electoral roll and seconded by another elector of the constituency concerned with his signature.

23. *Scrutiny of nominations.*—All nomination papers received through the post or deposited in the box provided for the purpose in the office of the Returning Officer within the prescribed hour on the prescribed date shall be scrutinised by the Returning Officer. The candidate or one of his representatives who shall be appointed in writing by him and approved by the Returning Officer may be present at the time of scrutiny of nominations.

24. *Decisions of the Returning Officer on objections.*—(1) The Returning Officer shall then examine the nomination papers and decide all objections which may be made at the time to any nomination and may, either on such objection, or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination, on any of the following grounds, namely:—

(i) That the candidate is ineligible for election under section 16 of the Act subject to the exceptions mentioned therein;

(ii) That the seconder is a person whose name is not registered in the electoral roll.

(2) The decision of the Returning Officer, shall, in each case be endorsed by him on the nomination paper in respect of which decision is given.

25. *List of candidates validly nominated.*—A list of candidates whose nominations have been declared valid shall be published with their names and addresses by affixing the name on the notice board in the office of the Returning Officer on the same day. The names of the candidates in the list shall be in the serial order of their electoral roll numbers.

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54. *Declaration of results.*—The Returning Officer shall at the end of the counting declare the names of the candidates who have been duly elected.

55. *Record of election.*—(1) The Returning Officer shall prepare a record in the prescribed form showing,—

- (a) the number of voters who voted;
- (b) the number of ballot papers rejected:
 - (i) as being received late;
 - (ii) for irregularities connected with the declaration;
 - (iii) as invalid;
- (c) the number of valid ballot papers;
- (d) the number of votes obtained by each candidate at each stage of the transfer;
- (e) the stages at which each candidate was declared elected.

(2) The Returning Officer shall also prepare a result sheet showing the result at various stages of the counting.

56. *Election disputes.*—(1) Where a dispute arises as to the validity of an election of a member of the Board the aggrieved candidate may within seven days of the declaration of the result of the election file a petition before the Waqf Tribunal for decision and the decision of the Tribunal thereon shall be final.

(2) The election petition shall be accompanied by a court fee of Rupees ten thousand.

(3) Every petition referred to in sub-section (1) shall be disposed of by the Tribunal in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit.

57. *Preservation of election papers.*—The nomination papers, ballot papers, declaration papers and the ballot paper covers shall be preserved in the Board Office for a period of one month after the date of declaration of the results or if any, dispute arises regarding the election, until it is disposed of finally. Thereafter, they may be destroyed.

58. *Declaration of election of certain members.*—(1) Where the number of Muslim Members of Parliament, the State Legislature or the State Bar Council, as the case may be, is less than or equal to the number of members to be elected from each category, such Muslim Member shall be declared to have been elected on the Board.

(2) Where the number of Muslim Members of Parliament, the State Legislature or the State Bar Council, as the case may be, is only one, such Muslim Member shall be declared to have been elected on the Board and the remaining vacancy shall be filled in the manner referred to in sub-rule (3).

(3) Where the person declared to have been elected under sub-rule (1) or sub-rule (2) is not willing to serve as a member of the Board or such member is only one, the Government may after recording its reasons fill the vacancies by nominating such persons as the members of the Board as it deems fit under sub-section (1) of section 14.

(4) Where there are no Muslim Members in any of the categories mentioned in sub-clauses (i) to (iv) of clause (b) of sub-section (1) of section 14, the ex-Muslim Members of Parliament, the State Legislature or ex-member of the State Bar Council, as the case may be, shall constitute the electoral college of the Parliament, the State Legislature, the State Bar Council, as the case may be.

(5) Where the number of electors, in each category under sub-rule (4) is less than or equal to the number of members to be elected from each category such Muslim Members shall be declared to have been elected on the Board.

(6) Where the person declared to have been elected under sub-rule (5) is not willing to serve as a member of the Board or such member is only one, the Government may after recording its reason fill the vacancies by nominating such persons as the member of the Board under sub-section (3) of section 14.

(7) No member of the Board shall be eligible for re-nomination or re-election for more than two terms consecutively.

59. *Expenses in connection with election.*—Funds to meet all expenses in connection with the election to the Board including those in relation to the preparation of electoral roll therefore, shall be provided by the Board to the Returning Officer.

60. *Election of Chairperson.*—(1) After the appointment of members of a newly constituted Board notified under section 13, the State Government shall, fix the time and place of the meeting and direct the Chief Executive Officer to give the members not less than ten clear day's notice, a date for the first meeting of the Board which shall be for the election of the Chairperson. The notice shall state the time and place of the meeting as well as the fact that at such meeting the Chairperson should be elected.

(2) The meeting shall be presided over by an officer not below the rank of Additional Secretary to Government authorised in this behalf who shall conduct the proceedings for the election of the Chairperson.

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

(4) A member shall have only one vote. The candidate securing the highest number votes shall be declared to have elected as Chairperson.

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

61. *Dispute regarding election of the Chairperson.*—(1) Where a dispute arises as to the validity of election of the Chairperson, any member of the Board may within seven days of the declaration of the result of the election file a petition before the Waqf Tribunal for decision, and the decision of the Tribunal thereon shall be final.

(2) Every petition referred to in sub-rule (1) shall be disposed of by the Tribunal within a period of one year in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit.

49. *When continuing candidates are declared elected.*— When at the end of any count, the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

50. *When the number of votes of one candidate exceeds the total votes of the other candidates.*—When at the end of any count only one vacancy remains unfilled and the number of votes of any one candidate exceeds the total of all the votes of the other continuing candidates together with any surplus not transferred, the candidate shall be declared elected.

51. *When continuing candidates have equal number of votes.*— When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the Returning Officer shall decide by lot which of them shall be excluded, and after the exclusion of one of the candidates by drawing lots, the other candidate shall be declared elected.

52. *Exclusion of candidate when two or more candidates have equal number of votes.*—If at any time it become necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate for whom the lowest original votes are recorded shall be first excluded; and if their original votes are equal, the Returning Officer shall decide by lot which candidate shall be excluded.

53. *Recounting.*—(1) Any candidate or his agent may, at any time during the counting of votes, either before the commencement or after the completion of any transfer of votes, request the Returning Officer to re-examine or recount the papers of all or any candidate (not being papers set aside at any previous transfer as finally disposed of) and the Returning Officer shall forthwith re-examine or recount the same accordingly.

(2) The Returning Officer may, at his discretion, recount the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count, provided that nothing in these rules shall made it obligatory on the Returning Officer to recount the same votes more than once.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of such paper being one.

(3) The papers containing the transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which he obtained them.

(4) Each of such transfer shall be deemed to be a separate transfer, but not a separate count.

(5) If the total of the votes of two or more candidates lowest on the poll together with any surplus votes transferred, is less than the votes credited to the next highest candidate, those candidates may in one operation be excluded from the poll and their votes transferred in accordance with the provisions in sub-rule (1) to (4).

(6) The above process shall be repeated on the successive exclusions one after another of the candidate lowest on the poll until the last vacancy is filled, either by the election of a candidate with the quota or as hereinafter provided.

47. *Completion of transfer when quota obtained.*—If, as a result of a transfer of papers under these rules, the number of votes obtained by a candidate is equal or greater than the quota, the transfer then proceeding shall be completed and no further papers shall be transferred to him.

48. *Procedure in the case of candidate obtaining votes equal to or greater than the quota.*—(1) After the completion of any transfer under these rules, the number of votes of any candidate is equal to or greater than the quota, he shall be declared elected.

(2) If the number of votes of any candidate is equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally disposed of.

(3) If the number of the votes of any sub candidate is greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided, before the exclusion of any other candidate.

CHAPTER VI

REMOVAL OF CHAIRPERSON

62. *Removal of Chairperson.*—(1) The Chairperson of the Board may be removed by vote of no confidence in the manner provided under section 20-A of the Act, if he:—

(a) fails in the opinion of the Board, to attend three consecutive meetings of the Board, without sufficient excuse or

(b) is or becomes subject to any disqualifications specified in section 16; or

(c) 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 interests of the auqaf.

(2) A motion expressing the want of confidence in the Chairperson may be moved in form I signed by five members together with a copy of the motion which is proposed to be made, and shall be delivered in person to the Chief Executive Officer.

(3) The Chief Executive Officer shall forward it to the Secretary to Government in charge of auqaf on the same day for further action.

(4) Within seven days of the receipt of the motion expressing no confidence in the Chairperson of the Board, the Secretary to Government in charge of the department dealing with Auqaf shall issue a notice to the signatories requiring at least three of them to be personally present with an affidavit signed by them to the effect that the signatures on no confidence motion are genuine and have been made by them after hearing or reading the contents of the notice.

(5) If the Secretary to the Government is convinced of the affidavit sworn by the members present he shall fix a date, time and place for meeting with fifteen days notice for considering the no confidence motion and to elect a new Chairperson as provided under section 20 A of the Act.

(6) The State Government shall nominate an officer not below the rank of Additional Secretary to Government in the charge of the department other than which deals with supervision and administration of the Board to act as the Presiding Officer of the meeting in which the resolution for no confidence shall be considered.

(7) A meeting convened for considering a motion under this section shall not except for reasons beyond control, be adjourned.

(8) As soon as the meeting commences, one of the signatory to the no confidence motion shall read at the meeting the motion for the consideration of which it has been convened, and declare it to be open for debate.

(9) The Presiding Officer of the meeting shall not speak on the merits of the motion.

(10) The debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to vote, which shall be by means of open ballot and the member who casts his vote shall write his name and affix his signature on the reverse side of the ballot paper.

(11) If the resolution is passed with the support of the majority of the members, as the case may be, Chairperson shall cease to hold office forthwith and shall be succeeded by his successor who shall be elected by another resolution in the same meeting which shall be conducted as per Clause (i) and (j) of section 20 A of the Act.

