NOTIFICATION

No.-1621 In exercise of the power confermed under Article 348 (3) of the constitution of India the Governor of Jharkhand is pleased to publish the Hindi version of the Wakf Rule - 2004 in English language.

By the order of the Governor of Jharkhand

Sd/-
Secretary
Welfare Department
Jharkhand, Ranchi

The Jharkhand W AKF RULES, 2004
NOTIFICATION

S.No..... n exercise of the powers conferred by Section 109 of the Wakf Act, 1995 (Central Act 43 of 1995), the Government of Jharkhand here by makes the following rules, namely:-

1. Short title extent and commencement:

(1) These rules may be called the Jharkhand Wakf rules 2004

(i) It shall extend to the whole of the State of Jharkhand (ii)
They shall come into force at once.

2. Definitions:(I) In these rules, unless there is any thing repugnant in the subject or context:

(i) "Act" means the Wakf Act, 1995 (Central Act 43 of 1995)

(ii) "Section" means a section of the Act.

(iii) "Rules" means rules framed under the Act.

(iv) "Survey Commissioner of Wakfs" : means as Survey Commissioner appointed under Sub-section (1) of section 4 of the Act by the State Government and includes any Additional or Assistant Survey Commissioner of Wakfs.

(v) "Chairperson" means the Chairperson of the Board elected under Sub-Section (8) of Section 14.

(vi) "District Wakf Advisory Committee" means a Committee constituted under Section 18 by the Board.

(vii) "Electoral College" means the Categories from which members are to be elected under Clause (b) of sub-section (I) of Section 14 and Sub-Section (2) of Section 14.

(viii) "Electoral Registration officer" means an Officer appointed under sub-rule (2) of rule 7.

(ix) "Electoral Roll" means a list of voters prepared under Clause (d) of Sub rule (1) of rule 10.

(x) "From" means a form appended to these rules.

(xi) "Presiding Officer" includes any polling officer performing any of the functions of Presiding Officer under sub-rules (2) and (3) of rules 23.

(xii) "Public Holiday" means any day which is a Public Holiday for the purpose of Section 25 of Negotiable Instrument Act of 1881.

(xiii) "Returning Officer" means an Officer appointed under rule 13 and includes any Assistant Returning officer performing any functions, he is authorized to perform under rule 13.

(xiv) "Wakf' Inspector" means an Official appointed by the State Wakf Board.

(xv) "Wakf Officer" means an Officer appointed by the Jharkhand State Wakf Board.

(xvi) "Wakf Tribunal" means "The Jharkhand Wakf Tribunal" constituted under Subsection (1) of Section 83 of t

(xvii) "Board" means the Jharkhand State Sunni/ Shia Wakf Board as constituted under section 14 of the Act.

(xviii) Collector of the District means an official appointed by the State Government and also includes Additional Collector.

(xix) Deputy collector Land Reforms means an official appointed by the State Government.

(xx) Circle Officer means an official appointed by the State Government.

(xxi) Executive Officer means an official appointed by State Government to look after the Administrative works of a Municipality or Corporation.

(2) All words and expressions used in these rules and not defined there in but defined in the Act, shall respectively have the same meanings as assigned to them in the Act.

3. Appointment of Survey Commissioner:

officer to be the survey commissioner of wakfs or instead of making such appointment

may notify the secretary to the Government, Revenue & Land Reforme department to hold simultaneously the post of the Survey commissioner of Wakfs.

(ii) The State Government by notification in the official gazette shall appoint an officer to be the Additional Survey Commissioner or may notify the collector or Additional Collector of a district to perform and exercise all the powers and duties of an Additional Survey Commissioner.

(iii) The State Government by notification in the official gazette may appoint Assistant Survey Commissioner or may notify the Deputy Collector, Land Reforms of a revenue Sub Division to exercise and perform all the duties and powers of an Assistant Survey Commissioner.

(iv) The Assistant Survey Commissioner, if required may ask any circle officer of the revenue circle and an executive officer of a municipality or corporation within his jurisdiction of wakf officer or wakf inspector to assist him while performing his duties under the Act and the Rules.

4. Particulars to be included in the report of Survey Commissioner of Wakfs U/S 4(3) of the act:

The report of the Survey commissioner of Wakfs under subsection (3) of section 4 shall contain the particulars as specified in

5. Particular to be included in the list of Wakfs to be published by the Board

The list of Shia and Sunni Wakfs Published under sub section (2) section 5 shall be furnished in

6. Updating of Records of Wakf properties:

(1) Whenever any new property is acquired by a registered Wakf or a new Wakf is registered, and in all cases of Wakfs by user, the Mutawalli or the Executive Officer related with that wakf, shall make an application to the Collector of the district in

Form No 3 furnishing the following information by updating the property records.

(a) Whether the property is an agricultural land of that revenue circle in whose jurisdiction the land is situated, and

(b) Whether the property is that of a municipality or corporation or village Panchayat within whose local limits the property is situated.

(2) After receiving information about the property of a Wakf under sub rule (1), the authorities shall get the records of such property or properties updated by entering the details in the relevant columns of the records of the Wakf property for each such - 3 -

Wakf individually.

The Mutwalli or the executive officer shall assist and coordinate with the authorities updating the records and also in case any inquiry is required about the concerned property. 7. Preparation of Electoral roll and Appointment of Electoral Registration Officer:-

(1) The Electoral Roll for the four Categories of electoral college under clause (b) of Sub-section (1) of Section 14 shall be prepared or revised before the date of the notification of the Election to the Board.

(2) The government by notification in the official gazette shall appoint an Officer not below the rank of a Divisional Commissioner to be the Electoral Registration Officer.

8. Obtaining list of Electoral Colleges by Electoral Registration Officer :-

The Electoral Registration Officer, before preparing or revising the electoral rolls related with four electoral colleges under clause (b) of Sub Section (I) of section 14 shall obtain the list of eligible voters in case of category specified in sub clause (i) from the Secretaries of Lok Sabha and Rajya Sabha, in case of case of category (ii) from the Secretaries of State Legislative Assembly and Council, in case of category (iii) from the president of State Bar Council and in case of category (iv) from the Chief Executive Officer of the concerned State Wakfs Board.

9. Application for Registration by Voters to the Electoral Registration officer: (1) The Electoral Registration officer shall furnish the form of application in

form no. 4 to all those persons whose name are included in the list obtained under rule 8 and to all persons eligible for registration on their request.

form No.4 and form No.4(A) and submit them so as to reach the Electoral Registration Officer within 5 days from the date of Notification under rule 10.

10. Notification regarding preparation of Electoral Rolls:-

Form 5 containing the following:-

(a) the last date for application for Registration which shall be the fifth day from the date of issue of Notification;

(b) the date of Publication of draft electoral rolls which shall be third day from the receipt of application for Registration;

(c) the last date for filling any Claim/Objection to the draft rolls;

(d) the date of publication of final electoral rolls which shall be the third day from the last date of filling of objection or claims to the draft electoral rolls.

(2) The Notification shall be published at the office of the Electoral Registration Officer, office of the Jharkhand State Wakf Board and in all the District Wakf Officers and at such wakf institutions as the Electoral officer may think fit.

(3) Wide Publicity of the Notification shall also be given by Publishing it in the local dailies having circulation in the area, one each In English, Hindi and Urdu languages.

11. Forms and Language of Electoral Roll:-

(1) The Electoral Roll in respect of the four Electoral Colleges shall be prepared in

form 6A, 6B, 6C and 6D.

(2 The Electoral Roll shall be in Hindi language.

12. Electoral rolls of ex-Muslim Members of Parliament of Jharkhand Ex-Muslim Members of State Legislature and Ex-Muslim Members of the Bar Council:-

The procedure specified under rules 7 to 11 shall be mutates mutandis apply to the preparation of the pool of the electoral colleges specified in the second proviso to sub- section (2) of section 14, Separate electoral roll shall be maintained for each category there under, in Forms 7A, 7B and 7C respectively.

13. Returning officer and Assistant Returning Officer:-

The special Secretary/Joint Secretary/ Deputy Secretary of the Minorities Welfare Department, or other officer not below the rank of Deputy Secretary of the Government or any other officer specially notified by the State Govt. shall be the returning officer and if needed, he shall appoint one or more officers of the State Government or from the Jharkhand Sunni Wakf Board as Assistant Returning Officer who shall perform their duties under the control and direction of the Returning Officer.

Provided that no Assistant Returning Officer shall perform any of the function of the returning Officer which relates to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said functions.

14. Notification of Elections by the State Government-

The State Government shall notify the schedule of Elections for electoral colleges in

form no. 8 consisting of one and not more than two members each as per provision contained in clause (b) of Sub-Section (1) of Section 14 indicating the dates of commencement

and completion of election which shall not be less than thirty days from the date of notification.

15. Publication of notice of Election by Returning Officer:-

(1) A public notice of election notified under rule 14 shall be published by the Returning officer indicating clearly -

(a) the number of persons to be elected to each of the electoral colleges for which election declared;

(b) the last date for filing nominations which shall be the seventh day after the date of Publication of the notice.

(c) The place at which such nomination are to be filled;

(d) The date of scrutiny of nominations which shall be the next day after the last date of filing nominations;

(e) the last date for withdrawal of nomination which shall be the third day after the date for the scrutiny of nominations;

(f) the date on which the polling shall be held, which shall not be earlier than the tenth day from the last date for with drawl of nominations;

(g) the date before which the process of election shall be completed. Provided that if any date notified under clauses (b), (d) or (e) falls on a public holiday such date shall be deemed to be the date on the next working day falling immediately after the holiday. (2) The notice shall be issued in

form 9 and shall be published in the local dailies, having circulation in the area at least one in each language namely, English, Hindi and Urdu and also in the office of:-

(i) the Returning officer

(ii) Jharkhand state Sunni and Shia Wakf Board

(iii) District Wakf office; and

(iv) any other office considered to be fit by the returning officer.

16. Presentation of Nomination papers:-

(1) Nomination papers duly filled in all respects in Form No. 10 shall be filed on any day before the last day notified at such place and within such time as may be specified in the notice published under Rule 15.

(2) A candidate shall not file more than two nomination for a single seat, through the proposed of each nomination may not be the same person. Provided that the Retuning officer may allow any clerical or technical error in the nomination paper - 6 -

in respect of the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral roll and where necessary may direct that any clerical or technical error in the said entries to be over looked.

17. Security Deposits:-

A candidate shall not be eligible to be nominated for contesting the elections unless he has deposited a sum of Rupees Two Hundred and fifty only (Rs. 250/-) as security in cash in the office of Returning Officer and has produced the original receipt along with the Nomination papers.

18. Notice of Nomination and the time and place of Scrutiny of Nomination:- The Returning Officer after receiving the nomination papers from the candidates or from other persons delivering the same shall inform about the date, time and place fixed for scrutiny of nominations to the persons concerned and shall enter on the nomination paper its serial number, the category, the date and hour at which the nomination paper has been delivered to him. Thereafter he shall immediately cause to be affixed the notice of the nomination in

19. Oath of affirmation and appointment of Election Agent:-

(1) Every candidate shall at the time of filling the nomination or at any time before its scrutiny of nomination take oath of affirmation if

Form 12 before the Returning Officer or Assistant Returning Officers as the case may be:

(2) The Candidate if he so wishes may appoint his Election Agent by making an application in Form 13 to the Returning Officer.

20. Scrutiny of nomination papers:-

(1)On the date fixed for scrutiny of nominations under rule 18, the candidate or his Election agent or one proposed of each candidate may attend at such time and place as the Returning Officer shall fix and the returning Officer shall give then, all reasonable facilities for examination of nominations of all candidates which have been delivered and filed in time. (2)The Returning Officer shall, thereafter examine all the nomination papers and shall receive objections if any to any nomination may, either on receipt of such objections or on his own motion, after summary scrutiny, may reject any nomination on any of the following grounds :-

(a)that on the date fixed for scrutiny of nominations, the candidate either was not qualified or was disqualified as per Section 16 for being elected to the seat from the

respective electoral college under clause (b) of Sub-Section (1) of Section 14.

(b)That there has been a failure on the part of a candidate the comply with any of the provisions under rules 16, 17 and 18.

(c)That the signature of the candidate or propose on the nomination paper is not genuine.

(3)Nothing contained in clause (b) or (c) of sub-rule (2) shall be deemed to authorize the rejection of nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the other Nomination papers being free from irregularities, has been accepted in respect.

(4)The Returning officer shall not reject any nomination paper on the ground of a defect, which is not of a substantial nature.

(5)The Returning officer make the scrutiny on the specific date fixed for it under Rule 18 and shall not allow any adjournment of the proceedings except when proceedings are intercepted or obstructed by any cause beyond his control.

Provided that in case any objection is raised by the Returning Officer or by any other person the candidate concerned may be allowed time to rebut it which shall be the next following the date fixed for scrutiny and the Returning Officer shall record his decision on this date on which the proceedings have been adjourned.

(6)The Returning Officer shall make an endorsement on each nomination paper of his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejections.

(7) The Returning Officer shall take up the scrutiny of nomination papers of various electoral colleges as per the sequence under Clause (b) of Sub-Section (1) of Section 14.

(8) Immediately after all the nominations papers for the various electrol colleges have been scrutinized and decisions accepting or rejecting have been taken and the same have been recorded the Returning Officer shall prepare a list of candidate whose nominations have been found valid in

Form 14.

21. Withdrawal of candidature-

(1) A candidate may at any time before the date and time notified under clause (e) of Sub-rule (1) or Rules 15 withdraw his candidature, by giving in writing to the Returning Officer, either in person or through his proposer or through his duly authorized election - 8 - agent a notice of withdrawal in Form 15. On receipt of such notice, the Returning Officer shall endorse thereon, the date and time at which it was delivered to him.

(2) No person who has given a Notice of withdrawal of the candidature, under sub rule (1) shall be allowed to recall the notice.