(12) On the conclusion or the termination, as the case may be, of the meeting, a copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon and a report on the proceedings for election of new Chairperson shall forthwith be forwarded to the Government by the officer who presided over the meeting.

(13) If the motion is not carried by a majority as specified or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same Chairperson shall be entertained until after the expiry of twelve months from the date of the meeting.

(iv) If the total number of unexhausted papers is greater than the surplus, the sub-parcels shall be transferred to the continuing candidates and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If, in ascertaining the number of papers to be transferred from a sub-parcel, fractional parts are found to exist and if, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, as many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored. If two or more fractional parts are equal magnitude, that fractional part shall be deemed to be the larger which arises from the largest sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

(6) If the surplus of any candidate to be transferred arises from transferred as well as original votes, all the papers in the sub-parcel last transferred to the candidate shall be examined and the exhausted papers divided into sub-parcels according to the next preference as recorded thereon. The sub-parcels shall be dealt with in the same manner as is provided in the case of the sub-parcels referred to in sub-rule (4).

(7) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate and the value of such transferred votes credited to his account.

(8) All the papers in the parcel or sub-parcel of an elected candidate not transferred to any continuing candidate under these rules shall be set apart as finally disposed of.

46. *Exclusion of candidate lowest in the poll.*—(1) If, after all the surpluses have been transferred as hereinafter provided, the number of candidates elected is less than the required number, the Returning Officer shall exclude from the poll candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences marked thereon and any exhausted papers shall be set apart as finally disposed of.

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(4) A receipt signed by such officer in this behalf shall be furnished to every person depositing search fees and copying fee under rule 69 and rule 71 respectively.

67. *Copying fee.*—The following fees shall be payable in cash for the grant of a certified copy of any record or proceedings, namely:—

1. For every sheet or page used in making photostat copy—Rupees five

2. Other than photostat copy:

(a) for every 25 words or fraction of 25 words—Rupees Two

(b) in case the original is in tabular form twice the rate specified in clause (a) above.

(c) for examining or comparing records or a fraction of 100 words—Rupees Two

(d) for every sheet or page used in making the copy—Rupees Two.

Note.—(1) If figures are copied, five figures shall be counted to equivalent to one word.

(2) When maps or plans are copied, rupees one hundred and fifty.

68. *Refusal to grant copy.*—(1) The Board or such other officer authorised by the Board may, if he considers that grant of a copy of any record or proceedings is objectionable, reject the application stating briefly the reason therefore.

(2) The fee paid for copying shall be refunded if the copy of any record or proceedings is not granted:

Provided that if the record is not found, the search fee paid shall not be refunded, but the applicant shall be furnished with a certificate stating that the document applied cannot be found.

69. *Register of issue of copies of records.*—The officers authorised to issue copies of records and proceedings of the Board shall keep a register to record the grant of copies of extracts of the records in the form prescribed by Regulations.

70. *Issue of notices.*—(1) Notices shall be in writing and authenticated by the Chief Executive Officer or any officer specially authorised in this behalf.

(2) It shall require the person summoned to appear before the Board or the officer at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce document or for both purposes and any particular document, the production of which is required shall be described in the notice.

(3) Any person may be summoned to produce a document without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such documents to be produced, instead of attending personally to produce the same.

(4) When a person whose evidence may be required is unable from sickness or infirmity, to attend before the officer issuing the notice or is a person exempt from personal appearance under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) the officer issuing the notice may of his own motion, or on the application of the party whose evidence is desired, dispense with the appearance of such person and order him to be examined by an officer deputed for the purpose.

71. *Service of notice how effected.*—(1) When any notice or other document is required by the Act or by these rules or any regulation or order made under it, to be served on or sent to any person, the service or sending thereof may be effected.—

(a) by giving or tendering the said notice or document to such person;

(b) if such person is not found, by leaving such notice or document at his last known place of abode or business or giving or tendering the same to some adult member or servant of his family or to the Head of the Institution or any authorised person in the case of employees working in firms, work place etc. and on shift duties outside the normal working hours of public offices and or where admission of notice serving officials of the Board are restricted and normal course of serving notices is not possible; or

(c) if such person's address elsewhere is known to the Chief Executive Officer, by sending the same to him by registered post; or by email

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice or document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, send it to, one of such owners or occupiers.

(3) Whenever in any notice, form or other document served or sent under the Act or these Rules or any regulation or order made thereunder, a period is fixed within which any document is to be produced or anything is to be done or executed, such period shall, in the absence of the Act, rule, regulation or order of any distinct provision to the contrary, calculated from the date of such service or sending.

(4) In case of refusal of a notice the date of refusal shall be deemed to be the date of service.

72. *Rights of person summoned.*—(1) All persons who appear in response to the notices or summons issued, shall within the time specified in such notice/summons file a statement containing their objections or contentions:

Provided that the Board or the authorised officer, who summoned such person may allow upon application further time. Any person who fails to file a statement within such further time, may be granted with another opportunity of fifteen days time. If the person summoned again fails to file the same, Board or the authorised Officer may proceed with the matter as if such person has nothing to say.

(2) Any party to the proceedings shall have the right to appear in person or by pleader to adduce oral or documentary evidence and also apply for summoning of witnesses or production of documents.

73. *Return of documents produced.*—Any person desirous of receiving back any document produced by him at the enquiry shall be entitled to receive back the same if the proceedings in which the orders made are not questioned before the Tribunal within the prescribed period, after furnishing certified copies of the same unless specifically exempted by the Chief Executive Officer of the Board, by endorsing special reasons.

CHAPTER VIII

GRANTING OF COPIES OF RECORDS

65. *Application for granting of minutes or records or documents or proceedings.*—(1) A person other than officers of Board requiring a certified copy of any minutes or record or proceedings or any documents of the Board shall present an application giving his full name and address and as accurate a description as possible of the record proceedings of which he wants a copy.

(2) When the proceedings or records copies of or extracts from which they are applied for, belong to any year prior to the current calendar year, a search fee according to the scale specified below shall be remitted to the Board as soon as the application has been admitted, namely:—

(a) for searching records of one year for a single document or entry	Rupees Ten
(b) for searching records for every additional year	Rupees Five

Note:—(1) A separate application need not be presented in respect of each proceeding or record of which a copy or extract is required.

(2) Enclosures or annexure to letters, accounts or other documents from part of the documents to which they appertain and shall not be reckoned for purposes of search as separate documents.

66. *Certified copies of minutes or records or documents or proceedings.*—(1) A certified copy of any minutes or record or proceedings or document of the Board shall be granted on payment of the fees specified in sub-rule (2) of rule 69 and rule 71, except to the persons exempted in sub-rule (1) of rule 77.

(2) The applicant shall be informed by the officer authorised by the board of the date on which the copy will be ready for delivery.

(3) The officer authorised by the board shall immediately arrange for the preparation of the copy and have it ready on the date specified under sub-rule (2). The authorized officer shall after the copy is compared with the original, certify it as the true copy of the original, by signing the same in token of correctness and affixing therein the seal of the Board.

(8) The Chief Executive Officer shall be eligible for Dearness and other Allowances admissible to Government servants drawing similar pay.

(9) The confidential report on the work and conduct of the Chief Executive Officer shall be prepared and forwarded to the Secretary to Government in charge of the Revenue (Waqf) Department by the Chairperson of the Board.

64. *Powers of Chief Executive Officer relating to inspection of records, registers, etc.*—(1) The Chief Executive Officer or any officer of the Board authorized in this behalf, may,—

(a) call for any record, register or other document in the possession or under the control of any waqf;

(b) require any waqf to furnish any return, plan, estimate, statement of accounts of waqf property administered by it;

(c) require any waqf to furnish any information, explanation or report on any matter connected with such waqf;

(d) require any waqf to obtain the previous sanction of the Board before giving up a claim or closing down any institution administered by it which is a source of income;

(e) have power to inspect any office, any records or other documents of any waqf, or properties of such waqf, or any work, or institution, or property under the control of any waqf; and

(f) have power to inspect any movable or immovable properties that is suspected to be waqf properties.

(2) Every mutawalli of waqf or any officer or employee of waqf shall be bound to give facilities for exercising duties under clause (e) of sub-rule (1).

(3) The Chief Executive Officer or any officer of the Board duly authorised in this behalf shall, be entitled at all reasonable time notice to inspect any records, registers or other documents relating to a waqf or movable or immovable properties which are waqf properties or are claimed or suspected as waqf properties, in any public office. And, it shall be the duty of the officer in charge of such public office to afford all facilities and assistance as may be necessary or reasonably required in regard to the inspection.

74. *Manner of inquiry to be made under sub-section (1) of section 39 by the Chief Executive Officer.*—(1) The Chief Executive Officer shall in every case where an enquiry is ordered under section 39, issue a notice to all persons interested in relation to the Waqf, calling for their objections, if any.

(2) The Chief Executive Officer shall then proceed to make a record of summary of the oral evidence tendered by each contender and receive such documentary evidence as may be produced in the course of enquiry.

(3) The record of enquiry in every case shall include:

(a) a minute of the proceedings,

(b) notice calling for objections, and objections received thereto,

(c) evidence received at the enquiry, and

(d) a brief record of reasons and the decision.

CHAPTER IX

BUDGET

75. *Preparation and finalisation of Budget of waqf.*—(1) Every mutawalli of a Waqf shall in every year prepare in Form II a budget in respect of the ensuing financial year showing its estimated receipts and expenditure during that financial year and forward the same to the Board at least ninety days before the beginning of the financial year.

(2) 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 and for carrying out the purpose which may have been specifically enjoined on the waqf by the deed of waqf.

(3) 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 return it to the mutawalli concerned.

(4) Every mutawalli shall consider the observations and incorporate the modifications in the budget and pass the budget before the beginning of the financial year to which it relates.

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

(6) As soon as a budget is passed every mutawalli shall forthwith submit copies thereof to the Board.

(7) 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 and in force at the time of incurring the expenditure.

(8) If in the course of the year, a mutawalli 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 supplemental or revised budget may be framed and got sanctioned in the manner provided in the forgoing provisions in these rules and copies thereof submitted forthwith to the Board.

76. *Preparation and finalisation of budget of waqf under management of the Board.*—(1) The Chief Executive Officer shall, prepare, in Form III before the third week of January every year a budget in respect of the ensuing financial year showing the estimated receipts and expenditure of each of the waqf under the direct management of the Board, showing therein the estimated receipts and expenditure and submit it to the Board for its approval.

(2) The Board shall scrutinise the Budget proposal and ensure that provision has been made therein for the obligatory expenditure to be incurred under the Act and the administrative charges that shall be payable by the waqf to the Board

(3) 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 which it relates and forward a copy of each budget to the auditor.

CHAPTER VII

CHIEF EXECUTIVE OFFICER

63. *Appointment of Chief Executive Officer.*—(1) There shall be appointed a Chief Executive Officer, by deputation, from a panel of two names suggested by the Board and who shall not be below the rank of Deputy Secretary to the State Government and who shall be a muslim.

(2) The Chief Executive Officer shall also be the ex-officio Secretary of the Board.

(3) The Board shall pay the Chief Executive Officer such salary and allowances as in his parent department and shall make such contributions towards his leave allowance, pension and provident fund as may be required by the condition of his service under the Government to be made by him or on his behalf.

(4) The Government may at any time repatriate the Chief Executive Officer from the Board if it is recommended by a resolution of the Board passed at a meeting supported by two third majority of votes.

(5) When disciplinary proceedings have to be initiated against the Chief Executive Officer, the Chairperson of the Waqf Board shall be entitled to make an enquiry against such officer and to report to the Government and the Government shall have the power to impose any penalty as contemplated under the Kerala Civil Services (Classification Control and Appeal) Rules, 1960.

(6) The rules relating to casual leave for Government servants and the leave rules applicable to Government servants shall apply to the Chief Executive Officer. Casual leave shall be sanctioned by the Chairperson of the Board and leave other than casual leave by an officer authorised by the Government in this behalf.

(7) The Government servants Travelling Allowances Rules and Conduct Rules for the time being in force shall apply to the Chief Executive Officer.

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(3) The Chief Executive Officer shall place the proposal, along with such objections and/or suggestions that may be received by him from the mutawalli or other persons interested in the waqf, before the Board along with his recommendation.

(4) The Board shall examine the reports, objections and suggestions, if any, received in response to such notification, and pass necessary orders within a period of next forty five days.

81. *Restriction on addition and alteration in waqf property.*—A mutawalli or waqf committee shall not make any addition and alteration in the waqf property without the prior approval of the Board.

82. *Procedure for removal of encroachment in waqf property.*—(1) The Chief Executive Officer shall cause to serve a notice for an enquiry, as per sub-section (1) of section 54 of the Act, to the encroachers, specifying the particulars of the encroachment calling up on such persons to show cause before a date fixed, as to why an order requiring them to remove the encroachment should not be made against them, informing them the date, place and time fixed for holding the enquiry. A copy of such notice shall also be served on the concerned mutawalli of that waqf.

(2) The Chief Executive Officer shall record oral evidence of the complainant, encroacher and witnesses, if any, and shall follow if necessary, the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the appearance of witnesses, filing of affidavits, production of documents, examination of witnesses, issue of commission and to pass interim orders.

(3) In respect of notice issued under sub-section (1) of section 54, where such 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, or there is no adult member of the family of the such person, a copy of notice shall also be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original shall be returned to the 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 done so and the name of the person, if any, by whom the ordinary residence or place of the business was identified and in whose presence the copy was affixed.

(4) If a notice under sub-section (1) of section 54 cannot be served in the manner provided in this rule, the Chief Executive Officer may, if he thinks fit, direct that such notice shall also be published in at least one newspaper.

(5) Where any person on whom a notice under this Act has been served, desires to be heard through his representative, shall authorise such representative, in writing.

(6) The Chief Executive Officer during the enquiry, shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant document filed before him shall form part of the record of the proceedings.

(7) The Chief Executive Officer after considering the objections received during the period specified in the notice and after conducting the enquiry as prescribed, shall record his findings as to whether there has been encroachment in respect of the waqf property. If it is found that the property in question is a waqf property and there has been an encroachment on such property, the Chief Executive Officer may make an application to the Waqf Tribunal for grant of an order of eviction for removing such encroachment.

(8) The Tribunal shall make an order of eviction within sixty days of the receipt of such application from such applicant and a copy of the order shall be sent to the applicant. Another copy of the order shall be directed to be affixed through the office of Waqf Tribunal on the outer door or some other conspicuous part of the waqf property:

Provided that the Tribunal may before making an order of eviction, give an opportunity of being heard to the person against whom the application for eviction has been made by the Chief Executive Officer by issuing notice. On receipt of notice, such person shall submit his statement within 15 days of receipt of such notice:

Provided further that whenever the issues regarding the encroachment by such persons are already decided by a competent court or when there is an order of a Court or Tribunal in support of the findings of the Chief Executive Officer, no notice is necessary before passing an order of eviction as applied for:

Provided also that whenever the application under sub-section (3) of section 54 of the Act is submitted without sufficient supporting records, the Tribunal may send a direction to the office of the Waqf Board to produce the certified copies of such records:

Provided also that whenever Tribunal or any Court find it is necessary to see the originals of such records relied by the applicant to reach its findings, Tribunal may send a direction to the office of the Waqf Board to produce such records for verifying the same.

(9) If any person refuses or fails to comply with the order of eviction within forty five days from the date of affixure of the order under sub-section (4) of section 54, the Chief Executive Officer or any other officer authorized in this behalf may evict that person from, and take possession of, the waqf property.

83. *Procedure of taking possession of waqf premises through District Magistrates.*—(1) The Chief Executive Officer or any other officer authorized in this behalf may invoke their powers under sub-section (5) of section 54 of the Act or refer the order of tribunal passed under sub-section (4) of section 54 to the Executive Magistrate having jurisdiction for execution, if any person fails to comply the order within forty five days from the date of its affixture as per sub-section (4) of section 54 of the Act. On receipt of reference with regard to the execution of eviction order of the Tribunal from the Chief Executive Officer or any other officer authorized in this behalf under section 55, the District Magistrate shall make an order under section 55 of the Act immediately, directing the encroacher and their men to remove the encroachment vacating the waqf property.

(2) In default of compliance with the order within seven days, the Executive Magistrate shall remove the encroachment or, as the case may be, evict encroachers from the waqf property with such police assistance as may be necessary.

(4) If the person against whom an order under sub-section (2) of section 52 is issued, prefers an appeal to the Tribunal as provided by sub-section (4) of said section 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 defense and shall also give intimation of such appeal to the Board.

(5) (a) While obtaining possession of the property/properties, using such force as may be necessary as provided in sub-section (5) of section 52, 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 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.

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

80. *Procedure for purchase of immovable property by a waqf under section 53.*—(1) If it intends to purchase an immovable property for or on behalf of a waqf it shall make an application to the Board for availing sanction.

(2) On getting application as per sub-rule (1), an officer authorized by the Board shall conduct a local enquiry and inspection regarding the same and forward a report of local inspection and verification to the Chief Executive Officer if the proposed transaction is found to be necessary or beneficial to the waqf, and that the price proposed to be paid is adequate and reasonable, the officer authorized by the Board shall publish the particulars relating to the proposed transaction in the Official Gazette as required under section 53 of the Act, inviting objections and suggestions with respect to the same, which may be submitted to the Board within a period of next fourteen days.

79. *Recovery of waqf property transferred in contravention of the provisions of the Act and the Rules.*—(1) Upon receiving a 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 section 51, the Board through the Chief Executive Officer or any authorized officer shall ascertain from the register of auqaf, maintained under section 37 if the property alleged to have been transferred is waqf property, and in case that be so the Board shall obtain a certified copy of the deed of transfer from the registration office concerned. If it appears that transfer of waqf property has been made, the Board through Chief Executive Officer after conducting an enquiry shall draw up a report 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 and the name with particulars of person or persons to whom the property has been transferred. The report shall also contain the result of the comparison of the details of the property with the entries in the register of auqaf. The report shall be submitted for approval of the Board which, after considering the report in respect such of the documents as may appear necessary and pass orders for sending a requisition to the Collector of the respective district to recover and deliver possession of the property to the Board. Before sending a requisition under sub-rule (1), the Board shall publish in the Official Gazette its intention to recover the property. A copy of the notice shall be affixed in the notice board of the office of the Board and in some conspicuous place in which the property is situated.

(2) The requisition to the Collector shall be made by the Board and communicated to the Collector of the respective district through special messenger or by registered post acknowledgement due.

(3) On receipt of a requisition the Collector shall pass an order in accordance with the provision contained in section 52 and obtain possession of the property of which the order has been passed, and deliver it to the Board after cancelling mutation and Thandapper if any, created in pursuance to such transfer.

(3) In case of any obstruction, or in the opinion of the Executive Magistrate any obstruction is likely to be offered.—

(a) to the removal of encroachment taking possession of any waqf premises; or

(b) to the sealing of erection of work of the waqf premises, under the Act the Sub-Divisional Magistrate may take such police assistance as may be necessary.

(4) Where any waqf premises of which possession is to be taken under the Act is found locked, the Executive (Sub-Divisional) Magistrate may either seal the premises or in the presence of two witnesses break open the lock(s) or open or cause to be opened any door, gate or other barrier and enter the premises.

CHAPTER XI

FINANCE, ACCOUNTS AND AUDIT OF ACCOUNTS

84. *Annual contribution payable to the Board.*—The mutawalli of every waqf, the net annual income of which is not less than five thousand rupees shall pay annually to the Board seven per cent of such annual income as annual contribution.