(3) The Returning Officer shall on being satisfied as to the genuineness of notice and the identify of the person delivering it, notify the withdrawal of candidature in

Form 16, on the Notice Board or at a conspicuous place of his office for each of the Electoral colleges separately.

22. Preparation and publication of list of contesting candidates»

(1) Immediately on expiry of the period within which candidature may be withdrawn under rule 21, the Returning Officer shall, prepare in

Form 17, a list of contesting candidate, in the English alphabetical order, their names with addresses as given in the nomination paper.

(2) The Returning Officer shall immediately after preparation of the list of contesting candidates, cause a copy of the list to be displayed on the Notice Board or affixed at a conspicuous place in his office. The list shall be published in Hindi languages.

23. Presiding officer and polling Officer:-

(1) The Returning Officer shall appoint one Presiding Officer and such number of Polling Officer as the thinks necessary for each polling station.

(2) A polling Officer shall also be authorized by the returning officer to do the duties of the presiding Officer in his absence.

(3) If a Presiding Officer, owing to illness or other unavoidable circumstances becomes unable to attend to functions or remains absent from the Polling station, his functions shall be performed by such polling officer, as has been previously authorized by the Returning Officer.

24. Duties of Presiding Officer/Polling Officers.

It shall be the duty of the Presiding Officers and the polling officers at each polling station to see that the polls is conducted fairly and in proper manner as per guide lines and direction in the detailed instructions set out in Annexure - 1 to these rules.

25. Procedure where the number of candidates is equal to or less than the number of seats:-

(1) No poll shall be held pursuant to a notification of election issued under Rule - 9 -

15 where the number of candidates contesting from any Electoral College is equal to or less than the number of seats to be filed in that Electoral College.

Form 18 that such candidates are duly elected to fill the seats and shall inform to be Government about the result. 26. Procedure to the adopted by Returning Officer, Presiding Officer and Polling Officer- Every Returning Officer, the Presiding Officer and Polling Officer, shall as far as possible, follow the procedures laid down in the conduct of Election Rules of State made under Representation of Peoples Act, 1951, (Central Act, 43 of 1951)]

27. Manner of casting votes and choice of electoral colleges:-

(i) Voting by proxy shall not be permitted at any election to be held under Sub- Section (2) of section 14.

(iii) Where a voter is enrolled to more than one electoral college, he shall be allowed to vote for only one of the electoral colleges of his choice. F the voter indicates, his choice at least two days earlier to the date of poll, in

Form 19 to the Returning Officer. The Returning Officer shall thereupon retain the name of the voter only in the Electoral College of his choice and shall strike out his name from the Electoral Roll of the remaining electoral colleges.

28. METHODS OF VOTING

(1) For the purpose of voting only the violet sketch pen shall be used by the voter which shall be supplied by the Returning Officer; along with the ballot paper. The use of any other pen, pencil, ballpoint pen or any other marking instrument shall invalidate the ballot paper.

(2) Voters shall mark the figure 1 in the column of "Order of preference" against the named the candidate whom the voter choose as his first preference.

(3) The voters shall indicate his further preference for the remaining candidates in the same manner as in sub-rule (1) above, by marking figure"2", "3", "4" etc. In order to preference.

(4) The voter may give his preferences to all contesting candidates irrespective of the number of candidate to be elected. For example, if there are five contesting candidates and only two are to be elected, a voter may mark preferences in an order against all the candidates of his choice.

(5) Preferences shall be indicated in Arabic numerals only i.e. "1", "2", "3" etc. and not in any other manner.

(6) The voter shall not write his name or any word or put his signature or initials or thumb impression of the ballot paper.

(7) It shall not be sufficient to put a mark like 'O' of 'X' against the name of the candidate by the voter shall indicate his order of preference in the manner described in sub rule - (3), (4) and (5).

(8) If the ballot paper is to be held valid, it is necessary that the voter should indicate his first preference by placing figure '1' against one of the candidates. The other preferences are optional, i.e. the voter may or may not indicate the second and subsequent preferences.

(9) In the event of election taking place for all electoral colleges, separate ballot boxes have to be provided for each of the Electoral College.

29. From of Ballot paper:-

(1) Every Ballot paper shall have a counter foil attached thereto, to indicate the electoral roll part number and Serial number of the voter on both ballot paper and counterfoil and the particulars therein shall be In Hindi and Urdu languages.

(2) The name of the candidate shall be printed on the Ballot paper in the same order in which they appear in the list of contesting candidates.

(3) The ballot paper shall have a blank column against the name of each candidate where in the voter shall write down his preference.

(4) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner as the Returning Officer may prescribe.

(5) When the election to all the four electoral colleges takes place, the colour of the ballot paper for each category shall be specified by the Returning Officer.

(6) The Returning Officer may adopt the guidelines enumerated in the hand book of Returning Officer of Election Commission of India for the exact design of the Ballot paper.

30. Counting of Votes, Result an Return of' Elector-

(1) Soon after the polling icer shall cause to take up

counting votes as per the procedure laid down in the conduct of Election Rules of Jharkhand.

(2) The Return of Election for each of the electoral colleges shall be furnished separately Form No. 20.

(3) The Returning Officer shall, for each electoral College, declare in From 21 the name of the candidate/candidates who has/have polled the largest number of votes and have

been elected. A copy of Form 21 duly filled up and signed by the Returning Officer shall be sent to Government and to the Chief Executive Officer of the concerned Wakf Board.

31. Grant of Certificate to the Elected Candidates:-

(1) As soon as a candidate has been declared elected, the Returning Officer shall give to such candidate a certificate of election in

Form 22 and shall obtain from the candidate a duly signed acknowledgement and such acknowledgement shall immediately be sent to the Government along with a copy of Result in Form 20 for each Electoral College.

(2) Provided that if a person contesting election is dissatisfied with the order of Returning Officer he may file an application before the Secretary of the Government looking after wakf and other related matters and after giving an opportunity of being heard, he shall pass an appropriate order which shall be final and binding on all parties.

32. Notification by the Government-

The state Government, after the receipt of results of election of the member of the Jharkhand State sunni shia Wakf Board under all the Electoral Colleges, shall issued a notification containing the names of elected members from the four electoral colleges under Clause (b) of sub section (1) of Section 14 and other members under Clauses (c), (d) and (e) of sub section (1) of section 14 and shall declare them as members of the Jharkhand State Wakf Board under section 14 in From 23.

33. Election of the Chairperson'-

(1) Whenever the Board is constituted or re-constituted, the State Government shall fix a date for the first meeting of the Board to elect the Chairperson. A notice in

form 24 shall be given to the members about the date fixed for the first meeting of the Board at least seven days before the meeting of the Board. The notice shall also state the time and place of the meeting.

(2) Whenever a vacancy of Chairperson of the Board arises due to resignation, removal, death or otherwise the procedure for election of Chairperson as prescribed in sub-rule (1) above shall be followed.

(3) The election of the Chairperson shall be conducted by the Secretary to Government Minority Welfare Department or any other office deputed by the State Government in the meeting convened under sub- rule (1) through secret ballot.

(4) The election of the Chairperson and the proceedings of the meeting convened - 12 -

to elect the Chairperson shall be recorded by an Officer appointed by the State Government. (5) Immediately after the election of the Chairperson, the Govt. shall issue a notification in

Form 25, containing the name of the member elected as the Chairperson of the Jharkhand State sunni Wakf Board under sub-section (8) of the section 14.

34. Appointment of Chief Executive Officer of the Board:-

(1) The Chief Executive Officer of the Board shall be appointed on deputation who shall be an Officer of the Indian Administrative Service or a member of the State Administration Service not below the rank of a Deputy Secretary belonging to the Muslim Minorities having knowledge of Urdu language.

(2) The term of deputation for the post of chef executive officer shall be normally for three years which may be extended up to five years in consultation with the Board.

35. Inspection of Records, register or other documents relating to movable or immovable properties of the wakf under section 29:-

(1) The Chief Executive Officer or any other officer of the Board duly authorized by him in this behalf shall make an application as prescribed in

form 26 to the concerned authority for the purpose of inspection of records, registers or other documents relating to the movable or immovable property of Wakf under Section 29 of the Act.

(2) In case the concerned authority refuse to produce the said records, registers documents of movable or immovable properties to the Chief Executive Officer of any Officer of the Board duly authorized in this behalf, the Chief Executive Officer shall report to the Union Government/State Government to ensure for supply and production of the documents, records, registers etc for inspection.

(3) The State Government on receipt of the report of the Chief Executive Officer shall direct the concerned authority whoever refuses to produce the said documents for inspections within fifteen days from the receipt of the direction of the State Government failing which the Government shall have to take the disciplinary action against the authority refusing the production of the aforesaid documents.

(4) In case the Chief Executive Officer or any other officer of the Board requires a certified of authenticated copy of any such record, register, document of moveable or immovable property from the authority concerned having dominion over the said document the said authority shall supply the copy of the required records, registers and documents on receipt of the requisite Court fee.

(5) In absence of such provision a cost may be paid in lieu of the court fee.

36. Condition subject to which inspection of Board's proceeding and other records and supply of certified copies may be allowed under Sub-Section (1) of Section 30.

(1) The Board of chief executive officer may allow inspection of its proceedings and other records in its custody on an application made in

Form 26 A to the Chief Executive Officer or any other officer duly authorized by the Board in that behalf. Every such application shall mention the purpose of the inspection and shall specify the records sought to be inspected.

(2) On receipt of the application, the Chief Executive Officer or the officer authorized by the Board under Sub-rule (I), if he is satisfied that the purpose for which the inspection is sought to be made is a bonafide one and its inspection will not in any way be harmful to the interests of any wakf, may grant a permission to that effect.

(3) An appeal against any order passed under Sub-rule (2) shall be made before the chairperson and the order passed by the chair person on such appeals shall be the final. (4) Inspection of the Board's proceedings or other records shall be made under the supervision of a responsible Officer of the Board nominated by the Chief Executive Officers or the Officer Authorized by the Board under Sub-Rule (1) on payment of such fee as may be prescribed by the board in its regulation.

(5) Any person desiring to have a certified copy of any proceeding or other records may make on application in the prescribed form to the Chief Executive Officer or any other officer duly authorized by the Board in this behalf with details of the proceeding or other records the copies of which is required accompanied with the amount of fee prescribed by the Board. (6) Within one week of the receipt of an application under sub-rule (5), the Chief Executive Officer or the Officer authorized by the Board shall prepare the copy of the record and shall it compare with the original. Electronic equipment may in used in preparing copy of the record. (7) The C.E.O or any other officer authorized by the board in the manner provided in Section 76 of the Indian Evidence Act, 1872 shall certify it, sign it and seal it in the following manner.

"U/s 76 of I.E. Act, 1872, it is Certified that it is true copy of the original document or part therefore signature with date and seal of the Certifying Officer.

(8)The certified copy shall be handed over to the applicant or to his agent who shall receive it putting his signature.

(9)in no case, a Certified copy of any proceeding or of any record of the Board shall be sent -
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by post.

37. Condition and restrictions in respect of Transfer of Wakf properties by Board u/s 32 (2) (I) read with Sections 51 and 99 (2) (C)

(1) The Board shall not accord sanction to any transfer of immovable property of the Wakf through gift, sale, mortgage, exchange of wakf property, any lease or any type of settlement for more than three years, except in cases when sanction for such gift, sale, mortgage exchange and lease and any type of settlement has been accorded by the person appointed by the State Government as special officer during the period of suppression of the Board under section 99 (2) of the Wakf Act, 1995. Provided that the Board may accord sanctions to any transfer in favour of State Government through gift or leave for the Constrictions of School, Madarsa, Hostel, etc.

(2) An application along with an affidavit for such sanction shall be submitted by a Mutawalli to the Board and with all particulars as the Board may consider necessary.

(3) Where the Board intends to accord sanction, it shall cause a notice of its intention to do so to be served on the Mutawalli/ Secretary of the Managing Committee of the Wakf either by personal service or by sending if to him by registered post with acknowledgement due. The Board shall also cause such notice to be published in the Official Gazette and display it on the notice board in the Board's office and also at any conspicuous place in the locality in which the Wakf property is situated and a copy of the notice shall also be sent to the State Government for information.

(4) Every notice referred to in Sub-Rule (3) shall specify a period, not being less than 25 days from the date of the notice, within which any objection or suggestion may be made by any person interested in the sale, gift mortgage, exchange lease and any type of settlement of the Wakf property and shall contain the following particulars, namely:-

(a) Nature of the transaction proposed to be made in respect of the Wakf property.

(b) Correct description of the Wakf property giving property giving particulars about survey number, extent, boundary and ward number, holding number and house number if the property is situated in a municipal area.

(c) The revenue assessed on the Wakf property, that is land revenue, or property tax etc.

(d) Any encumbrance to which the Wakf property is a subject of.

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(e) If the proposed transaction is a mortgage, the amount for which Wakf property is proposed to be mortgaged.

(t) If the proposed transaction is a lease, the estimated security amount and annual rent.

(5) All objections or suggestion received in respect of the proposed transaction shall be duly considered by the board before passing orders of sanction thereon, if necessary, after holding an enquiry. In case of an enquiry a notice shall be given to the parties concerned to explain his case within seven days. A copy of the order sanctioning an exchange, sale or mortgage or a lease for a term exceeding three years shall be communicated to the Mutawalli and the interested persons appearing in the proceeding and shall also be published in the manner laid down in sub-rule (3).