85. *Determination of annual contribution.*—(1) The mutawalli of a waqf shall within such time as may be fixed by the Board and in such form as may be determined by the Board submit a return of the net annual income, of the waqf to the Chief Executive Officer.

(2) On receipt of a return under sub-rule (1) the Officer authorised by the Board shall verify the return submitted by the mutawalli and if he is satisfied with the correctness of the return he may fix the annual contribution in accordance with such return. If no return is filed within the time the Authorised Officer shall *suo-moto* fix the annual contribution to be paid by the mutawalli.

(3) In case the Officer authorised by the Board is of the opinion that the return submitted under sub-rule (1) is incorrect or false in any material particular, or the contents of such return do not comply with the provisions of the Act or these rules or any order issued by the Board, he may, after giving the mutawalli concerned a reasonable time issue notice calling upon him to show cause within the time specified in the notice as to why such assessment of the return shall not be revised.

(4) The Officer authorised by the Board 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 so assessed or revised shall be deemed to be the net annual income of the waqf.

(5) Any mutawalli who is aggrieved by the decision of the Officer authorised by the Board in fixing or revising the assessment may prefer an appeal to the Board within thirty days from the date of receipt of the assessment or revision of return and the Board may after giving the mutawalli a reasonable opportunity of being heard, confirm, reverse or modify the assessment or revision of the return:

Provided that no appeal shall be entertained by the Board unless the appellant first deposit with the authorized officer one-third of the contribution amount which has been determined under section 72 of the Act, as being payable by the appellant.

86. *Remission or reduction of contribution.*—(1) The Board may on 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 or stores or articles of the waqf not due to the negligence of the mutawalli or other servants of the auqaf;

(b) Loss of income due to failure of crops on account of draught floods or other unforeseen causes beyond the control of the mutawalli or other servants of the waqf;

(c) paucity of funds due to non recovery of loan advances and debts;

(d) where the income of the waqf is insufficient to meet the remuneration payable to the khatheeb, imam, muazzin and other employees attached to the mosque and the religious instructors attached to madrassa or makkhaba under the management of the waqf.

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

(3) The reduction or remission sanctioned by the Board shall be operative only for the years in which it is sanctioned.

(4) 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 supplemental or revised budget may be framed and got sanctioned in the manner provided in these rules and copies thereof forwarded to the auditor.

CHAPTER X

PROCEDURES OF WAQF BOARD

77. *Procedure for giving sanction for lease.*—(1) Lease of every Waqf property shall be as per the provisions of the Waqf Act and the Waqf Property Lease Rules, 2014 made thereunder.

(2) An application for sanction to lease under the Waqf Property Lease Rules, 2014 in respect of any immovable property shall be submitted by the mutawalli of the waqf to the office of the Board following the provisions contained in the Waqf Property Lease Rules, 2014.

(3) Such application shall contain the particulars regarding the lease, duration, purpose, security amount, rent, recital regarding the competency of the lessor as mutawalli and of the lessee, terms and conditions and the name and address of the waqf which own the property. The waqf property should be scheduled describing its boundaries, survey numbers, extent, tenure, thandapper account number, name of village, taluk, door numbers of building, name of local authority and such other particulars as the Board may consider necessary.

78. *Procedure relating to proceeds of Land Acquisition.*—Where any waqf land is acquired the proceeds of land acquisition shall be paid to the Waqf Board by the land acquisition authority and the Board shall cause the same to be deposited in a scheduled bank in the joint names of the Chairperson of the Board and the mutawalli or executive officer of the concerned waqf.

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(5) The cases of serious financial irregularity noticed in the office of the Board shall be reported to the Chief Executive Officer. In all matters involving serious contravention of financial provisions or serious financial irregularity, proposal to sanction in relaxation of or deviation from any financial rules or principles, proposals for write off or abandonment, remission or reduction of contribution shall be referred to the Chief Executive Officer and his opinion obtained before final orders are passed.

(6) The Chief Executive Officer shall arrange for internal audit of accounts of the Board periodically and take urgent steps to rectify any defects noticed during such audit.

(7) The Chief Executive Officer shall report to the Board all instances of payments made contrary to the rules and regulations besides cases where payments are made in the absence of any provision in the budget estimates.

(8) All defalcation or loss of Waqf funds, stores, or properties noticed in the office of the Board shall be reported to the Chief Executive Officer.

90. *Preparation and finalisation of the Budget of the Board.*—(1) The Chief Executive Officer shall in every year prepare in Form IV, a budget in respect of the ensuing financial year showing the estimated receipts and expenditure during that financial year and place before the Board at least 60 days before the beginning of the financial year.

(2) The Board shall scrutinise the budget proposal and make suitable modifications if necessary and forward a copy of the same to the Government during the first week of February.

(3) Budget shall be finalised following the procedure as specified in sub-section (2), (3) and (4) of section 78 of the Act.

91. *Audit of accounts of the Board.*—(1) The Director of State Audit Department and his nominees shall be the auditors of the Board and the waqf directly administered by the Board.

(2) The auditors shall maintain a continuous audit of the accounts of the Board and shall after completing the audit for a year or for any shorter period or for any transaction or series of transactions, send a report to the Chief Executive Officer and duplicate copy thereof to the Government.

(3) The auditors shall specify in the report under sub-rule (2) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property thereof caused by neglect or misconduct of the officer or members of the Board.

(4) The auditors shall also report on any other matter relating to the accounts of the Board as may be required by the Board, the Government or the Chief Executive Officer.

(5) The Chief Executive Officer shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Board and the Government.

(6) The auditors shall after giving a reasonable opportunity to the person concerned to explain his case, disallow every item of expenditure incurred contrary to law and certify that such amount may be recovered from such person.

(7) The Government shall examine the auditor's report and may call for the explanation of any person in regard to any matter mentioned therein and shall pass such orders on the report as it thinks fit.

(8) Every sum certified to be due from any person by an auditor in his report be paid by such person within sixty days after the service of a demand notice by the Board.

(9) If such payment is not made in accordance with the demand notice, the sum payable may on a certificate issued by the Board, be recovered as an arrear of land revenue.

(10) The cost of audit as determined by the Government shall be paid by the Board from the Waqf Fund.

GENERAL AND MISCELLANEOUS

92. *Suit or other proceedings by or against the Board.*—(1) All suits or other legal proceedings by or against the Board shall be by or against the Chief Executive Officer.

(2) The Chief Executive Officer shall be competent to sanction—

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

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

93. *Appointment of Standing Counsels.*—Board may appoint Standing Counsels in Courts or to file or defend a suit, writ, appeal or any other proceedings connected with the Board or a waqf matter or property. Such appointment shall be communicated to such Court or to which it is made for.

94. *Person competent to sign communications, deeds etc.*—(1) The person competent to sign all communications and execute leases of immovable properties on behalf of the Board shall be the Chief Executive Officer or any officer authorized by the Board in this behalf.

(2) All documents evidencing sale or permanent transfers of any of the properties of the Board shall be signed by the Chairperson and two other members of the Board specifically authorised by the Board in this behalf.

(3) Where the Board proposes to enter into any contract for the supply of material or for the execution of any work the Board shall,—

(a) invite tenders therefore by advertising them in the website and in one news paper having wide circulation in the State if the estimated cost of such material or work exceeds Rupees 50,000.

(b) invite quotation publishing notice on the notice board of the office of the Board and in the website if the estimated cost of such material or work does not exceeds Rupees 50,000.

(c) He will examine and advice on all schemes of new expenditure for which it is proposed to make a provision in the budget.

(d) He will ensure that monthly and annual accounts of the Board are complied with properly and promptly.

(e) He will 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) He will scrutinise the proposals for supplementary grants and advise the Board suitably.

(g) He will keep himself in regular touch with the audit objection and inspection reports of the audit and for their early settlement.

(h) He will keep a close watch on the recoveries of dues to the Board and repayment of loans and interest.

(i) He will be responsible for the maintenance of accounts of the Board.

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

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

(3) The Board shall, before sanctioning proposals having financial implications, obtain the advice of the Chief Executive Officer. If his advice is not accepted, reasons therefore shall be recorded in writing.

(4) The Chief Executive Officer shall be consulted on all proposals for the release of funds or for investment, and his views obtained.

(11) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be provided by regulations. The pages in the account books, registers, receipts etc., shall be serially numbered and each page affixed with a seal of the Board. 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 or any officer authorized by the Board.

(12) All moneys received by any officer or employees of the Board in their official capacity shall forthwith and without any reservation, be brought to the account in the appropriate register and paid into the bank without undue delay. No portion of the collection shall be kept back or used for current expenditure.

(13) It shall be the responsibility of the authorized Officer to ensure the contributions, fees, rents and other amounts due to the Board are promptly demanded realised and credited to the Waqf Fund.

88. *Recovery of amount due to the Board.*—In recovering any sum recoverable under the Act as an arrear of land revenue, the procedure prescribed in the Kerala Revenue Recovery Act, 1968 (Act 15 of 1968) for the time being in force shall be followed.

89. *Duties and functions of Chief Executive Officer with regard to operation of accounts.*—(1) The Chief Executive Officer or any officer authorized by the Board shall be in over all charge of the work relating to the finance, budget and accounts of the Board.

(2) The Chief Executive Officer or such authorized officer shall discharge the following duties and functions in relation to the budget account and audit of the Board, namely:—

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

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

95. *Channels of correspondence.*—(1) The Chairperson shall have full access to all records of the Board.

(2) Save as otherwise provided in the Act all official correspondence to the mutawallis or Government or other authorities and *vice versa* shall be through the Chief Executive Officer or any officer authorized by the Board as the case may be.

96. *Annual report.*—(1) Every mutawalli shall forward to the Divisional Waqf Officer or authorized Officer a report on its administration for each year within thirty days or after the close of the financial year in such form, with such details as the Board may by regulation determine.

(2) The Chief Executive Officer shall consolidate the report of the mutawallis and prepare an annual report on the working and administration of the Board for the previous year and forward to the Government with the approval of the Board before the 30th day of May every year.

(3) Government shall as soon as may after the receipt of the report mentioned in sub-rule (2) cause the same to be laid before the Legislative Assembly.

97. *Publication of orders by the Board.*—Save as otherwise expressly provided in the Act or in these rules, every order passed by the Board or notice issued by the Board shall be published by affixing a copy thereof in the notice board of the office of the Board and some conspicuous place in the office of the waqf or waqf property to which such notice or order relates. Every such order/notice shall be published in the website of the Board.

98. *Restriction on addition and alteration in waqf property.*—(1) A mutawalli or managing committee shall not make any addition and alteration in the waqf property without the prior approval of the authorized officer of the Board.

(2) The Grama Panchayat/Municipality or Corporation shall not issue permission for construction/reconstruction of building in a waqf property without the prior sanction of the Board.

99. *Waqf Board is necessary party.*—In any suit or proceedings in respect of a waqf or any waqf property, before any Court or any other authority, the Board shall be a necessary party. Registry shall not accept any proceedings in file if Board is not a party. Board shall not be set exparte in such proceedings for any reason.

100. *Publication of order of delegation.*—An order under section 27 of the Act delegating powers and duties of the Board to the Chairperson, or any other member or the Chief Executive Officer or other Officer of the Board shall be published in the website of the Board and in the official Gazette and a copy of the same shall be affixed on the notice board in the office of the Waqf Board.

CHAPTER XIII

CONSTITUTION OF TRIBUNAL

101. *Appointment of Chairman of the Tribunal.*—The appointment of Chairman of the Tribunal under clause (a) of sub-section (4) of section 83 shall be made in consultation with the Chief Justice of the High Court of Kerala on deputation basis from among the Judicial Officers holding the rank not below that of a District Judge, Class I, on deputation basis subject to usual terms and conditions of deputation as applicable. The period of deputation shall be for three years which may be extended up to five years from the date of appointment or till the date of retirement on superannuation from the Judicial service, whichever is earlier and shall be deemed as if continued in the Judicial service during the said period and shall be eligible for pay, allowances and other benefits admissible to him in the Higher Judicial Service accordingly.

102. *Appointment of Members to the Tribunal.*—(1) The appointment of Member under clause (b) of sub-section (4) of section 83 of the Act shall be on deputation basis from among the Officers, equivalent in rank of Additional District Magistrate subject to usual terms of deputation as applicable. The deputation will be for a period of three years which may be extended up to five years from the date of appointment or till the date of retirement on superannuation from the service, whichever is earlier and shall be deemed as if continued in the respective service during the said period and shall be eligible for pay, allowances and other benefits accordingly.

87. *Waqf Fund and its operation.*—(1) All moneys received or realised by the Board under the Act, these rules and all other moneys received as donation, benefactions or grants by the Board shall form a fund to be called the waqf fund.

(2) All moneys received by the Board, as donations, benefactions and grants shall be deposited and accounted for under a separate sub-head.

(3) The Chief Executive Officer of the Board shall receive all payments to the waqf fund and make payments as authorised by the Board.

(4) All moneys received by or on behalf of the Board by virtue of the Act, all proceeds of land or any other kind of properties sold by the Board, all rents and all interests, profits and other moneys accruing to the Board shall include the Fund of the Board.

(5) All moneys and receipts specified in the foregoing provisions and forming part of the waqf fund shall be deposited in—

(a) any scheduled bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (Central Act 2 of 1934).

(6) The Board may invest any sums not required for immediate use for development of waqf properties under sub-section (4) of section 32 of the Act or shares in companies as may be approved by the Government in the budget of the Board.

(7) All such deposit in the bank shall be made in the name of the Board. The Chief Executive Officer or any authorised officer shall have the power to operate the bank account as per the direction of the Board.

(8) The Chief Executive Officer or any officer authorised by him may hold a recoupable permanent advance not exceeding rupees twenty five thousand for meeting petty expenditure.

(9) The appropriation of receipts to expenditure shall, as a rule, be avoided.

(10) All payments above one thousand rupees from Waqf Fund shall be made by cheque.

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(3) Every such filing as per sub-rule (1) shall be accompanied by documents upon which the party concerned seeks to rely.

(4) Before receiving such proceedings mentioned in sub-rule (1), registry shall ensure that Waqf Board is arrayed as a party in such proceedings.

(5) A copy of such proceedings shall be served to the Waqf Board prior to filing of the same:

Provided that, in cases of extreme urgency, Tribunal may, on an application, if considers expedient so to do, dispense with the service of the copy of the application except in cases where an order made under this Act or rules are challenged.

(6) The Sheristadar or an Officer authorized 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.

(7) Every application shall be registered or numbered by the Sheristadar or the Officer authorized by him in this behalf in a register to be kept for this purpose.

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

(9) 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.

(10) 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.

(11) Any application or suit filed before the Tribunal 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.

116. *Form of proceedings.*—(1) All suits, petitions, affidavits, memoranda of appeal, application and other proceedings presented to the Tribunal, shall be written in blue/black ink, or typewritten or printed, fairly and legibly on stamp paper or on substantial white foolscap folio paper with an outer margin of about 4 cm. at left and inner margin of about 1.5 cm. at left, and separate sheets shall be stitched together bookwise. Numbers shall be expressed in figures. Except in the case of Suits, Applications or Memoranda of Appeals, the writing or printing may be on both sides of the paper:

Provided, however, that the last sheet, other than docket shall, in all cases, be a plain paper only.

(2) All appeals or suits, which are filed as permitted in the Waqf Act shall be numbered as Waqf Appeal (ie., WA) or Waqf Original Suit (ie., WOS) respectively. Applications filed as provided in the Waqf Act shall be numbered as Waqf Original Applications (ie., WOA).

117. *Papers send by Post.*—Except from the office of Waqf Board, no document, required to be presented or filed into the Tribunal, which is sent by post or by e-mail shall be received on the file of Tribunal, unless the Tribunal otherwise orders:

Provided that the document produced by the Waqf Board to the office of Tribunal in response to the direction to the office of the Waqf Board to produce such records, should be properly covered with docket bearing the case number, name of waqf and the date of production of such documents. It should contain a list of documents so submitted:

Provided that on receipt of such files, if any, Tribunal shall enter the details of case number, name of waqf, date of receipt and date of return of such files in a separate register maintained for that purpose.

118. *Date stamping of papers.*—All papers presented in Tribunal shall be date stamped immediately when they are received.

119. *Office hours.*—(1) The Office of Tribunal shall be open for the transaction of business from 10 a.m. to 4 p.m. on all days except Sundays and holidays. However filing of fresh Suit, Application or Appeal shall be up to 3.30 p.m.

(2) An urgent matter may, however be transacted after 3.30 p.m. with the permission of the Tribunal.

(3) The sitting of the Tribunal shall start at 11 a.m. on every working day.

(4) The posting of cases and such details shall be made available online in the web portal for such purpose. Such data shall be updated on the same day after the calling of each cases are over.

(5) Tribunal shall notify the date and place proposed to conduct camp sitting before one month at its headquarters, camp place and at the Waqf Board.

120. *Summons to Defendant/Respondent.*—In all matters the form of summons to appear and answer shall be the Form of summons prescribed in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) with such variations as the circumstances of the case may require.

121. *Name and Address of the party to be stated in every process.*—The name and address of the party shall be stated in every summons, witness summons, interim application notice and every process of the Tribunal issued at the instance of such party.

122. *Mode of service of summons.*—(1) Summons together with a copy of the petition, Suit, appeal or application and annexure, if any, shall be served in the manner prescribed in the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) Unless the Tribunal shall otherwise order the service of a summons to appear and answer shall be proved by evidence when necessary, showing that the summons was served in the manner provided by the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

112. *Place of sitting of the Tribunal.*—(1) A Tribunal shall ordinarily hold its sitting at the place where it is located and at such other places as the Tribunal or Government may specify for camp sitting, considering the geographical situations and general convenience of accessibility of people approaching the Tribunal.

(2) Notwithstanding anything contained in sub-rule (1), if the Tribunal is of the opinion that it will laid to the general convenience of the parties or of the witnesses or for any other purpose to hold sittings at a place other than its usual places of sitting but within its limits of territorial jurisdiction the Tribunal may do so, for reasons to be recorded in writing and, with notice to the parties and to such other persons as the Tribunal may consider necessary.

113. *Quorum.*—(1) The Quorum of the Tribunal shall be two including the Chairman. No matter shall be heard by the Tribunal unless a quorum is present.

(2) The decision of the majority including the Chairman shall for all purposes be deemed to be the decision of the Tribunal.

CHAPTER XIV

PROCEEDINGS IN TRIBUNAL

114. *Provisions of the Code of Civil Procedure, Civil Rules of Practice and the Criminal Procedure Code to apply.*—Save as otherwise provided in these Rules, the provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and of the Civil Rules of Practice or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) as the case may be, and the rule or Act to implement sub-section (6) of section (7) of the Waqf Act shall apply to the proceedings before the Tribunal.

115. *Filing of proceedings before Tribunal.*—(1) All suits, petitions, appeals and applications shall be signed by the party(ies) and presented by the party in person or through his advocate to the Sheristadar or to an officer authorised by him in this behalf.

(2) Every suit, petition, appeal or application in book form shall be accompanied by as many clear authenticated copies thereof as there are defendants/respondents to be served and by three additional copies for the use of the Tribunal and by such papers as are referred to in the suit, appeal, petition or application.

107. *Residential Accommodation.*—(1) The Chairman shall be entitled to the use of official leased residential accommodation in the headquarters of the Tribunal subject to the entitlement of maximum plint area admissible to him in his parent Department.