(6) The Motawali or Secretary of the Managing Committee, whoever it may be, shall get the draft of the deed prepared in duplicate for proposed gift, sale, exchange lease or mortgage of any immovable property of Wakf and shall submit the same before the chairperson the chief executive officer of the Board who shall put the same in the meeting of the Board for approval immediately thereafter to be held and the said draft and the proposal shall be approved by at least two third majority of the total number of members of the Board. After being approved by the Board, the Chief Executive Officer shall send one of the said drafts to the Mutawalli/Sceretary. The intended purchaser shall bear the cost of registration including stamp duty and the deed shall be prepared and presented for registration and shall be executed and admitted by the Mutawalli Secretary before the Registering authority and the duplicate approved draft approved by the Board shall be preserved by the Board in its office.

Provided that, in case of any variation, deviation, modification and alteration from the draft approved by the Board, the said deed shall be null and void.

(7) The Mutawalli/ Secretary of the Wakfs shall not receive the consideration amount in cash. The payment of the consideration money shall be in the form of an account payee Bank draft in favour of Wakf estate.

Provided the sale proceeds shall not be used against the wished immented in the Wakf dead and in absence of the Wakf deed it shall be condition precedent for the Mutawalli/Secretary to obtain sanction from the Board for utilization of the sale proceeds; but in no case the Mutawalli/Secretary shall misappropriate the said sale proceeds according to their will and in case of doing so the said amount will be - 16 -

recovered/realized from their personal property either doing so the said amount will be recovered / realized from their personal property either movable or immovable through the process of Certificate as per Wakf Act, as well as Wakf rules framed there under.

38. Appointment of Executive Officer under section 38:-

(1) The method of appointment of Executive Officer shall be:-

(a) by appointment of a retired officer of the state government belonging to Muslim Minority having knowledge of urdu language. The person should be physically and mentally fit;

(b) by deputation of an Officer of equivalent grade from any of the State Civil Services; or,

(c) by promotion or by Selection of any official of the Board in the cadre of Superintendent/Sectional Officer or equivalent cadre, who;

(i) possesses a Bachelor's degree of any recognized university, and,

(ii) should have a minimum of 10 years of service.

(2) If case of appointment is of a retired officer on contract basis the scale of pay and other allowance admissible for the post of Executive Officer shall be fixed by the board.

(3) If case of appointment is of a retired officer on contract basis the scale of pay and other allowance admissible for the post of Executive Officer shall be fixed by the board.

(4) If the appointment is by deputation of a government servant, his period of deputation, terms of service, pay and allowances shall be regulated as per Jharkhand Services Code.

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

(6) If the appointment is by promotion of a superintendent/ Sectional Officer or equivalent the post must carry scale of pay as per regulations.

(7) For any Wakf having a gross annual income of not less than five lakhs rupees Executive Officer shall be provided with the following supporting staff.

(a)	Manager/ Sheristedar	One
(b)	Clerk-cum- Typist	One
(c)	Bill Clerk	One
(d)	Peon	One

39. Manner of inquiry to be held by the Chief Executive Officer under section 39 (i)

(1) The Chief Executive Officer shall in every case where an enquiry is ordered under section 39 shall issue at the first instance a notice in

form no.6 to all persons interested in relation to the Wakf inviting calling for their objections:

(2) The Chief Executive Officer shall make a summary record of the oral evidences tendered by each contender and receive such documentary evidence if any produced during the course of enquiry.

(3) For the purposes of an enquiry under the Act and under this rule the Chief Executive Officer shall have the powers as those of a Civil Court under the code of Civil procedure 1908 for enforcing the attendance of witnesses and production of documents.

(4) The record of enquiry in every cash shall include:- (a) a minute of the proceedings.

(b) Notice calling for objections, and objection received there to; (c) Evidence received during the enquiry and

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

40. Manner of inquiry under section 40 of the Act-

(1) The Chief Executive Officer may himself collect information regarding any property which has reason to believe to be a Wakf property for the purpose of sub-section (1) of Section 40 or may receive any information from any person in

form 7.

(2) The inquiry under sub-section (3) of Section 40 by the Chief Executive Officer shall be within the pursuance of sub-rule (3) & (4) of rule 39 supra.

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

(a) Call upon the trust of the society, as the case may be, to register any concern property as a Wakf property in

Form 711.

(b) Issue a show cause notice in Form 7/2

(c) After making such enquiry he shall decide the matter. The decision of the Chief Executive Officer on this matter under sub-section (1) of sections 40 the Wakf Act, shall, unless revoked or midified by the tribunal, be final.

41. Submission of Budget U/S 44 of the Wakf Act, by Mutawalli/ Secretary, M.C/ Administrator/ Receiver: -

(1) Every Mutawalli shall prepare a budget for the next financial year showing the estimated receipts and expenditure of the Wakf during that financial year in

such Form and within such time as may be prescribed by the Board in its regulations, and submit it to the Board for approval. The Budget shall, along with estimates of receipts and expenditure consist of statement of assets, funds and liabilities. The budget so prepared shall be submitted by the Mutawalli/Secretary Managing Committee at least ninety days before the beginning of the financial year.

(2) The Board shall communicate its approval of the Budget with or without modification, within the time prescribed in the regulation. If a Mutawalli does not receive any communication about the approval of the budget from the board within the prescribed time, the Budget as submitted to the Board shall be deemed to have been approved by the Board.

(3) If the budget is not submitted to the Board within the proper time by the Mutawalli, the defaulter mutawalli shall be liable of a fine of rupees five for each day for which the budget and account is delayed.

Provided that if even after the expiry of one month from the date of submission of the budget by the Mutawalli, the Board shall prepare the budget on its own on his behalf and the same shall be deemed to be a properly prepared and approved budget.

Provided further that if a Mutawalli/Secretary, Managing Committee fails to submit the Budget within proper time the fine for the delay may be extended to eight thousand rupees U/s 61 (1) of the Act.

(4) Receipts and expenditure of Wakf shall be classified under the following heads namely:-

Receipts:-

(i) Rents of land and building (ii) Donations and offerings (iii) Cash grants and annuities

(iv) Sale of securities, stock and debentures and other valuables

(v) Sale of land, buildings and other immovable property

(vi) Loans and advances

(vii) Other receipts in view of the terms of the wakf deed, usages and customs, if any (viii) Other receipts

Expenditure

i) Pay and allowances of the staff

(ii) Rents and other charges payable in respect of lands and buildings.

(iii) Expenditure on object of the Wakfs, that is, religious, educational or healthcare objects, relief of poverty and any other charitable objects.

(iv) Capital expenditure on buildings.

(v) Purchase of securities, stock or other valuables.

(vi) Purchase of land buildings or other immovable properties.

(vii) Loans and advances.

(viii) Contingencies.

(ix) Law charges

(x) Other expenses.

42. Budget of wakf under direct Management of the Wakf Board U/s 45:-

(1) The budget for all the Wakfs under direct management of the Board shall be prepared for the next ensuing financial year by the end of December of the current financial year.

(2) (a) The chief Executive Officer shall prepare the list of all the Wakfs under the direct management of the Board for which budget for the next ensiling financial year is to be prepared under sub-rule (1) by the month of November of the current financial year in

(b) Thereupon the Chief Executive Officer shall direct each of the Administrator of the Wakfs under its direct management to furnish the Budget estimates for the next ensuing financial year in

(3) The Chief Executive Officer shall get the consolidated Budget prepared under Sub-section (1) of Section 45 in

(4) The Budget so prepared shall have a statement furnishing details of the increase, if any, in the income of the Wakf during the current year and also the measures taken for its better management and results obtained in

Form 30.

43. Statement of Accounts of Wakfs U/s 46 of the Act :-

(1) Every Mutawalli / Secretary of Managing Committee of the Wakf shall maintain the following Books and Registers for the purpose of maintenance of its accounts:-

(i) Cash Book in

Form 31.

(ii) Receipt Book in Form 32.

(iii) Register of Demand, Collection & Balance and Wakf contribution in Form 33. (iv) Register of immovable properties in Form 34. (v) Register of movable properties in Form 35.

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(vi) Register of Hundi/Bills/Cheque/ B.D./ D.D./ F.D. in Form 36

(vii) Register of lease / mortgages in Form 37. (viii) Register of Rents in form 38.

(ix) Register of Books of inspection Form 39.

(x) Register of meeting in Form 40 and minutes book in form 40 (1).

(xi) Register of Grants Loans in Form41.

(xii) Register of Security / fixed deposits / interest thereof in Form 42.

(xiii) Register of Litigation Form 43.

(xiv) Register of stock and issue in Form 44.

(xv) Any other register as prescribed from time to time by the board

(2) The full statement of accounts shall be furnished by every Mutawalli or Secretary or Managing Committee of a Wakf in Form 45.

(3) If a Mutawalli or Secretary of Managing Committee fails to submit it statement of accounts before 1st May every year. A notice in Form 46 shall be served within seven days from 1st May.

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

(5) All registers aforesaid shall contain the following certificate at its first page duly signed and dated by the Mutawalli:-

"Certified that this Register……..Pages which are numbered by me"

Full Signature of the Mutawalli / Secretary, Managing Committee

Dated…….Month……..And

Year …… And

Seal of the Wakf Estate.

44. Recovery of sums due U/s 49/82 of Act-

Form 47 for the collection of any sum
certified to be due from any person reported by an Auditor In his report under section 47.

Form 48 to give an opportunity of being heard

under sub-section (2) of section 49, before issuing a Certificate of Recovery of the said amount as arrears of land revenue.

(3) Where any sum becomes recoverable as an arrear of land revenue from any person under section 34, 49 and 82 or under any other section of the Wakf Act, the C.E.O./ the Chairperson shall send a certificate to the Collector in whose jurisdiction such

person resides, a Certificate in Form 49.

(4) On receipts of such Certificate the Collector shall take proper action for the arrear amount of lane revenue and for its remittance to the Board.

(5) The Board shall keep a register containing particulars of the Certificate sent by Chairperson/Chief Executive Officer to the Collector.

45. Inquiry regarding alienation of' Wakt property in contravention of section 51 and 52 of the Act.

(1) Upon receiving a report from any person residing in the locality where the Wakf property is situated or upon obtaining information otherwise that a Wakf property has been transferred/alienated in contravention of Section 51 of the Act, the Chief Executive Officer shall ascertain from the register of Wakfs maintained under section 37 that whether the property alleged to have been transferred is a Wakf property or not and in case of that being so, the Chief Executive Officer shall obtain a certified copy of the deed of transfer from the Registration Officer concerned and shall find out from the records of the Board if permission and sanction of the Board for the said transfer had been obtained under section 51 of the Act. If it appears that transfer of such property has been made without obtaining previous sanction of the Board, the Chief Executive Officer shall draw up a report specifying there in full details of the Wakf property, the name and full particulars of the person (s) executing the deed and the name with particulars of person of persons to whom. the property has been so transferred. On the scrutiny of the details of the property and its comparison with the entries in the register of Wakfs, the report of the enquiry, from the records of the Board for not Obtaining prior sanction for the said transfer, shall be put up for orders of the Chairperson. The Chairperson shall, after considering the report of the Chief Executive Officer and inspecting such documents as it may deem necessary and / or making verbal or written enquiry from such persons as is considered reasonable pass orders for sending a requisition to the Collector to obtain and deliver possession of the property to the Board or its agent.

(2) The requisition to the collector shall be drawn up by the Chief Executive Officer in Form 50 and sent to the Collector of the district, in which the property is situated by registered post with acknowledgement due or by special messenger.

(3) On receipt of requisition under sub-section (1) of section 52 the collector shall pass an order directing the person(s) in possession of the property to deliver it to the Board or its agent duty authorized in this behalf within a period of thirty days from the date of the service of the order. An abstract of his order in

Form 51 shall be served on the person (s) in possession of the property in the manner laid down in sub-section (3) of section 52 of - 22 -

the Act.

(4) If the order passed by the Collector under Sub-Rule 3 has not been complied with and the time for appeal against such order has expired without any appeal filed before the tribunal or the appeal being dismissed, the Collector shall issue directions to the Circle Officer, Block Development Officer of Sub-

Divisional Officer of the area or Block or Circle or Sub-Division within whose jurisdiction the said property is situated to obtain possession of the property in respect of which the order has been made and to deliver its possession to the Board or its agent.

(5) The Circle Officer, Block Development Officer or the Sub-Divisional Officer (Civil) shall obtain possession of the property in respect of the property for which the order has been made using such force. If any as may be necessary for the purpose and shall deliver it to the Board or its agent and shall obtain the receipt of the delivery from the Board or its agent in writing and shall send the same to C.E.O.

46. Procedure for removal of encroachment U/s of the Wakf Act-

(1) The Chief Executive Officer may, whether On receiving any complaint Or On his Own motion cause to be served upon the encroacher (s) a notice in

form 52 or as per requirement as incurred into.

(2) The notice shall be served through a registered post with acknowledgement due or by special messenger.

(3) After considering the reply of show cause / objections, if any received during the period specified in the notice and after conducting an enquiry in the manner prescribed under rule 51, if the Chief Executive Officer is satisfied that the land, building open space Or other kinds of property is a wakf property and that there has been encroachment, illegal Or unauthorized occupation on this property he shall, by an order, direct the encroacher(s) or person(s) having unauthorized occupation to remove the encroachment or restore the possession of such land, building, space or other property within ten days of the notice to the Board / Mutawalli / Sceretary of the Managing Committee. (4) Where the person / persons, ordered under Section 54 read with Sub-rule (3) to remove the encroachment or restore back the possession, omits Or fails to remove the encroachment or restore back the possession within the time specified in the order or as the case may be fails to vacate and hand over the vacant possession of the property, the Chief Executive Officer may apply for evacuation to the sub-divisional Magistrate within the local limits of whose jurisdiction the Wakf property is situate in

Form 53 or as per requirement as incurred into. (5) The concerned Sub-Divisional Magistrate at the request of Chief Executive Officer

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make an order directing the encroacher/encroachers Or person / persons in unauthorized occupation to remove the encroachment / and vacate or restore back the possession of Wakf property within seven days of the order and to deliver possession to the concerned Mutawali / secretary of the Managing Committee / Agent of the Board. (6) In case of default of compliance of the order passed under Sub-Rule (5) the Sub- divisional Magistrate shall evict the encroacher / encroachers from the Wakf property and hand Over possession of the same to the Mutawalli / Secretary of the Managing Committee / Administrator appointed by the Board within one month from the date of his order and in case of resistance shall apply and use such force as may be necessary and will obtain a receipt to the effect that delivery of possession of such property has been obtained by the said agent of the Board.