(2) The Members of the Tribunal shall also be entitled to the use of official leased residential accommodation in the headquarters of the Tribunal subject to the condition that the rent shall not exceed forty percent of the basic pay or honourarium as the case may be.

108. *Facility of conveyance.*—The Chairman and Members shall be entitled to the facilities of official car for journeys for official and non-duty purpose in accordance with the rules or orders of the Government, issued from time to time in that behalf.

109. *Facility for medical treatment.*—The Chairman and Members shall be entitled to the medical treatment and hospital facilities as applicable to them in the Higher Judicial Service or State Government service as provided in the Kerala Service Rules.

110. *Residuary Provision.*—The condition of service of the Chairman and the other Members of which no express provision has been made in these rules shall be such as may be determined by the Government.

111. *Officers and other employees.*—(1) The Government shall appoint such staff as may be necessary to assist the Waqf Tribunal, on deputation from Kerala Judicial Ministerial Subordinate Service so as to enable the filing of cases and implementation of its orders and perform such other functions as are provided under the Act or these rules or assigned by the Chairman, at its headquarters and such other places of camp sitting. The terms and conditions of service of the officers and employees shall be as specified in the Kerala Service Rules.

(2) Tribunal shall have powers to transfer and post its staff to the duties and to the places of its camp sitting, as it may decide.

(3) The category and number of employees of each Tribunal, method of appointment and scale of pay shall be as decided by the Government from time to time.

123. *Substituted service.*—Application for substituted service of the summons shall be governed by the corresponding provisions in the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

124. *Dismissal of suits, appeal etc. if summons not served within six months.*—If on account of the default of the petitioner, the summons is not served within six months from the date of filing the suit, appeal, application or petition, as the case may be, the Tribunal shall, unless good cause is shown, dismiss the suit, appeal, application or petition. Such dismissal shall be notified on the notice board of the Tribunal. Such matter shall not be restored except on reasonable cost.

125. *Impleading of legal representative.*—The Provisions of section 146 and Order XXII of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, as far as possible, be applicable to the proceedings before the Tribunal:

Provided, that all suits or other proceedings by or against a Mutawalli in granting time for impleading the legal heir of Mutawalli the time taken for appointment of the successor Mutawalli shall be excluded.

126. *Recording of oral evidence.*— In suits or proceedings before the Tribunal, it shall not be necessary to record the evidence of witness at length, but the Tribunal, as the examination of each witness proceeds, shall record or cause to be recorded through Advocate Commissioner, a memorandum of the substance of what that witness deposes. Such memorandum shall be signed by the witness and the Tribunal when it is recorded before the Tribunal; otherwise, it shall be signed by the witness, counsels and Advocate Commissioner concerned. It shall form part of the record.

127. *Evidence of formal character on affidavit.*—(1) The evidence of any person where such evidence is of a formal character, may be given by affidavit and may, subject to all just exception, be read in evidence in any suit or proceeding before the Tribunal.

(2) The Tribunal may, if it thinks fit, and shall, on the application of any of the parties to the suit or other proceedings summon and examine any such person as to the facts contained in his affidavit.

128. *Hearing of cases.*—Tribunal shall notify the parties the date and place of hearing of the application or suits or appeals as the case may be. Tribunal may prepare list of cases to be heard finally in any matter, one month in advance, and such list shall be published as monthly list for hearing.

129. *Judgments or orders of Tribunal.*— Judgment or order of a Tribunal shall contain a concise statement of the facts of the case, the points for determination, the decision thereon and the reason for such decision. Every order of the Tribunal shall be in writing and shall be signed with date and under its seal.

130. *Supply of copies of orders or judgements to the Waqf Board.*— Copies of every judgment or order of the Tribunal dismissing or allowing suit, appeal, application or petition, as the case may be, shall be served by post to the Head office of the Waqf Board free of cost, soon after pronouncing the same.

131. *Costs.*—The costs of and incident to all proceedings before the Tribunal shall be in the discretion of the Tribunal which shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

132. *Language of Tribunal.*—The language of Tribunal shall be English:

Provided that the Tribunal may in its discretion, permit the use of Malayalam in the proceedings but the final order shall be in English.

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

(2) The appointment of Member under clause (c) of sub-section (4) of section 83 of the Act shall be made by nomination from among the persons having knowledge in Muslim Law and Jurisprudence.

The period of appointment will be for a period of five years from the date of appointment or till the age of sixty five years, whichever is earlier.

(3) The appointment of the Chairman or Members shall be made either by name or by designation.

103. *Salaries and Allowances to the Chairman and Members.*—(1) The salary and allowances to the Chairman of the Tribunal shall be regulated in accordance with the rules applicable to him in the State Judicial Department.

(2) The salary and allowances to the Member appointed under clause (b) of sub-section (4) of section 83 shall be regulated in accordance with the rules applicable to him in his parent Department.

(3) The Member appointed under clause (c) of sub-section (4) of section 83 is entitled to an honorarium equivalent to the minimum of the pay in the scale of pay admissible to a Deputy Secretary in the State Government service plus allowances attached thereto including dearness allowance and increment.

104. *Leave sanctioning authority.*—(1) The Government shall be the authority competent to sanction Leave to the Chairman.

(2) The Chairman shall be the authority competent to sanction leave to the members and staff of the Tribunal.

105. *Travelling allowances.*—The Chairman and Members shall be entitled to travelling allowances and daily allowances at the rate appropriate to the pay admissible to them in the parent Department or in the State Government.

106. *Controlling officer of Allowances.*—The Chairman shall be the controlling officer in respect of bills relating to travelling allowances and daily allowances of the members and staff of the Tribunal.

92/93/19

ഫാറം II

(ചട്ടം 75 പ്രകാരം)

20..... 20.....ലേക്കുള്ള ബഡ്ജറ്റ്

വെബ്ബ് ആക്ട് 44, 45 വകുപ്പുകൾപ്രകാരം കേരള സ്റ്റേറ്റ് വെബ്ബ് ബോർഡിലേക്ക് സമർപ്പിക്കുന്ന 20..... ഏപ്രിൽ 1 മുതൽ 20..... മാർച്ച് 31-ന് അവസാനിക്കുന്ന സാമ്പത്തിക വർഷത്തിലേക്കുള്ള ബഡ്ജറ്റ് വെബ്ബിന്റെ പേര്

ഡിസ്ട്രിക്ട് വിസ്തീർണ്ണം താലൂക്ക് വില്ലേജ്

സ്റ്റേറ്റ്മെന്റ് (എ) സ്റ്റേറ്റ്മെന്റ് (ബി)

(1)		(2)	
പ്രതീക്ഷിക്കുന്ന വരവിനങ്ങൾ	രൂപ	പ്രതീക്ഷിക്കുന്ന ചെലവിനങ്ങൾ	രൂപ
1. 20 മാർച്ച് 31 വരെയുള്ള ചെലവ് കണക്കാക്കിയ ശേഷം മിച്ചം വരുമെന്ന് പ്രതീക്ഷിക്കുന്ന സംഖ്യ		1. എസ്റ്റാബ്ലിഷ്മെന്റ് (എ) ഉദ്യോഗസ്ഥൻമാരുടെ ശമ്പള വകയ്ക്ക് (ബി) യാത്രാചെലവും മറ്റും ബത്തകളും വകയ്ക്ക് (സി) തപാൽ സ്റ്റേഷനറി തുടങ്ങിയവയ്ക്ക് (ഡി) പലവക തരം തിരിച്ച് കാണിക്കുക. ആകെ	രൂപ
2. 20 മാർച്ച് 31 വരെയുള്ള ചെലവ് കണക്കാക്കിയ ശേഷം മിച്ചം വരുമെന്ന് പ്രതീക്ഷിക്കുന്ന ധാന്യങ്ങളുടെയും മറ്റു സാധനങ്ങളുടെയും വില ആകെ	രൂപ	2. ഭക്ഷണത്തിനും മറ്റും (എ) നെല്ല് തുടങ്ങിയ ധാന്യങ്ങൾ വാങ്ങാൻ വേണ്ടി (ബി) സാമാനങ്ങൾ വാങ്ങാൻ വേണ്ടി (സി) മറ്റുവകയിൽ ചെലവുകൾ ആകെ	രൂപ
1. ഭൂമിയിൽ നിന്ന് (എ) പാട്ടം ഇനത്തിൽ വരവ് പണം (ബി) പാട്ടം ഇനത്തിൽ വരവ് നെല്ല് സ്റ്റാൻഡേർഡ് പാവില		3. ആനുകാലികാഘോഷങ്ങൾ (ഡി) ടി മറ്റുതൂപ്പനങ്ങൾക്ക് കൃഷി ചെയ്ത തരം തിരിച്ച് കാണിക്കുക	
		4. ഭൂമി-കൃഷിചെലവ് (എ) നേരിട്ട് നടത്തുന്ന നെൽകൃഷി ഏക്കർ നെല്ല് ചെലവ് (ബി) ടി തെങ്ങിൻ തോട്ടം ഏക്കർ നെല്ല് ചെലവ് (സി) ടി കവുങ്ങിൻ തോട്ടം ഏക്കർ നെല്ല് ചെലവ് (ഡി) ടി മറ്റുതൂപ്പനങ്ങൾക്ക് കൃഷി ചെയ്ത തരം തിരിച്ച് കാണിക്കുക	
		5. കെട്ടിട റിപ്പയർ (എ) വാടക കിട്ടുന്ന കെട്ടിടങ്ങൾക്ക് (ബി) മറ്റ് കെട്ടിടങ്ങൾക്ക്	
		6. നികുതി	
		7. മുനിസിപ്പൽ ടാക്സ്	
		8. പഞ്ചായത്ത് ടാക്സ്	
		9. മറ്റ് നികുതി	
		10. വെബ്ബ് ബോർഡിൽ അടയ്ക്കേണ്ടുന്ന വിഹിതം	
		11. പലവക തരം തിരിച്ച് കാണിക്കുക	
		12. കെട്ടിട വാടക	
		13. ചെമ്പ് പാത്രങ്ങൾ, വിളക്ക്, ഫർണിച്ചർ മുതലായവയിൽനിന്നുള്ള വാടക	
		14. നേർച്ചപ്പെട്ടി, ഒണ്ഡാരം എന്നിവ	
		15. നിക്ഷേപങ്ങളിൽ നിന്നുള്ള വരവ്	
		16. നേർച്ച ആഘോഷങ്ങളിൽ നിന്നുള്ള വരവ്	
		17. സംഭാവന മുഖേന	
		18. വരിസംഖ്യ മുഖേന	
		19. പാട്ടപരിവ് മുഖേന	
		20. പിടി അരി മുഖേന	
		21. കെട്ടുതെങ്ങ്/ഒറ്റതെങ്ങ്/ കൂടിതെങ്ങ് മുഖേന	
		22. ഗ്രാന്റുകൾ മുഖേന	
		23. മറ്റിനങ്ങൾ തരം തിരിച്ച് മറ്റുഭാഗം കാണിക്കുക	
		24.	
		25.	
		26.	

മൊത്തം ചെലവ്
 12. ബാക്കി കയ്യിരിപ്പായി പ്രതീക്ഷിക്കുന്നത്
 (എ) കൈവശം
 (ബി) ബാങ്ക് അക്കൗണ്ടിൽ
 (സി) കൈവശം ബാക്കി വരാവുന്ന
 ധനസൂക്ഷ്മതയും മറ്റും വില
 ആകെ

മുതലടിയുടെ ക്വട്ട്
 പേരും വിലാസവും

17. സ്ഥലം
 18. തീരത്ത്
 19. ആകെ
 20. സ്ഥലം
 തീരത്ത്

APPENDIX
 FORM I

[See Rule 62 (2)]

FORM OF REQUISITION TO CALL SPECIAL MEETING OF THE
 BOARD TO CONSIDER MOTION OF NO CONFIDENCE

Place :

Date :

To,

The Chief Executive Officer,
 Kerala State Waqf Board

1. We, the undersigned members of the Kerala State Waqf Board herby request you under Rule 66 of the Kerala Waqf Rules, 20To call a special meeting of the Board to consider the motion of No Confidence against Shri/Smt....., Chairman of the Board.
2. A copy of the motion proposed to be moved is enclosed herewith.
3. The motion will be moved by Shri/Smt.

Names

Signature

- 1.
- 2.
- 3.
- 4.
- 5.

And Further if required.

occupants for their illegal occupation of the waqf property, to punish the public servant who fails in his lawful duty to prevent or remove an encroachment in waqf property as per subsection (6) of section 7 of the Act.

(2) The Tribunal shall have the powers of assessment of damages by unauthorized occupation of waqf property and to penalize such unauthorized occupants for their illegal occupation of the waqf property and to recover the damages as arrears of land revenue through the Collector.

(3) Whosoever, being a public servant, fails in his lawful duty to prevent or remove an encroachment, in spite of the specific order of the Board or Tribunal shall on conviction be punished with fine which may extent to fifteen thousand-rupees for each such offence.

(4) Before passing an order as per sub-rule (3), the Waqf Tribunal shall afford an opportunity of being heard for both the applicant and the person against whom the order may be passed.

138. *No court fee for Waqf Board.*—No court fee or legal benefit fund fee shall be required for the Waqf Board in filing any proceedings or applications before the Tribunal.

139. *Appointment of Standing Counsels.*—Board may appoint Standing Counsels in Tribunal to file or defend a suit, writ, appeal or any other proceedings connected with a Waqf matter or property. Such appointment shall be communicated to the Tribunal.

140. *Waqf Board is a necessary party.*—In any suit or proceedings in respect of a waqf or any waqf property, before the Tribunal the Board shall be a necessary party. Registry shall not accept any proceedings in file if Board is not a party. Board shall not be set exparte in such proceedings for any reason.

ഘാറം III

(പട്ടം 76 പ്രകാരം)

20 20ലേക്കുള്ള ബഡ്ജറ്റ്

വെപ്ഫ് ആക്ട് 65 വകുപ്പ് പ്രകാരം ബോർഡ് നേരിട്ട് ഭരിക്കുന്ന വെപ്ഫിന്റെ 1 മുതൽ 20 മാർച്ച് 31-ന് അവസാനിക്കുന്ന സാമ്പത്തിക വർഷത്തിലേക്കുള്ള ബഡ്ജറ്റ്

വെപ്ഫിന്റെ പേര്
ഡിസ്ട്രിക്ട്

ജില്ലയുടെ നമ്പർ
വിലയില്ല

താലൂക്ക്

സ്റ്റേറ്റ്മെന്റ് (എ)

സ്റ്റേറ്റ്മെന്റ് (ബി)

(1)

(2)

പ്രതീക്ഷിക്കുന്ന വരവിനങ്ങൾ	രൂപ	പൈസ	പ്രതീക്ഷിക്കുന്ന ചെലവിനങ്ങൾ	രൂപ	പൈസ
1. 20 മാർച്ച് 31 വരെയുള്ള ചെലവ് കണക്കാക്കിയ ശേഷം മിച്ചം വരുമെന്ന് പ്രതീക്ഷിക്കുന്ന സംഖ്യ			1. എസ്റ്റിമേറ്റ് (എ) ഉദ്യോഗസ്ഥൻമാരുടെ ശമ്പള വകയിൽ (ബി) യാത്രാചെലവും മറ്റും ബത്തകളും വകയിൽ (സി) തപാൽ സ്റ്റേഷനറി തുടങ്ങിയവയിൽ (ഡി) പലവക തരം തിരിച്ച് കാണിക്കുക ആകെ		
2. 20 മാർച്ച് 31 വരെയുള്ള ചെലവ് കണക്കാക്കിയ ശേഷം മിച്ചം വരുമെന്ന് പ്രതീക്ഷിക്കുന്ന ധാന്യങ്ങളുടെയും മറ്റും സാധനങ്ങളുടെയും വില ആകെ			2. ഭക്ഷണത്തിനും മറ്റും (എ) നെല്ല് തുടങ്ങിയ ധാന്യങ്ങൾ വാങ്ങാൻ വേണ്ടി (ബി) സാധനങ്ങൾ വാങ്ങാൻ വേണ്ടി (സി) മറ്റുവകയിൽ ചെലവുകൾ ആകെ		
1. ഭൂമിയിൽ നിന്ന് (എ) പട്ടം ഇനത്തിൽ വരവ് പണം (ബി) പട്ടം ഇനത്തിൽ വരവ് നെല്ല് സ്റ്റാൻഡേർഡ് പാവില					

- (1)
- (സി) വെപ് വേരിട്ട് നടത്തുന്ന കൃഷിയിൽനിന്നുള്ള നെല്ല് സ്റ്റാൻഡേർഡ് പാവില
 - (ഡി) കൈവശ തോപ്പുകളിൽ നിന്നുള്ള നാളികേരം എണ്ണംവില
 - (ഇ) ടി അടയ്ക്ക എണ്ണം.....വില
 - (എഫ്) മറ്റുതൊഴിലുകളിൽ നിന്ന് വരവ്
2. കെട്ടിട വാടക.
 3. ചെമ്പ് പാത്രങ്ങൾ, വിളക്ക്, ഫർണിച്ചർ മുതലായവയിൽ നിന്നുള്ള വാടക
 4. നേർച്ചപ്പെട്ടി, ഒണ്ഡാരം എന്നിവ മുഖേന
 5. നിക്ഷേപങ്ങളിൽ നിന്നുള്ള വരവ്
 6. നേർച്ച ആഘോഷങ്ങളിൽ നിന്നുള്ള വരവ്
 7. സംഭാവന മുഖേന
 8. വരിസംഖ്യ മുഖേന
 9. പാട്ടപിരിവ് മുഖേന
 10. പിടി അരി മുഖേന
 11. കെട്ടിടത്തങ്ങൾ/ടറ്റത്തങ്ങൾ/ കൂടിതങ്ങൾ മുഖേന
 12. ഗ്രാന്റുകൾ മുഖേന
 13. മറ്റുനങ്ങൾ തരം തിരിച്ച് മറുഭാഗം കാണിക്കുക
 - 14.
 - 15.
- (2)
3. ആനുകാലികഘോഷങ്ങൾ (ഡി) ടി മറ്റുതൊഴിലുകളിൽ നിന്നുള്ള വരവ് തരം തിരിച്ച് കാണിക്കുക
 4. ഭൂമി-കൃഷി ചെലവ് (എ) നേരിട്ട് നടത്തുന്ന നെൽകൃഷി ഏക്കർ സെന്റ് ചെലവ് (ബി) ടി തെങ്ങിൻ തോട്ടം ഏക്കർ സെന്റ് ചെലവ് (സി) ടി കവുങ്ങിൻ തോട്ടം ഏക്കർ സെന്റ് ചെലവ് (ഡി) ടി മറ്റുതൊഴിലുകളിൽ നിന്നുള്ള വരവ് തരം തിരിച്ച് കാണിക്കുക
 5. കെട്ടിട റിപ്പയർ (എ) വാടക കിട്ടുന്ന കെട്ടിടങ്ങൾക്ക് (ബി) മറ്റ് കെട്ടിടങ്ങൾക്ക് ആകെ
 6. നികുതി
 7. മുനിസിപ്പൽ ടാക്സ്
 8. പഞ്ചായത്ത് ടാക്സ്
 9. മറ്റ് നികുതി
 10. വെപ് ബോർഡിൽ അടയ്ക്കേണ്ടുന്ന വിഹിതം ആകെ

134. *Application of Code of Civil Procedure and Kerala High Court Rules.*—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 (Central Act 5 of 1908) and the Kerala High Court Rules.