47. Vacation of Wakf property leased out Under Sub-Section 3 of Sections 56 of the Wakf Act-

(1) Whenever the Board makes a review under Sub-Section (3) of Section 56 of the Wakf Act, whether on receiving any complaint or on its own motion it comes to the notice of the Board that any tenant of a Wakf property or building or premises tails to pay the rent of Wakf property for two consecutive months or has sublet the Wakf property wholly or partly without genuine permission of the Board or has caused any damage to the property or it at any time it appears to the Board / Chief Executive Officer during his inspection of Wakf property that any wakf land or building let out to any tenant Under Sub- Section (3) of Sections 56 of the Wakf ct is required for the purpose of the Board itself or the same is required for the development addition alteration and modification of the said land or building, the board / C.E.O may by an order in writing ask the tenant to vacate the land or building within fifteen days from the date of receipt of such order.

(2) Any person aggrieved by the order of the Board/Chief Executive Officer under subsection (1) may within the period of fifteen days from the service of the order file an appeal before the Tribunal whose decision thereon shall deemed to be final.

(3) After the expiry of the period specified in Sub-Rule (1) or where an appeal has been filed under Sub-rule (2), after due disposal of the appeal, at the request of the Board, Collector of the District may take steps evict the tenant or any other person in occupation of such wakf land or building as the case may be, and the Collector or any other subordinate Officer duly authorized by him shall thereupon shall take necessary steps to evict the tenant or such person and deliver possession of the Wakf land or building directly to the Board, or its agent, and may for that purpose, use such force as may be necessary.

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Provided that when crops are standing on the land the Collector shall not evict a tenant until the crops are harvested.

(4) Not with standing anything contrary to this Act or rules for the time being enforce, no order passed by the Board, Tribunal or the State Government under this rule shall be called in question in any Court or Tribunal.

48. Determination of rent and consideration money of Wakf land or building by the Board :-
(1) Whenever the Board review U/s 56 (3) of the wakf Act, whether on receiving any complaint or on its own motion or there is reason to believe that the rent of Wakf land, building or premises is either low or excessive, it shall authorize the Chief Executive Officer or any other Officer of the Board to hold a summary enquiry and determine the fairest. (2) If considering all the circumstances and facts of the case including any amount paid by the tenant by way of premium or any likewise sum in addition to the rent the Chief Executive Officer is satisfied that the rent of the building is either lower excessive he shall determine the fairest of such wakf land, building or premises.

(3) In determining the bill rent as aforesaid the Chief Executive Officer shall due consideration to the prevailing rate of rent in the locality for the same or similar accommodation in similar circumstances and to the increased cost of repair and also any general increase in the cost of site and building, the Municipal Tax or other Local Authority Taxes of the Wakf building, premises and vacant land of the Wakf, the Chief Executive Officer shall fix rent after giving the parties affected, proper opportunity of being heard which shall be binding upon the tenant or the licensee who so ever may be. (4) A tenant or a licensed whoever it may be is aggrieved by the order of the Chief Executive Officer, he may file and appeal against the said order before the tribunal within fifteen days from the receipt of the order and in case of refusal, within fifteen days of refusal and the Tribunal on hearing the appellant as well as the Board shall have right to uphold, modify, alter or set aside the order passed under sub rule - (3). The order of the tribunal shall be deemed to final.

Provided that if the appellant fails to deposit the arrears as well as current rent as determined prior to admission of the appeal, the appeal shall be dismissed accordingly by the tribunal.

(5) The tenant or the licensee whosever he may be, shall deposit and pay the fair rent to the Mutawalli / Secretary Administrator of the Board as the case may be, entitled to

receive the rent as determined under sub rule (1), (2), (3) and (4) by the end of first week of the next following month punctually. If he fails to do so, he may be evicted by the tribunal on the application to this affect by the authority entitled to receive the rent. The tribunal shall pass an eviction order as early as possible but within six months of the filling of the eviction case on giving opportunity of being heard to the tenant or licensee on the basis of summary trial. The defaulter tenant shall be serve the order of execution and the evacuation shall be executed by the S.D.O. (Civil) or his subordinate who shall have right to use even force in view of the facts and circumstances of the case and the arrears of rent shall be realized by issuing Certificate by the Tribunal as Public demand and the said amount shall be deposited with the Board, its agent or the applicant.

49. Procedure for leasing out the Wakf property, shops, buildings, vacant land or space Under Sub-Section (3) of Sections 56 of the Wakf Act.

(1) Where any Mutawali / an Official authorized / Secretary of M. C intends to develop or let out any wakf property Under Sub Section 3 of Section 56 of the Wakf Act the Mutawalli / an Official authorized / Secretary of Managing Committee shall take permission from the Board and shall proclaim publicty and affix notices on conspicuous part of the wakf Board, Mosque, Dargah or Imambara as well as at some conspicuous place of the Wakf property where it is situated and shall also publish the notice of this effect at least in one Urdu daily paper of having circulation relating to the proposed project for development project or proposed Wakf property to be let out inviting public tenders on a fixed date and time in sealed cover regarding their offer of Salami or advance money donation for religious purposes or monthly rent of the property.

(2) On receipt of the sealed cover public tenders along with earnest money fixed by the Board, it would be opened on the same day in presence of the Chief Executive Officer or in presence of any person authorized by him and the tendered or their representative.

(3) The Mutawalli / an Officer authorized / Secretary of Managing Committee in the presence of Office bearers of District Wakf Committee authorized officer and the authorized officer shall prepare a list of all tenders received in order of tenders offering more benefits to the Wakf and shall submit a report to the Chief Executive Officer or the Board as the case may be along with his a recommendation.

(4) The board shall consider the recommendation received under Sub-Rule (3). The priority shall be given to the person or institution offering to the highest tender.

While granting sanction U/s 56 (3) of the Act for lease or sub-lease or renewal thereof, the Board may review terms and conditions on which the lease or sub-lease or tenancy is proposed to be granted.

Provide that the Board shall have all right to accept or reject any or all the tenders without assigning any reason.

50. Annual report of Wakf under direct management of the Board, U/s 65- The detailed report to be sent to the state government under sub section (3) of section 65, shall be in

Form 55.

51. Manner of holding Enquiry / inspection U/s 64 and 71 of the Act:-

(1) The Board may, either on an application received U/s 70 of the Act or on its own motion hold an enquiry / Inspection or authorize any officer of the Board, any Officer of the District Administration or any person in this behalf to hold an inquiry into any matter relating to a wakf and shall take such action as it thinks fit.

(2) The Officer holding the enquiry shall be called as Enquiry Officer.

(3) The Officer or person authorized by the Boards U/s 71 of the Act shall issue notice in 56 as per requirement as incurred into and shall conduct enquiry in the following manner.

(a) He shall call upon the person / persons concerned, parties interested in the enquiry or witnesses on a fixed date and place to appear before him in person or through an advocate and submit his reply in writing and produce documents if any, in his support and contention.

form 56 shall be served to person / persons concerned / parties interested.

(i) Through messenger or by post or by affixing the notice on some conspicuous part of his last known residence, by tendering to an adult member or servant of his family, by affixing the notice on any conspicuous part of the property encroached by him or subject to be inspected.

(ii) By registered post with acknowledgement to the person / persons to whom it is intended.

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

(iii) A copy of the notice shall also be exhibited on the notice board in the Board's Office or on the notice board of the Office of the authorized officer.

(4) The Officer holding the enquiry shall give opportunity to all interested persons to be heard, enquire into and shall give an opportunity to file writer statements and to adduce such oral or documentary evidences as they may think fit.

(5) The Enquiry Officer shall record the oral evidence of witnesses in his own handwriting in the prescribed

Form 57 or in absence of the form in the language of the witness.

Provided where enquiry officers is for any reasons unable to record the evidence himself, he may direct his subordinate officer or staff to record it in his presence and under his personal supervision.

(6) For the purposes of any enquiry under the Wakf Act, the Board the Chief Executive Officer of the Board or any Officer or a person duly authorized in this behalf, shall have the same powers as are vested in a Civil Court under the code of Civil procedure, 1908 or enforcing the attendance of witnesses and production of documents.

(7) The Enquiry Officer shall, as far as practicable, follow the provisions of the code of Civil procedure, 1908 and the rules made there under in the matter of appearance of pleaders, return of document and other matters while conducting the enquiry. (8) The Enquiry Officer may hold a Local Enquiry on the spot and inspect the Wakf' property receive written statements of interested person / Persons, obtain documents and may record oral statements or the oath of interested person / persons if he think fit and shall obtain signature of such persons.

(9) During the enquiry or inspection if it appears that the concerned Mutawalli or any Officer or other employee who is or was working under the Mutawalli has/ had misappropriated or misapplied or has fraudulently retained any money or other Wakf property or had incurred irregular, unauthorized or improper expenditure from the funds of the Wakf or of the Mutawalli or any person has caused damages to wakf or has transferred the wakf property in a malafide way, the Enquiry officer / Inspecting Officer shall determine and certify the amount of damage caused to the Wakf property.

Provided whenever any such Enquiry / Inspection is made, the concerned Mutasalli and all Officers and other employees working under him and every person connected with the administration of the Wakf shall extend to the Officer all help and assistance in conducting such enquiry / its inspection and all facilities as may be necessary and required to carry out enquiry / inspection shall be extended to him and shall also produce for inspection any movable property or document and any information

relating to the Wakf as may be required or called for, failing which Mutawalli / Secretary, Managing Committee, other employee or any Officer of the wakf Estate shall be punishable under Sub - section (1) of section 61 of the Wakf Act, 1995.

(10) The Enquiry / Inspection Officer may requisition for police force from the Local Police Station within whose jurisdiction the place of Enquiry / Inspection is situated by a written request to the officer incharge and on such requisition, the officer incharge of the police station shall forthwith provide the police force for the smooth conduct of the enquiry or inspection.

(11) The Enquiry Officer shall submit his report to the Board or to the Chief Executive Officer as the case may be, within fifteen days from the date on which the enquiry is concluded on receipt of the report from the Enquiry / Inspecting Officer the Chief Executive Officer of the Board as the case may be shall consider the same and after such further enquiry as may be deemed necessary shall pass an order which shall be treated as final.

52. Supervision and Super session of the Management Committee U/s 67:

(1) Any Committee functioning under sub-section (1) of section 67 shall have a maximum term of three years unless it is superseded by the Board or it is in contravention of Wakf Deed or of approved Scheme of Management of the Wakf.

form 58 to the Committee against whom action is contemplated under sub-section (2) of section 67.

(3) The order passed by the Board under provise of sub-section (2) of section 67 shall be published on the Notice board of the office of the Bihar State Wakf Board and shall also be served upon the concerned Mutawalli.

form - 59 to a member of the Managing Committee proposed to be removed under sub section 6 of section 67 of the Act

53. Manner of consultation under Sub section (1) of section 69:-

Form 60 to the Mutawalli concerned and also to every such person interested in the Wakf, regarding the scheme to be framed under sub-section (l) of section 69.

(2) The Board shall examine the objections or suggestions to the scheme received in response to the notice under USB-rule (1) and shall accord approval to the scheme with any modification as it may thinks fit.

54. Publication of orders made under section 67 or section 69:-

Every order made under sub-section (2) of section 67 or sub-section (2) of section 69 shall

be published at office of the Jharkhand State Wakf Board. a copy thereof shall also be sent to the Mutawalli of the wakf concerned.

55. Application for inquiry under section 70 of the Act- An Application under section 70 shall be filed in

form 61 accompanied by an affidavit duly sworn by the applicant and a receipt in form 70 of payment of a fee of Rs. 100 to the Board.

56. Demand and Recovery of Wakf contribution U/s 72 the wakf Act-

(1) The Mutawalli shall furnish to the Chief Executive Officer of the Board or authorized persons on his behalf, a statement with description and assessment of the net annual income of the wakf and the contribution payable by it in

(2) The Chief Executive officer or any officer authorized by him shall verify the said assessment and fix up the actual demand for payment of wakf contribution at the rate of seven percent by on or before the 30th June and shall maintain a Register of Demand, collection and Balance in

(3) The Chief Executive officer or any authorized officer by him shall maintain a district wise Demand Register based on such Assessment and shall also keep a copy of Demand prepared with reference to each wakf state in

form 65 and Board shall also keep and maintain a Register of those wakf states which are not liable to pay the wakf contribution with all the details and descriptions given in form 66. The C.E.O shall occasionally depute his inspectors/auditors/ A.O. to verify assess and scrutinize the prevailing income and expenditure along with not annual income. The officer after such scrutiny shall report the matter to the C.E.O. as to whether they are liable to pay against Wakf Contribution at the rate of 7% of the board and if no. The concerned Wakf institution shall be debuted from register to maintainer in form 66.

(4) Every Mutawalli who fails to pay the wakf contribution shall be issued with a Notice regarding the payment of wakf contribution in

form 67.

(5) If the Mutawalli fails to pay the amount of demand under sub -rule (4) proper action shall be taken to recover the same as arrears of land Revenue under sub- rule (3) of Rule 44.

(6) In the event of Mutawalli failing to submit the details under sub-rule (1) the chief Executive officer or any other officer authorized in his behalf shall assess the net annual income in the manner prescribed under sub-rule (2) and shall fix the wakf contribution payable by the said wakf

(7) The Chief Executive officer or any authorized officer, if needed, shall revise the net annual income after issuing a notice to the Mutawalli / Managing committee in

form 69 shall be deemed to be the direction of the Board and in case of failure to carry out the said direction, the Mutwalli shall be deemed to be violating the provisions of clause (F) or sub-section (1) of section 61 of the act and shall be punishable within the said provision along with the recovery of the amount under sub-section (8) or action 72 which will be remitted to the fund of the Board by the court concerned.

57. Chief Executive officer to lodge complaint U/s 61 of the Wakf Act-
The Chief Executive officer shall under this rule be competent to institute complaint against an offence under section 61 in the court of Chief Judicial Magistrate Patna or any other first class Judicial Magistrate at Ranchi.

58. The terms and conditions under which the Board may borrow U/s 75 of the Act :- (1) The Board shall, while applying to the Government for sanction to raise loans for the purpose of giving effect to the provisions of the wakf Act furnish all particulars and information about every item or expenditure for which a specific amount is needed as a loan, source from which the loan is proposed to be taken, rate of interest period of repayment and likewise.

(2) If the State Government is satisfied that the demand of loan by the Board and that the terms and conditions are acceptable, it may approve the procurement of the loan on such terms and conditions as it may deam fit.

59. Payment of money into wakf fund and investment etc of such money U/s 77 of the Act-

(1) The Board shall authorize any of its officers (hereinafter referred to as the authorized officer) to receive all payments to be made to the wakf Fund and to pass all vouchers for the same on behalf of the board and to make the payments on behalf of the Board and deposit the money received by him into the Board's account.

(2) The authorized officer shall be required to furnish to the Board securities or sureties for such amounts as to the Board may specify in the behalf. Solvency of sureties shall got to be verified by a Revenue officer at the beginning or each year.

(3) An authorized officer shall grant a printed receipt in form 70 dully numbered and

stamped for every payment the receives on behalf of the Board.

(4) In absence of a printed form of receipt, an authorized officer may give a temporary receipt in manuscript at the time or receiving any payment.

Provided that within two days from the date of which the payment was received the authorized officer shall replace such manuscript receipt by a receipt in the printed

form 81.

(5) The authorized officer shall be competent to keep cash balance the amount accumulated in excess of the limit of remittance to the board. The accumulated amount in cash shall be credited to the funds of the Board at the end of each year.

(6) An officer authorized to hold cash balance of the wakf fund, shall be responsible for its safe custody and also for reimbursement of the amount to the Board in case any loss is caused due to the theft, fraud, fire or any other cause. Provided that, if after an enquiry, as the Board may think fit, the Board is satisfied that the loss was unavoidable and was not due to any negligence on the part of the Officer, in whose custody the loss occurred, the Board may not insist on re-imbursement of the amount from the officer concerned, and it may be written off.

(7) Amount required for' expenditure during every year shall be deposited by the Board with the nearest State Bank of India Or in any nationalized Bank at Ranchi Branch, to be operated by the Chief Executive Officer or any other authority authorized by the State Government.

(8) Amounts not required for expenditure during the year shall be invested by the board in fixed deposits for a period not exceeding three years in any of the Scheduled Banks defined in the Reserve Bank of India Act, 1934.

(9) The investment under Sub-Rule (8) shall not be pledged en cashed, or withdrawn without the prior sanction of the State Government.

(10) Every Payment in excess of Rs. 3,000/- shall be made by a cheque and not in cash. The Officer making such payment shall be responsible for obtaining a proper receipt of the amount passed and the vouchers for the same.

60. Submission of budget by the Board Under Section 78:-

Form 71, 72, 73, 74 or as per requirement

as incurred into in September every year for the next financial year showing an estimate of receipts and expenditure for both current and next the financial year and shall forward a copy of the budget so prepared to the State Government.

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6l. Books and register to be maintained by the Board U/s 79 of the Act- The board shall maintain the following books and registers

(i) Acquaintance roll of Salary

(ii) Ledger of Accounts

(iii) Cash Book - Form 75 & 76

(iv) Register of deposits and advances.

(v) Demand Collection and balance in Form 64 & 65

(vi) Register of Wakf not liable to pay 7% wakf Contribution Form 66

(vii) Register showing the recoveries to be made from a Wakf Under Section 58 of the Act.

(viii) Register showing the recoveries to be made from a Wakf under Section 72 of the Act - For 77.

(ix) Register Showing the recoveries to be made to a Wakf under Section 49 of the Act.

(x) Register of demand and collection of rent and land revenue in respect of land and properties of the Board.

(xi) Miscellaneous Receipt Register.

(xii) Contingent Register.

(xiii) Bank Pass Books

(xiv) Register of Securities, Stock and Debentures.

(xv) Budget Estimate and Appropriation Accounts.

(xvi) The establishment an Audit Register.

(xvii) Register of Stationary.

(xviii) Register of Furniture etc.

(xix) Permanent Advance Accounts.

(xx) Register of cheques or cheque books with the officer of the Board. (xxi) Register of Dead Stock Articles.

(xxii) Register of immovable properties.

(xxiii) Any other register or book which may be required for proper maintenance of accounts.

62. Audit accounts of Board U/s 80 of the Act-

(1) The accounts of the Board shall be audited and examined by an auditor appointed by the State Government. The auditor in auditing the accounts of the Board shall verify and report as to:

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(i) Whether the cash balance was readily for the coming for verification;

(ii) Whether the debentures, share certificates, stocks, Government bonds and other securities, and the pass books of the Bank were found correct

(iii) Whether the accounts and registers required to be maintained are kept property. (iv) Whether the contributions and other receipt due to the Board have been realized in time and whether due steps have been taken to recover the sums over due, and if not the cases in which action has not been taken;

(v) Whether all collections have been properly accounted for;

(vi) Whether any contribution has been remitted or reduced and if so; whether it was done under proper authority;

(vii) Whether the expenditure incurred is in accordance with the sanctioned budget and whether there are any deviation from such budget allocations:

(viii) Whether every item of expenditure has been sanctioned by the proper authority and is supported by a proper voucher.

(ix) Whether three is any item of expenditure which in the opinion of the auditor, is prima facie extra vigilant.

(x) Whether the money not required for immediate expenditure in banks and surplus funds have been properly invested, and;

(xi) Whether the accounts of every Wakf under direct management of the board have been kept separately and such accounts have been audited annually by the State Examiner of Local Funds.

(1) The auditor shall report about irregularities which he may observe in the collection of contribution which are due to the Board, or any irregularity in expenditure. He shall also report all cases of loss or waste of money and mention the names of persons responsible directly or indirectly for such loss or wastage and certify the amount of such irregular, illegal or improper expenditure and failure to recover money or other property caused by negligence or misconduct as referred to;

(2) The auditor shall prepare an abstract of accounts (receipts, charges and balance sheet) audited by him and submit it in two copies thereof along with the audit report.

(3) The auditor shall append to his report'-

(a) a statement Of income and expenditure;

(b) a statement Of receipt and charges under the Budget heads, (c) a consolidated statement of accounts and liabilities;

(d) a consolidated statement of demand, collections and balance of all items of revenue including contributions, decreetal amount and the like, both arrears and current outstanding; and

(e) a statement of debentures, share certificates, Government bonds and other securities.

63. Language of Wakf Tribunal section 83:-

The language of the Wakf Tribunal shall be English / Hindi

Provide that the parties to a. proceeding before the Wakf Tribunal may file documents drawn up in Hindi/Urdu/English, if they so desire.

Provided further that a Wakf Tribunal may in its discretion, permit the use of Urdu in the proceedings. However the final orders shall be in English / Hindi.

64. Form of Application for suits/appeal U/s 83 (1) of the Act-

(1) The application for determination of any dispute, question or other matter under sub-Section (1) of Section 83 shall be filed in Form No.78.

(2) Every suit or appeal filed before the tribunal shall, as far as practicable, be in the form of plaint or memorandum of appeal, as the case may be as is stipulated in the Code of Civil procedure and with the court fee as prescribed in schedule I and schedule II of the court fee Act 1870 (Act no Vii of 1870) as amended time to time.

(3) Every such application su d by the applicant in person, or by

his duly authorized agent or advocate, to the / Peshkar of the Tribunal.

65. From of Application/ Plaint/Appeal for Interim Orders:-

Every application for an interim relief in a suit or in other matter presented in the Tribunal shall be supported by an affidavit in prescribed form 79 and with facts relevant to the matter.

66. Court Fee:

(1) Every application, plaint or memorandum of appeal or an application for execution to other application in respect of recovery or possession shall be accompanied by Court fee as prescribed in schedule I and II of court fees Act, 1870 (Act no Vii of 1870 as amended time to time.

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

67. Scrutiny of application, plaint, Memorandum of Appeals :-

(1) In every proceeding before the Tribunal copies of application plaint or memorandum

of appeal shall be filed in sufficient numbers, for service to all the opponents.

(2) The Peshkar of the Tribunal shall after scrutiny of the application, plaint or memorandum of appeal prepare a, checklist noting the infirmities to be rectified. (3) If on scrutiny the application. Plaint Or appeal is found to be in order, it shall be duty registered in the register of applications or suits or appeals as the case may be in the form prescribed in Bihar Civil Court Rules Prescribed by the Jharkhand High Court of Judicature or prescribed by the Government as such and shall be serially numbered.

(4) If the application, suit or appeal is found to be defective, the Peshkar shall allow the party to rectify the defects within a time to be specified by him. If the party fails to rectify the defects within such time allowed, the Peshkar shall place the matter before the Wakf Tribunal for appropriate orders and the orders as passed will be final.

68. Documents

All documents to be produced before the tribunal in the course of hearing of an application, suit or appeal shall be filed and duly indexed under cover of a list of documents in

Form 80.

69. Service of Notice:-

Every Notice to Defendants/ Respondents in application/ suit / Appeal shall be sent and served through Registered post with acknowledgement due at the cost of the parties pressing the matter. Where the Tribunal is satisfied that there are reasons to believe that any of the party is evading service of notice or for any other reason, the notice is unable to be served by ordinary means, the tribunal shall order for further legal procedure service of notice as per provisions of order 5 or rule 20 of code of Civil Procedure 1908.

70. Sitting of the Tribunal:-

The Wakf Tribunal shall ordinarily hold its sitting between 10.30 AM. to 1.30 P.M. and 2.30 P.M. to 4.3O P·.M. There shall be a lunch break for one hour from 1.30 P.M. to 2.30 P.M. on every working day.

71. Hearing and disposal-

Every application, suit or appeal filed before the tribunal shall be heard and disposed off in accordance with the procedure set out for hearing of suits and appeal in the code of Civil procedure and the Bihar Civil court Rules of the High Court of judicature at Patna (Civil) 1968 or any other Rules framed there under by the Government.

72. Certified Copies of the Orders:-

Certified copies of any order, proceeding or document marked in evidence may be obtained by the Parties to the proceeding, on payment of such fees as the government may notify from time to time or in absence there of as per provisions of the Rules framed for the Civil Court by the High Court of Judicature at Ranchi.

73. Execution or orders under Sub-Section (8) of section 83:-

Any party to the proceeding seeking enforcement of any order of the Tribunal shall obtain Certified copy of the order passed by the tribunal which will be treated as decree and prepare a petition according to order 21 Rule 11 of the Civil Procedure Code in form of application for execution of decree given therein and will be executed either by Munsif or Sub-judge of the area having jurisdiction for the same in accordance with the provisions of Civil procedure Code expeditiously and after execution of the D.P. (Delivery of Possession) the action taken may be reported to the tribunal which have passed the order.

74. Form of Receipt for Court fee etc- The Tribunal shall issue a Cash receipt in

Form 81 in respect of money collected by it under the Act of Rules.

75. Time limit under Sub-Section (2) of Section 83:-

(1) Any party aggrieved by the decision of the Board under Sub-Section (1) of Section 40 and Sub-Section (3) of Section 40 may file an appeal to the Tribunal within thirty days from the date of decision.

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

(3) In case any body aggrieved form the order Of the Board or the Chief Executive Officer failed to file appeal within the prescribed time, if good cause shown, the tribunal may condone the delay if any in filling the appeal.

(4) Further appeal shall not deemed to be stay of any order under appeal, until stayed by the Tribunal, but the jurisdiction of stay shall be used sparingly by the tribunal keeping in view of the facts and circumstances of the case.

(5) After admission of appeal, the tribunal shall order the appellant to file requisition for issuing the notice or notices to the respondent or respondents within specified period falling which the appeal will be dismissed as to the discretion of the Tribunal.

(6) For the purpose of the notice, the appellant shall file copy of memo f appeal and envelop with A/D & stamp for each every respondent in the Shrista of the Tribunal which will be issued by Pestakar to the respondent/respondents and the procedure of Service of the notice will be done as per provision of the code of Civil procedure.

After hearing of the appellant or appellants and respondents or their respective lawyers the tribunal will pass an order as deemed just and proper and the order will he final.

76. General Annual Report of Wakf Board and other wakf U/s 98 of the Wakf Act :- (1) The Government shall as soon as possible after 1st day of April every year cause the General Annual Report of the Jharkhand State sunni Wakf Board to be prepared in two parts in form 82, part I of the Report shall be the proper report embodying the particulars referred to therein; and Part II shall contain the statistical particulars in the Form specified therein.

(2) (i) The Report shall be finalized before the first of October every year;

(ii) The main points to be dealt with shall be noted against the heads concerned in the report and all necessary information for all large variation due to sanctions etc. shall be included in the Report and shall be prepared to be complete and concise. The information given in Part III of the Report shall not merely be repeated in the proper Report.

(iii) Soon after the receipt of the Report, the Government will issue consolidated review report on the said Report after being placed before the State Legistature.

77. Seal of the Board:-

The seal of the Board shall always be in custody of the Sectional Officer dealing with establishment.

78. Regulation of functions of the Board:-

(1) The person competent to sign all communications and executive' lease of immovable properties on behalf of the Board shall be the Chief Executive Officer or any Officer specially authorized by the Board in the behalf.