135. *Production of documents by the Waqf Board before the Tribunal.*—(1) Whoever want to produce documents from the office of the Waqf Board shall obtain certified copies of such documents from the Waqf Board to be produced in cases before the Tribunal.

(2) Tribunal may, when it feels that verification of original records of Waqf Board is inevitable for the fair disposal of a matter, call for the such records from Waqf Board, by way of a direction through its office.

(3) Tribunal shall return such original records of the Waqf Board after verifying the same without delay.

(4) Tribunal shall not mark such original records, which is a part of records of Board, as documents in any case so as to form part of records of a case file or other proceedings before the Tribunal.

136. *Time limit for filing petition etc. before the Tribunal.*—Notwithstanding anything contained in any other Act, any mutawalli, person interested in a waqf or any other person, aggrieved by an order made under this Act or rules made thereunder, may make an application within the time specified in the Act or in the rules or where no such time has been specified, within thirty days from the date of order:

Provided that the time taken for obtaining the copy of the order shall be excluded in computing the said period.

137. *Powers of Tribunal to assess damages and impose penalties.*— (1) Any person interested in a waqf, mutawalli or Board may file an application before the Waqf Tribunal for assessing damages by unauthorized occupation of waqf property, to penalize such unauthorized

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FORM IV(c)
Form of Budget of Waqf Board
(See Rule 90)

BUDGET ESTIMATE OF INCOME AND EXPENDITURE FOR
FINANCIAL YEAR

Accounts for ₹	Budget estimate for ₹	Revised estimate for ₹	Assets		Liabilities		Revised estimate for ₹	Budget estimate for ₹	Accounts for ₹
			Heads of Income	Budget estimate for ₹	Budget estimate for ₹	Heads of Liabilities			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Cash Balance ***Deficitate the Loans
end of
Total

*** Includes advances of pay, travelling allowances and lawyers fee.

FORM V
[See Rule 4 (2)]

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. :
(a) The School of Muslim law to which belongs: Hanafi/Shafie/Maliki/Hambali of Sunni law/Others
3. Sunni/Shia Waqf and the School of Muslim :
law to which the Waqf belongs
4. The gross income of the property from :
each waqf.
5. The amount of land revenue, cess, rates :
and taxes payable in respect of each waqf.
6. The expences incurred in the realisation of :
income and the pay or other remuneration
of the mutawalli, if any, of each waqf.
7. Particulars relating to each waqf to be given :
as under :
(a) Name of the waqf :
(b) Name of the waqf, if any :
(c) Date or the year of the creation of the waqf :
(d) Details of the Waqf Deed :

- (e) Name of the mutuwalli and his pay or remuneration, if any
- (f) Location and nature of immovable property showing the village or town where situates 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 IV(b)
Form of Budget of Waqf Board
(See Rule 90)

BUDGET ESTIMATE OF INCOME AND EXPENDITURE FOR
FINANCIAL YEAR

Accounts for ₹	Budget estimate for ₹	Revised estimate for ₹	Receipts	Budget estimate for ₹	Budget estimate for ₹	Heads of Payments	Revised estimate for ₹	Budget estimate for ₹	Accounts for ₹
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Cash Balance from Pervious Year

- (i) Income
(ii) Loans

Total

Cash Balance at the end of the Year**

- (i) Expenditure
(ii) Payment of loan*

Total

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

** Includes advances of pay, travelling allowances and lawyers fee.

FORM IV(a)
Form of Budget of Waqf Board
(See Rule 90)

BUDGET ESTIMATE OF INCOME AND EXPENDITURE FOR
FINANCIAL YEAR

Accounts for ₹	Budget estimate for ₹	Revised estimate for ₹	Income		Expenditure		Financial Year		
			Heads of Income	Budget estimate for ₹	Budget estimate for ₹	Heads of Expenditure	Revised estimate for ₹	Budget estimate for ₹	Accounts for ₹
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

1. Contribution from waqfs.
Under section 72 (1)

1. Deficit from previous year

2. (i) Fees or allowances to Chairman and Members of Board or Committee
(ii) Pay for Secretary
(iii) Pay of Establishments
(iv) Travelling allowances
(v) Contingencies
(vi) Law charges after deducting Recoveries
(vii) Audit charges

2. Other income

- (a) Interest on investments and advances
(b) Fees for supply of documents and other petty items

FORM VI
[See Rule 6 (2)]

PARTICULARS OF LIST OF AUQAF

- Name of waqf with description :
of waqf property
(e.g. land building, graveyard etc.).
- Location of waqf property, stating :
khasra No., village in rural areas and Mohalla, ward, road and municipal number in case of urban property.
- Nature and object of waqf :
(a) The School of Muslim law to which belongs Hanafi/Shafie/Maliki/Hambali of Sunni law/Others
- Is it a Sunni/Shia Waqf and the :
School of Muslim law to which the Waqf belongs
- Details of waqf properties, :
if immovable
(a) area, showing built up area :
separately
(b) boundaries; and
(c) value
- Nature and value of movable :
property

- 7. Date or year of creation of waqf :
- 8. Details of Waqf Deed :
- 9. Gross receipts :
- 10. Grants received :
- 11. Gross income of property comprised in each waqf :
- 12. Amount of land revenue, cess, rates and taxes payable in respect of such property :
- 13. Expenses incurred in realisation of income. :
- 14. Details of Administration :
 - (i) By Custom/Usage :
 - (ii) By scheme settled by court :
 - (iii) By bye-laws registered with the Board :
 - (iv) Schemes of Management approved by the Board :
- 15. Name and address of mutawalli :
- 16. Pay or remuneration of mutawalli of each waqf, if any :

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

16. 17. 18. 19. 20.

11. പലവക തരം തിരിച്ച് കാണിക്കുക. ആകെ

മൊത്തം ചെലവ്

12. ബാക്കി കയ്യിരിപ്പായി പ്രതീക്ഷിക്കുന്നത്

(എ) കൈവശം

(ബി) ബാങ്ക് അക്കൗണ്ടിൽ

(സി) കൈവശം ബാക്കി വരാവുന്ന ധാന്യങ്ങളുടെയും മറ്റും വില ആകെ

കഴിഞ്ഞവർഷത്തെ വരവുമായിട്ടുള്ള രൂപ പൈസ

ആകെ

കഴിഞ്ഞവർഷത്തെ ചെലവുമായിട്ടുള്ള രൂപ പൈസ

വ്യത്യസ്തങ്ങൾ

വ്യത്യസ്തങ്ങൾ

92/93/19

അധികാരപ്പെട്ട വ്യക്തിയുടെ ഒപ്പ്

പേര്, വിലാസം

സ്ഥലം : തീയതി :

Boundaries								
<i>Serial No.</i>	<i>Name of District</i>	<i>Name of Taluk</i>	<i>Name of Village/Municipality or Corporation</i>	<i>Survey No.</i>	<i>Extent</i>	<i>Description Improvement</i>	<i>North/South/East/West</i>	<i>Named Addresses of the person in Possession</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Place:
Date:

Signature.

(Seal)

[See Rule 115 (2)]

BEFORE THE TRIBUNAL.....

O.S. No.of

(O. A. No.of))

[W. A (Appeal No..of.....)]

Between

(A) Name and Full address.....Plaintiff/Applicant/Appellant

(B) V/s.

(C) B, C and D.....Defendant/Respondent/
Respondents

(D) DETAILS OF THE PLAINT/ APPLICATION /APPEAL

1. Particulars of the orders against which the application is made.

2. 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

I, (Name of the Application)S/o.....W/o
D/o.....age.....Occupation.....
 residing at.....do 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 as per Kerala Suit Valuation Act).

(Signature of plaintiffs/applicants/appellants)

Date:

Place:

By order of the Governor,

A. SHAJAHAN,
 Secretary to Government.

FORM IX

[See Rule 79 (2)]

FORM FOR REQUESTING THE DETAILS OF PROPERTIES BY THE DISTRICT COLLECTOR

WHEREAS, a requisition has been received under sub-section (1) of section 52 of the Waqf Act, 1995 from the Kerala Wakf Board to obtain and deliver possession of the immovable property described in the Schedule below transferred without the previous sanction of the Board in contravention of the provision of Section 51 of the said Act and the said property is in your possession.

AND WHEREAS, the possession of the said property has to be delivered to the said Board.

NOW, THEREFORE, in exercise of the powers conferred on me under sub-section (2) of section 52 of the said Act, I hereby direct you to deliver possession of the said property to the Chief Executive Officer of the Kerala Waqf Board or any person duly authorized by him in this behalf within thirty days from the date of service of this order. If you are aggrieved by this order, you may, within a period of thirty days from the date of service of this order prefer an appeal to the Tribunal within whose jurisdiction the said property is situated. If 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 authorized by me, using such force if any, as may be necessary for the purpose, and delivered to the said Board.

FORM VIII

[See Rule (66)]

APPLICATION FOR PROVIDING CERTIFIED COPY

To the Chief Executive Officer/Divisional Waqf Officer,
 Waqf Board,

Name of applicant.....S/o,W/o.....Resident of.....

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

The name and address of the waqf from which the copies
 are to be received :

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.*

dated : *Signature of recipient of the copy.*

at..... (place and time)

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Consequent to the Waqf (Amendment) Act, 2013 (Central Act 27 of 2013) Government have decided to issue rules in supersession of the Kerala Waqf Rules, 1996 issued by notification under G.O. (Ms.) No. 508/96/RD dated 6th September, 1996 and published as S. R. O. No. 658/96 in the Kerala Gazette Extraordinary No. 1056 dated 6th September, 1996.

FORM VII

[See Rule (65)]

APPLICATION FOR INSPECTION OF BOARD'S RECORD

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

Name of the applicantS/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.....to.....viz.....hours

Inspection fee paid

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

Date :

Signature of Applicant after inspection made.

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