(2) All documents evidencing sales or permanent transfer of any of the properties vasts in the Board shall be signed by the Chairperson and two other members of the Board and shall bear the seal of the Board.

(3) Where the Board, proposes to enter into any contract for the supply of materials or for the execution of any work, for an estimated cost of which is Rs. 50,000/- or more, the board shall invite tenders by advertising in at least two of the newspapers

having sufficient circulation in the State. Every such advertisement shall specify the period within which the tenders are to be sent
to the Board.

(4) On receipt of all tenders within the period specified in the advertisement, the Board shall scrutinize them and shall, save for special reasons to be recorded in writing, accept the lowest tenders received from any trust worthy person.

79. Headquarters of the Board:-

The Head office of the Board shall be located at Ranchi.

ANNEXURE - I

[See Rule 24]

Instruction to Presiding Officers, Polling Officers and to Voters for recording of votes at elections to the Jharkhand State Board or Wakfs

A. METHOD OF VOTING

(1) For the purpose of voting, use only the violet sketch pen supplied by the Returning Officer, which will be handed over to you along with the ballot paper. Do not use any other pen, pencil, ball pen or any other marking instrument, as that will invalidate your ballot paper.

(2) Vote by placing the figure '1' in the column marked 'order of preference' provided opposite the name of the candidate whom you choose as your first preference. This figure '1' shall be place opposite the name of only one candidate.

(3) Even if the number of candidate to be elected is more than one, the figure '1' shall be put opposite the name of only one candidate.

3A You have as many preference as there are contesting candidates irrespective of the manner of candidates to be elected. For example, if there are five contesting candidates, and only two are to be elected. You can mark preferences from 1 to 5 against the candidate of your choice in order of your
preference.

4. Indicate your further preference for the remaining candidates by placing in the column marked order of preference provided opposite the names of such candidates the subsequent figures 2,3,4 etc. in the order of your preference.

S. Make Sure that you put only on figure opposite the name of any candidate and also make sure that the Same figure is not put opposite the name of more than one candidate.

6. Preferences shall be indicated in figures only i.e. 1,2,3 etc and shall not be indicated in words; one, two; three etc,

7. Figures may be marked in the international form of Indian numerals like 1,2,3 etc or in Devanagari form.

8. Do not write your name or write any works or put your signature or initials on the ballot paper. Also do not put your thumb impression. These will make your ballot paper invalid.

9. It is not sufficient to put a mark like " " or 'x' against the candidate of your choice to indicate your preferences. Such, ballot papers will be rejected. Indicate your preferences only in figures 'I' '2' '3' etc, as explained above.

10. To make your ballot paper valid. It is necessary that you should indicate your first

preferences by placing figure '1' against one of the candidate. The other preferences are optional i.e. you may or may not indicate the second and subsequent preference.

INVALID BALLOT PAPER

A ballot paper shall be invalid on which :-

1. the figure '1' is not marked;
2. the figure '1' is set opposite the name of more than one candidate;
3. the figure '1' so placed as to render it doubtful to which candidate it is intended to apply.
4. the figure' l ' and some other figure like 2,3 etc., are also set opposite the name of the same candidate,
5. the preference are indicated in words instead of in figures;
6. there is any mark or writing by which the elector can be identified and
7. there is any figure marked otherwise than with the violet sketch pen supplied by the Returning Officer for the purpose of marking such figures.

Election to the Jharkhand Board of Wakfs instructions to polling staff on the procedure of conduct of poll.

Presiding Officer:-

The duties and responsibilities of Presiding Officer at an election of Jharkhand Board of Wakf are the same as those at an election in Lok Sabha or Assembly constituency.

Therefore the instructions contained in the Hand Book for Presiding Officers are also applicable to election to Jharkhand Board of Wakfs. However, it should be noted that the procedure of poll in an election to Jharkhand Board of Wakfs differs from the procedure in an election to Lok sabha and the Legislative Assembly in the following respects:-

(i) Hours of Poll:- The Government of Jharkhand has fixed the hours from 10 A.M. to 3 P.M. as the hours of poll for the election to Jharkhand Board of Wakfs (in the case of an election to the Lok sabha or Legislative Assembly the total period allotted for poll shall not be less than eight hours generally commencing from 7 A.M.)

(ii) Distinguishing Mark:- Containing only serial number of the polling station as given in the list of polling stations should be stamped at the top right hand corner on the back of each ballot paper and its counterfoil, where the rubber stamped of the required description is not available it win suffice if the serial number is marked by hand with the help of a pen or bal point pen. In addition the Presiding Officer should also signs his full name on the back, of each ballot paper (not on the counterfoil) just below the distinguishing mark as in the Lok Sabha, Assembly elections.

(iii) Indelible Ink:- The System of marking votes fingers with the indelible ink has been made

applicable to the Jharkhand Board of Wakfs election. Hence indelible ink will be supplied to polling stations.

(iv) Symbols- Since no symbols are to be allotted to the contesting candidates at Jharkhand Board of wakfs election, no symbols are printed in the ballot papers. Arrow cross mark rubber stamps will not be supplied to polling stations. Instead violet sketch pen will be supplied to each polling station/s for use of the voter marking on the ballot papers. (v) Method of Voting:- Election to Jharkhan n accordance with the System of

proportional representation by means of single transferable vote. Hence the method or recording vote to Jharkhand Board of Wakfs is Legislative Assembly. The votes by marking on the ballot paper in column provided, their preferences in the figures names 1, 2, 3 and so on in the international form of Indian numerals. If marked in words like one, two, three so on the ballot paper will be invalid. Each figure 1,2.3 ..... is to be put against only one candidate irrespective of the number of candidate.

(vi) Since there is no provision for election agent at polling stations. Verification of signatures of voters on the counterfoil of ballot papers with the signatures in the Specimen signatures forms 4A is to be done to prevent impersonations. The presiding Officer/ Officers have the following additional responsibilities.

A. On the mustering day-

(1) Along with other Polling material each Polling party will be supplied with :-

(i) Specimen Signature forms submitted with the application made for registration in the electoral roll

form 4A by the electors assigned to each Polling station arranged in the serial order, and

(ii) two copies (one each in English and Hindi) of the following description.

CAUTION

To check impersonation before issuing the ballot paper the signature of each voter on the counterfoil of the ballot paper will be verified with the signature of the voter in the Specimen signature form submitted with the application in

form 4A made by him/her for registration in the Electoral roil. If the signatures does not tally, and adverse inference will be drawn and action will be taken to prosecute him/her for impersonation.

(Election Officer)

The Presiding Officer on receiving the material should carefully check the specimen signature forms supplied and satisfy that:

(1) Specimen signature forms in Form 4A of all the voters assigned to Polling Station

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of which the Presiding Officer as available;

(2) Specimen signature forms of each elector bears at top of the serial number given to the elector in the electoral roll; and

(3) Two copies of poster referred to above are supplied. Any commission noticed should be brought to the notice of the officer in charge of mustering before Having the Polling station. The Presiding Officer may take the assistance of his Polling Officer for checking the specimen signature forms.

II. On reaching the polling station:

(i) The Presiding Officer will once again check the specimen signature forms to ensure that the specimen signature from of each elector assigned to the polling station of which he is the Presiding Officer has been supplied and it bears the correct serial number as given in the electors are arranged in the same serial order in which their names appear in the electoral roll. If they are not arranged in proper serial order, action should be taken to arrange them in the serial order.

(ii) He should also see that copies of the poster supplied are displayed prominently outside the polling station.

(iii) The Presiding Office should explain to the Polling Officer their duties in detail particularly in regard to the procedure of verification of signature on the counterfoil of ballot paper with the signature in the specimen signatures form until he is satisfied that they have understood them thoroughly

B. On the day of poll :

The polling Officer in charge of ballot papers will refer the case of voters whose signatures in the specimen signature forms to the Presiding Officers for final decision. The Presiding Officer in such cases will proceed as follows:-

(i) He will take two or more signatures of the person concerned on a separate sheet of papers as considered necessary, and verify them with the signature in the specimen signature forms made by the elector he claims to be for enrolment in the electoral roll.

(ii) Call upon the person to produce evidence to prove that he is the voter he claims to be and

(iii) make such enquiries as considered necessary

(2) After taking action as above :-

(i) If the presiding Officer is satisfied that the signature tally and that the person is the

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voter he claims to be he may be permitted to vote and the Specimen signature form sent back to the polling officer in charge of the said form for being kept separately along with such other forms of the electors who have been allowed to vote after verification of signature.

(ii) If the signature does not tally but the presiding officer is satisfied that it was not a deliberate attempt of impersonation but a genuine mistake on the part of the person, the person should not be permitted to vote but may be allowed to leave the polling station.

(iii) If the signatures does not tally and if the Presiding Officer is satisfied that it was a deliberate attempt of impersonation the person concerned should not be permitted to vote and he may be handed over to the police on duty with a letter of complaint.

(iv) In the cases referred to at (i) and (ii) above, the specimen signature forms should be sent back to the polling officers concerned for being restored to their original places in the bundle of the specimen signature forms in which are still to be verified.

(3) It is the responsibility of the Presiding Officer to ensure that the procedure of verification of signatures as above is scrupulously followed by the Polling Officer, who is entrusted with this duty. It may be noted that if the procedure is followed strictly, there will be no tendered votes. Duties of polling officers at a single election either from a graduate constituency or a teacher constituency.

Polling party consists of one presiding Officer and two polling officers.

First Polling Officer :- The first Polling officer will be incharge of marked copy of the electoral roll. He will be responsible for identification of voters. As and when a voter approaches him, he will draw his attention to the poster displayed outside the polling station regarding verification of signature and explain the implication in case, the signature on the counterfoil of the ballot paper does not tally with the signature in the specimen signature submitted with application (

form 18/19) of the elector, the voter claims to be. Thereafter he will locate the name of the voter in the marked copy of the electoral roll on the basis of the name and other particulars furnished by the voter and also with the help of the unofficial identity slip if any brought by the voter (Identity slip brought by the voter should be destroyed immediately after locating the name). The marked copy of the electoral roll consists of the main roll and the two sets of lists of amendments. If names is not found in the mains roll, the list of amendments should be referred to. In the electrol roll names are arranged in alphabetical order. However, it is not found at the place where it should be according to the alphabetical order. However, it is not found at the place where it should be according to the alphabetical order. It should not be straight away concluded that the name is not in the roll. The entire roll including the lists of amendments should be gone through to locate the

name. After locating the name of the voter in the mil, the first polling officer will call out loudly the paper number, part number and serial number and the name of the voter to the voter to the hearing of the polling agents and other polling officer/s. If there is no challenge as regards the identity of the voter and if the voter is permitted to vote after verification of the signature in the counterfoil of the ballot paper with the signature in the Specimen signature form submitted with (

Form 18/19) made by the voter fur enrolment in the electoral roll (to be ascertained from the second polling officer who will he in charge of ballot paper and verification of signature) the first polling officer will underline the entry relating to the voter in the marked copy of the roll and where the -elector is a female, make a tick mark on the left hand side of the name of the female voter.

Second Polling Officer :- The second polling officer will be incharge of ballot papers, specimen signature forms, indelible ink and violet sketch pen. As the first polling officer out the name and serial number of the voter, the second polling officer will take out the form of Specimen signatures of the elector he claims to be and take the signature of the voter on the counter foil of the ballot paper, verify it with the specimen signatures and only if the signatures tally, apply indelible ink (procedure to be followed in this regard given at the end of page) and then detach the ballot paper from the counterfoil, fold it first vertically, the horizontally unfold it and give it back to the voter along with the violet sketch pen for marking on the ballot paper, and direct voter to proceed to one of the voting compartments where he has to mark on the ballot paper. The Second polling officer should take back from the voter immediately after he comes out of the voting compartments after marking on the ballot paper, the violet sketch pen supplied to the voter for marking on the ballot paper. The specimen signature form of the elector who has been allowed to vote after tallying the signatures will be kept separately without mixing them with the specimen signature form, signatures in which are still to be verified.

In case, the signature on the counterfoil of ballot paper does not tally with the signature in the specimen signature forms, polling officer direct that person and also hand over the specimen signature of the elector he claims to be, to the presiding officer for further verification and final decision. After each such case is finally decided by the presiding officer, the specimen signature form, signature in which does not tally with the signature on the counterfoil, will be restored to its original place in the bundle of specimen signature forms in which the signature are still to be Verified and the specimen signature forms of the voter who has been allowed to vote by the presiding officer will be kept separately along with the other specimen signatures on the counterfoils of ballot paper. In cases of the person, who have not been permitted to vote as they were not found

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to be genuine voters after verification of signature and the inquires made by the presiding Officer, the ballot papers will be detached from took counterfoil on which such persons signatures were taken, and after marking on the back the words "Returned Counseled" should be kept in a separate cover supplied for the purpose. On the back of the counterfoil of such ballot papers also the words "Returned Cancelled" should be recorded.

* Procedure to be followed in regard to application of Indelible Ink

Before applying indelible ink, the voter's left forefinger should be inspected to see that it does not bear any sign or trace of indelible ink and then put a mark with the indelible ink above the root of the nail in such a way that the ink also spreads on the ridge between skin and the root of the nail and a clear marks is left on the forefinger. Note that the voter need not be touched at the time of applying the indelible ink mark on his left gently pressed 0n the finger and rotated so that a clear mark is left on the finger, if the rod is only lightly touched or rubbed against the voter's finger it will merely leave a smudge which is not sufficient. In case it is noticed that an elector has applied any oily or greasy substance on his finger, such oily or greasy substance should be removed by the polling officer with the help of the piece of cloth of rag supplied before putting indelible ink mark on the finger of the elector. The voter should not be allowed to rub off the mark for at least half a minute after it has been applied on the finger.

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Form – I

(Form for details of Survey in respect of each wakf institution by the survey Commissioner)

1. Name of the Wakf

2. Location of the Wakf			
District	Sub-Division	Anchal	Thana/Village/Town

3. Details of Wakf

Creation of Wakf Institution

Sunni/Sia	Date	Year	Nature of Wakf

4. Details of Wakf Deed/Deeds

Name of the person dedicating the property	Witness	Beneficiaries if any	(If hereditary Name of Mutawalli)

5. Description of Immovable Properties

Name of the Village/Town City	Description of Properties including Thana/ Holding no.	Area/ Extent	Boundaries	Value of the Property
1	2	3	4	5

N.

S.

E.

W.

6. Additional Properties acquired after last survey				
Name of the Village/Town City	Description of Properties including Thana/Holding no.	Area/ Extent	Boundaries	Value of the Property
1	2	3	4	6

N.

S.

E.

W.

7. Details of Moveable Properties				
Share Deposits & Security	Gold/ Silver & Other valuables		Other source	
	Quantity (a)	How acquired (b)	Monthly Income	Misc. Income
1	2	3	4	6

8. Income of the Wakf Institution			
Immovable	Moveable	Other Sources	Total

9. Details of Administration	
By Custom/ Usage/ By Scheme/ Settled by court	Scheme of Management approved by the Board

10. Details of Lease of the Wakf Property					
Period From to	Name of the Lease	Purpose of Leasee	Annual income	Advance or donation if any	Remarks

Signature of Mutawalli | Signature of W.O./W.I. | Signature of Officer conducting Survey

Form 2 (See Rule 5)

	Name of the Wakf	Sunni/ Sia	City/Mohalla/ Village/ Panchyat/ Revenue sub-district/ Circle/ Division	Date Year	Ward no. Plot no. Khata no. Cts no. BPT no. Thana no. T.S. No.	
1	2	3	4	5	6	

Boundaries			Details of Wakf Deed/ Registered Deed					Income of the Wakf Ins	
South	East	West	Value	Name of Person dedicating the deed	Witness if any	Beneficiaries	Nature and object of Wakf	Movabale properties other	Immovable property
8			9	10	11	12	13	14	15

Taxes payable in respect of such property/ land		Administration of Wakfs By Custom/ By scheme, selected by court/ Board				
	Revenue Cesses etc.	Taxes	Total	Usage by	Scheme	Re
17	18	19	20	21	22	

Form – 3
(See Rule 6)
Application for updating the Records of Wakf Properties

To,
The Deputy Commissioner/ Collector,
District …….

It is hereby requested that the records of the properties indicated below be updated under Rule 6 of Jharkhand Wakf Rules.

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

(a) Sl. No.

(b) Property No.

(c) Extent

6. Whether the property is of the Wakf by usage
(if s, the use and period of usage to be indicated)
7. If acquired by Sale/ Gift/ Mortgage the Document No./ Year to be Mentioned 8.
Any other relevant information 9. List of documents

Signature of the Applicant

ACKNOWLEDGEMENT

Received Application No. …… dated……
from……..

regarding updating or records of …….. wakf on ……..(date)

Signature of the concerned authority

Form No. 4
(See Rule 9 (1))

REGISTRATION OF ELECTOR OF …… ELECTORAL COLLEGE

Claim for inclusion of name in the Electoral Roll for electoral College of …….. for election to Member/s of Jharkhand state Sunni Wakf Board.

To,
The Electoral Registration Officer,
……
……..

Sir,

I request that my name be registered in the Electoral College of
…….

For election to member/s Jharkhand State Sunni Wakf Board The
Particulars are :
Name (in full)……
Father/ Husbands name……..
Occupation……..
Address……
……
Age
……
….

1. That I am sitting/ Ex-Member of Rajya Sabha/ Lok Sabha/ Member of Legislative Assembly / Member of Bar Council of Jharkhand.

2. That I am Mutawalli …… of
……. Wakf
…….. and the annual income of the Wakf is more than one lakh rupees and dues in respect of the Wakf contribution payable to the Bihar Sunni/ Shia Wakf Nil. (Certificate in support of the above to be obtained and enclosed from Chief Executive officer of the Board)

3. I declare that I am * Sunni/Shia Muslim

4. I declare that I am a citizen of India and that all Particulars given above are true to the best of my knowledge and belief.

……
……

Palce :
Date: CLAIMANT

*Strike out which is not applicable

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DECISION OF ELECTORAL REGISTRATION OFFICER

Form No. 4 …… of Shri/Smt……..……..

Address

……
……

(a) Accepted and name of the above applicant has been registered at Sl. No……..

in …… part,

(b) Rejected for the reason

……

Date

Electoral Registration officers

……..

Receipt for application

Perforation …….

Received the application in Form …….. from Shri/Smt……
……
address…….

Date Electoral Registration Officer

Form A

(See Rule 9 (2))

(This Form must be submitted to Electoral Registration officer along with application made in Form 4)

Passport Size Photo

ELECTION/ BYE ELECTION TO THE JHARKHAND STATE SUNNI WAKF BOARD FROM THE ELECTORAL COLLEGE OF SITTING MUSLIM MEMEBERS OF PARLIAMENT FROM THE STATE OF JHARKHAND/ MUSLIM LEGISLATIVE MEMBER OF JHARKHAND/ MUSLIM MEMBERS OF BAR COUNCIL/ MUTAWALLIES OF WAKF INSTITUTION WHOSE ANNUAL INCOME IS ABOVE Rs. ONE LAKH

1) NAME (BLOCK LETTERS)

PART NO.
Serial No.

2) Specimen Signature

i)……
……..
ii)……
…….
iii)……
……

Form 5

(See Rule 10 (1))

Notification regarding preparation of Electoral Rools

Under Section 14 (2) of Wakf Act 1995

It is hereby notified for the information of person eligible to get the registered as voters of the following Electoral Colleges:-

1.

2.

3.

4.

That

(i)The last date of filling of application is ….....

(ii)The date of publication of draft electoral rolls is …… (iii)The date of lodging claim/ objections is ……. To ……. (iv)The date of final publication of the electoral roll is ……

Electoral Registation Officer for preparation of Electoral Rolls for Election to Jharkhand Wakf Board.

* here indicate the electoral colleges

(1) Electoral College of Muslim Members of Parliament.

(2) Electoral College of Muslim Legislature of State.

(3) Electoral College of Muslim Bar Council Members.

(4) Electoral College of Mutawallies.

(5) Electoral College of Muslim Ex-Members of Parliament.

(6) Electoral College of Muslim Ex-Legislature of State.

(7) Electoral College of Muslim Ex-Bar Council Members.

Form No. 6
(See rule 39(1))
Under Section 29 of the Wakf Act,
1995

NOTICE

Whereas it is learnt / informed / reported that the Wakf …… pf the following description has ceased to exist.

Description Schedule

Sl. No.	Name of Wakf Property	Details of movable property	Details of immovable property Khata/Plot/ Area/ Location Boundry/ Ac.D	Details of fund in any	Remarks
1	2	3	4	5	6

It is therefore, hereby notified that an enquiry that an enquiry will be held regarding the said cessation and to ascertain the property and the funds of the above mentioned Wakfs and to order may be passed for recovery of the said property or funds and its utilization under section 39 (2) of the Wakf Act.

You are hereby directied to appear before the undersigned through person or through advocate and to submit any objection in writing in this regard to produce documents in support of your contention on ……. (dated) at…… (Place/time) when the enquiry will be held up. In case of failure, an expect decision shall be taken.

Chief Executive Officer/

Authorized Officer

To,

_____

___

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Form 6 A

(See Rule 11(1))
PART – A
ELECTORAL COLLEGE OF MUSLIM MEMBERS OF PARLIAMENT FROM JHARKHAND STATE FOR MEMBERSHIP TO JHARKHAND STATE SUNNI WAKF BOARD.

Sl. No.	Name of the Member of Parliament	Name of Father/ Husband	Sex	Age as on	LS/ RS	Name, Address & No. of Constituency
1	2	3	4	5	6	7

Place :

Date : ELECTORAL REGISTRATION OFFICER

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Form 6 B

(See Rule 11(1))

PART B YEAR

……

ELECTORAL COLLEGE OF MUSLIM MEMBERS OF THE JHARKHAND LEGISLATURE
FOR MEMBERSHIP TO JHARKHAND STATE SUNNI WAKF BOAFE

Sl. No.	Name of the Legislator	Name of Father/Husband	Sex	Age as on	MLA/MLC	Address	Name & No. of Constituency
1	2	3	4	5	6	7	8

Place :
Date: ELECTORAL REGISTRATION
OFFICER

Form 6 C

(See Rule 11(1))

PART C YEAR

……

ELECTORAL COLLEGE OF MUSLIM MEMBERS OF THE BAR COUNCIL JHARKHAND STATE FOR MEMBERSHIP TO JHARKHAND STATE SUNNI WAKF BOARD

Sl. No.	Name of the Member of Bar Council	Name of Father/ Husband	Sex	Age as on	Address
1	2	3	4	5	6

Place :

Date: ELECTORAL REGISTRATION OFFICER

Form 6 D

(See Rule 11(1))

ELECTORAL COLLEGE OF MUTAWALLIES & INSTITUTION WHOSE ANNUAL INCOME OF THE INSTITUTION IS ABOVE Rs. 1.00 LAKH

Sl. No.	Name of the Mutawalli	Name of Father/ Husband	Sex	Age as on	Name and Address of the Institution Wakf	Annual income of the Institution/ Wakf
1	2	3	4	5	6	7

Place :

Date: ELECTORAL REGISTRATION OFFICER

Form 7
(See Rule 40 (1) U/s 40 of the Wakf Act)
FORM OF INFORMATION

Information pertaining to any property which is believed to be Wakf property/ Whether a particular property is a Wakf property or not/ whether a Wakf is Shia or Sunni
Name of the Wakf
Date of Creation / Establishment of Wakf
Vill …….. P.O…….. P.S……..
District …… City/Town ……..
Tauzi No……. Khata No. …..... Khasra No…….. Area ……. Boundary ……...
Purpose/ Beneficiaries of Wakf
…… Usage/ Custom of Wakf ……... Name of the Mutawalli/ Secretary/ President if any …….
Details regarding management of the Wakf
…….

This is to certify that the information furnished above are true to the best of my knowledge and belief.

Signature of the reporter
With designation, date and seal, if any

Form 7/1
See Rule 40 (3) (a))
Location of Wakf Institution
……

Sl. No.	Name of the Wakf Institution	Sunni/Shia	City	Town	Village	P.S.	Revenue	Sub Division
1	2	3	4	5	6	7	8	9

District	Creation of Wakf		Details of Wakf Properties		
	Date Year	Khata No. Cts. No./____ T.S. No. Plot No.	Area/ Dimension	Boundaries North South West	Value
10	11	12	13	14	15

Details of Wakf Deed/ Name of the Person Dedicated to the Wakf	Registered Deed Witness/ Beneficiaries if any	Nature and Object of Wakf
16	17	18

Gross income of the Wakf Institution			Tax payable respect of such properties		
Immovable/ movable	Other Sources	Total	Land Revenue Cess	Other Taxes	Total
19	20	21	22	23	24

Administration of Wakfs			
By Custom / Usage	By Scheme settled by Election / Court of Board	Schemes approved by the Board	Remarks
25	26	27	28

7. Details of Moveable properties

Shares and Deposits	Gold/ Silver and other valuable	Offerings	Other sources	Contribution Misc. Income
1	2	3	4	5

8. Income of the Wakf Institution

Immovable	Movable	Other Sources	Total
1	2	3	4

9. Details of Administration

By Custom/ Usage	Scheme settled by court	Schemes of management approved by the Board
1	2	3

10. Details of Lease of the Wakf Property

Period From to	Name of the Lease	Purpose of Lease	Annual income	Advance or donation if any	Remarks
1	2	3	4	5	6

Signature of Mutawalli

Signature of W.O./W.I.

Signature of the Officer conduction survey

Form 7/2
See Rule 40 (3) (b))
Notice

Whereas the Jharkhand State Sunni Wakf Board after enquiry under section 40 of the Wakf Act has reason to believe that the property/properties indicated below in the Schedule belongs to ……. (Name of Trust/ Wakf/ Seciety) registered in pursuance of India Trust Act 1882/Society Registration Act, 1960 …… (any other Act) is/are Wakf properties

Schedule

Details of the Property	Khata No.	Plot No.	Tauzi No.	Thana No.	Area/ A.D	Boundaries	Valuation	Remarks
1	2	3	4	5	6	7	8	9

Therefore you _____(name of authority by whom the Trust is registered) are hereby called upon to get register the property/ properties in the Schedule under the Wakf Act, 1995 within 7 days of the Service of the Notice failing which the board shall proceed to register the said properties under the Act. Further the Board may take action against you as provided U/s 61 of the Wakf Act. 1995.

Chief Executive Officer
Authorized Officer

To,

_____
_____

Form 7 A
(See Rule 12)

PART – E YEAR …….. ELECTORAL COLLEGE OF EX-MUSLIM MEMBERS OF PARLIAMENT FROM JHARKHAND STATE FOR MEMBERSHIP OF JHARKHAND STATE SUNNI WAKF BOARD

Sl. No.	Name of the Member	Name of Father/Husband	Sex	Age as on	IS/ Rs.	Name & Address	No. of constituency represented Parliament Period
1	2	3	4	5	6	7	8

Place :
Date : ELECTORAL REGISTRATION OFFICER

Form 7 B
(See Rule - 12)

PART – F YEAR

…….. ELECTORAL COLLEGE OF EX-MUSLIM MEMBERS OF LEGISLATURE (JHARKHAND STATE) JHARKHAND STATE SUNNI/SHIA WAKF BOARD

Sl. No.	Name of the Legislator	Name of Father/Husband	Sex	Age as on	LS/ RS.	Address	Name & No of Constituency represented Period
1	2	3	4	5	6	7	8

Place :
Date : ELECTORAL REGISTRATION OFFICER

Form 7 C

(See Rule 12)

PART– G Year …….. ELECTORAL COLLEGE OF EX-MUSLIM MEMBERS OF BAR COUNCIL (JHARKHAND STATE) FOR MEMBERSHIP OF JHARKHAND SUNNI/SHIA WAKF BOARD

Sl. No.	Name of the Ex-Member of Bar Council	Name of Father/Husband	Sex	Age as on	Period served	Address
1	2	3	4	5	6	7

Place :

Date : ELECTORAL REGISTRATION OFFICER

Form 8

(See rule 14)

NOTIFICATION

No._____ Date:_____

(To be issued by the Government for fixing the schedule of Elections)

The Government of Jharkhand hereby notifies the Schedule of election as hereunder for filling up the vacancy/vacancies of member to the Jharkhand State Sunni Wakf Board. Under sub-clauses (i) to (iv) of clause (b) of Sub-Section (1) of Section 14 of Wakf Act, 1995 as per Sub-Section (2) of Section 14 or Wakf Act 1995 for the following electoral colleges.

Sl. No.	Name of the Electoral College	No. of Vacancies

The following is the schedule of election.

(i) Data of commencement of election _____

(ii) Data of Notification by Returning Officer in Form No. (9)

(iii) Last date of filling of nomination _____under clause of (b) of Sub-Rule (1) of Rule 14.

(iv) Last date of withdraw_____

(v) Data of Scrutiny under clause (d) of Sub Rule (1) of Rule 14 _____

(vi) Data of poll _____

(vii) Data of counting _____

(viii) Data of Closing of elections _____

The above elections shall be conducted in accordance with Bihar Wakf Rules 2000.

Date :

By order
and in the name of Governor
of Jharkhand

Form 9
(See rule 15(2))

Notice is here by given that :-

(1) an election is to be held for filling up of seats of one/two member to Jharkhand State Sunni Wakf Board by the Muslim Member of Parliament / Ex-Muslim of Parliament of Jharkhand State

OR

(2) an election is to be held for one / two members to Jharkhand State Sunni Wakf Board by the Muslim members / Ex – Muslim members of Legislature of Jharkhand State.

OR

(3) and election is to be held for one / tow members to Jharkhand State Sunni Wakf Board by the Muslim Members / Ex – Muslim members of Bar Council.

OR

(4) an election is to be held for one / two members to Jharkhand State Sunni Wakf Board by Mutawalli of the institution having annual income of for Rs. One lakh and above.

OR

(5) Nomination papers may be delivered by a candidate or his proposer to the election officer or to _____ officer at _____ between 11:30 A.M. to 1:00 P.M. on any day (other than a public holiday) not later than the _____

(6) Forms of nomination papers will be taken up for scrutiny at _____
on _____ at _____

(7) Notice of withdrawal of candidates may be delivered by a candidate or his candidate proposer (who has been authorized in writing by the candidate to deliver) to the Returning Officer at his office before 1.00 P.M. on _____

(8) In the event of election being contested, the poll will be conducted on _____ between the hours of _____ and _____

(9) The Election shall be completed before _____ (data)_____

Place :
Date : RETURNING OFFICER

Form 10
(See rule 16 (1))
NOMINATION

PAPER Election to the Jharkhand State Sunni Wakf Board.

I nominate Sri/smt _____ as a candidature Election to the Jharkhand State Sunni / Shia Wakf Board from the _____ category.

Candidate's Name_____

Father's / Husband's Name _____

Postal Address _____His / Her name is _____and It is entered at Sl. No. _____ in part _____in the Electoral Roll of Electoral College.

My name is _____ and it is entered at Sl. No. _____ in part _____ in the Electoral Roll of _____ Electoral College.

(SIGNATURE OF PROPOSER) 1.I …… the above mentioned candidate, assent to this nomination for ……..

being chosen as a member of Jharkhand State Sunni Wakf Board from electoral college hereby declare. (a) That I am a voter of _____ Electoral College.

(b) That I have completed _____ Years of age and I am a Sunni / Shia Muslim.

(c) That to the best of my knowledge and belief, I am qualified and also not disqualified (as laid down in section 16 of Wakf Act 1995) for being chosed to fill the seat in the Jharkhand State Sunni Wakf Board _____ Category.

*Strike out which – ever is not applicable

SIGNATURE OF CANDIDATE

TO BE FILLED BY THE TETURNING OFFICER

Serial No. of Nomination paper_____

The nomination was delivered to me at my office at _____ The nomination was delivered to me at my office at _____

Hours on _____ by the candidate / proposer

RETURNING OFFICER

Form 11
(See rule 18)
NOTICE OF NOMINATION

ELECTION TO THE JHARKHAND STATE SUNNI WAKF BOARD BY MEMBERS OF PARLIAMENT / MEMBERS OF LEGISLATURE / BAR COUNCIL MEMBER / MUTAWALLIES ELECTORAL COLLEGE

OR

ELECTION to the Jharkhand State Sunni Wakf Board by Ex-Members of Parliament / Ex – members of legislature / Ex – member of Bar Council Electoral College.

Notice is hereby given that the following nomination in respect of the above has been received up to 1.00 P.M. on date

Sl. no. or Nomination paper	Name of the Candidate	Name of Father / Husband	Age of the candidate	Address	Shia/Sunni	Electoral Roll No. of Candidate	Name of proposer	Sl. No. of proposer in Electoral Roll	If the proposer is Mutawa the nam wakf to indicate
1	2	3	4	5	6	7	8	9	10

Decision of Election Officer, accepting or rejecting the Nomination Paper I have examined this Nomination paper in accordance with section 14 of Wakf Act and Decide as follows

_____

RETURNING OFFICER

Receipt for Nomination paper and Notice of Security.

(To be handed over to the person presenting the Nomination Paper)

Serial No. of Nomination paper _____

The Nomination paper of _____ was delivered to me at my office at _____ (Hours) on _____ (date) by the candidate / proposer. All nomination papers will be taken for scrutiny at _____ (hours) on _____ (date)_____ Place.

RETURNING OFFICER

Form 12

(See rule 19 (1))

Forms of Oath or Affirmation

Form of Oath or affirmation to be made by a candidate for elected to Jharkhand State Wakf Board. I _____ have been Nominated as a candidate to fill a seat in the Jharkhand State Sunni Wakf Board do swear in the name of Allah that I shall bear true faith and allegiance to the constitution of India as by law established and I shall upheld the sovereignty and integrity of India. And I shall act in the interest of Wakf properties and the Wakf Board.

(Signature of the Candidate)

Acknowledgement of Oath

_____ Candidate has taken Oath on _____ at _____ time

Returning Officer

_____

Certificate of Oath

This is to certify that _____ has signed
And read the oath of Affirmation before me on _____
Date at time _____/

(Signature)
Returning / Asst. Returning Officer

Form 13

(See rule 19 (2)

Appointment of Election Agent _____ Election to the member of Jharkhand State Sunni Wakf Board from _____ _____ electoral college.

To,
The Returning Officer
_____
_____

I, _____ _____, a candidate at the above election do hereby appoint Sri _____ _____ (name of address) as my Election Agent from this day at the above election

Place :
Date : Signature of Candidate

I accept the above appointment
Place :
Date : Signature of Election Agent

PHOTOGRAPH
Signature attested by me
(Returning Officer)

Form 14

(See rule 20 (8))

LIST OF VALIDLY NOMINATED CANDIDATES

ELECTION OF THE _____

ELECTORAL COLLEGE FOR JHARKHAND SUNNI WAKF BOARD

SL. NO.	NAME OF CANDIDATE	NAME OF FATHER /	ADDRESS OF THE CANDIDATE

Place :

Date : RETURNING OFFICER

Note :- The names of the candidate shall be arranged as per English alphabetical order and the address of the contesting candidates as given in the nomination paper.

Form 15

(See rule 21 (1))

NOTICE OF WITHDRAWAL

ELECTION OF THE _____

To,

The Returning Officer

_____

Sir,

I, _____(Candidate validity nominated) at the above election do hereby given notice that I withdraw my candidature.

(SIGNATURE OF CANDIDATE)

This notice was delivered to me at my office at _____ Hours on _____(date) by _____ (name)

Date :

Returning Officer

_____

Receipt of Notice of Withdrawal

(to be handed over to the person delivering the notice)

The Notice of withdrawal of candidature by _____

(a validly nominated candidate for the election to the member of Jharkhand State Sunni Wakf Board from _____ Electoral College was delivered to me by ____ at my Officer at _____

(hour) on _____ (date).

Returning Officer

Here insert one of the following alternatives as may be appropriate

1.Candidate

2.Candidate’s proposer who has been authorized in writing by the candidate to deliver it.

3.Candidate’s election agent who has been authorized in writing by the candidate.

Form No. 16
(See rule 21 (3))

NOTICE OF WITHDRAWAL OF

CANDIDATE tion to the Jharkhand State Sunni Wakf Board from _____ _____ Electoral College.

Notice is hereby given that the following validly nominated candidate /s at above Election withdrew his candidature / their candidature today :

Name of validly nominated Candidate	Address of validly nominated candidate	Remarks

Returning Officer

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Form No. 17

(See rule 22 (1))

List of Contesting Candidates

Election to the Member/s of Jharkhand State Sunni Wakf Board from the _____ Electoral College.

_____

Sl. No.	Name of Candidate	Address of Candidate
1.		
2.		
3.		
Etc.		

Returning Officer

Notice : The names of the contesting candidates shall be in English alphabetical order and address of the contesting candidates as given in the nomination paper.

Form 18

(See Rule 25 (2))

Declaration of result of Election

(to be used when the candidate is declared elected un-contested) Election of the Jharkhand State Sunni Wakf Board from _____

_____ Electoral College.

In pursuance of the provisions contained in Rule 25 (2) of Jharkhand State Sunni Wakf Board rules, I declare that

Sri/Smt. 1) _____(Name)

_____(Address)

_____

Sri/Smt. 2) _____(Name)

_____(Address)

_____

has / have been duly elected to fill the seats from the above electoral college.

Place :

Date : Returning Officer

Form 19

(See Rule 27 (2))

Application by a Voter regarding of Electoral College for Voting

To,

The Returning Officer,

_____

I, _____ am a voter in the following electoral College of Jharkhand State Sunni Wakf Board.

Name of Electoral College	No	Part	Serial No.

I Declare that my choice of vote is _____ Electoral College under Rule 27.

(Signature of Voter)

Form 20

(See Rule 30 (2))

RETRUN OF ELECTION

ELECTION OF THE JHARKHAND STATE SUNNI/SHIA WAKF BOARD

Election to Jharkhand State Shia Wakf Board among the Members of parliament / Mambers of legislature / Members of Jharkhand Council / Mutawallies _____

Result of the Poll and of the transfer of Vote is as follows :

Number of valid votes _____

Number of Members to be elected _____

Quota (Number of votes sufficient to secure the election of a candidate)_____

Name of candidates	First Count	Second Count		Third Count		Fourth Count	
1	Votes polled	Transfer of	Result	Transfer of	Result	Transfer of	Resutl
1	2	3(A)	3*B)	4(A)	4(B)	5(A)	5(B)

Non – Transferable

Loss due to friction

Total :

Name of elected candidate /

Candidates and or Order of election

I declare that

(1)(Name)_____

(Address)_____

(2)(Name)_____

(Address)_____

has / have been duly elected.

(Signature)

Returning

Officer

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Form 21

(See Rule 30 (3))

Declaration of result of Election

(to be used when a candidate is declared elected)

Election of Jharkhand State Sunni Wakf board from _____

Electoral College

In pursuance of the provisions contained in Rule 30 (3) of Jharkhand State Wakf Board rules, 2000, I declare that

Sri/Smt. 1) _____(Name)

_____(Address)

_____

Sri/Smt. 2) _____(Name)

_____(Address)

_____ has / have been duly elected to fill the seat/seats from the above electoral college.

Place :

Date : Returning Officer

Form 22

(See Rule 31)

CERTIFICATE OF ELECTION

I, _____, Returning Officer for the election to Jharkhand State Sunni Wakf Board, hereby certify that I have on the _____ _____ day of _____200 declared Sri _____ Sri/Smt._____ Son of Sri_____to have been duly elected to be a Member of the Jharkhand State Sunni Wakf Board from the _____ Electoral College and that in token there of I have granted him this Certificate of Election

Place :

Date :

RETURNING OFFICER

(Seal)

* here mention :

Muslim Members of Parliament / Ex – Muslim Member of Parliament

Muslim Members of legislature / Ex – Muslim member of legislature.

Muslim Members of Bar Council / Ex – Muslim member of Bar Council

Mutawallies of Wakf.

Form 23

(See Rule 32)

Notification under Section 14(1) (b) of the Wakf Act, 1995 regarding appointment of members to Jharkhand State Sunni Wakf Board.

The Government of Bihar by virtue of its power conferred Under Section 14 (9) of the Wakf Act, 1995 notifies that the persons noted hereunder are appointed as member of Jharkhand State Sunni Wakf Board. They shall hold the Office as the member of the Board for a period of five years under Section 15 of Wakf Act, 1995.

Sl. No.	Name of the Member	Address	Age	If elected Member, Name of electoral College	if nominated the name of the category of nomination	Remarks
1	2	3	4	5	6	7

By order and in the name
Of the Governor of Jharkhand

Form 24
See Rule 33(1)
NOTICE

A meeting is convened at (Place) _____ on (date)_____at (time)_____ to elect the Chairperson of the Board as provided Under Section 14 (8) of Wakf Act, 1995, You are therefore, requested to attend the said meeting at the given time and place. Nomination to contest for the post of Chairperson may be filled before the presiding Officer on or before the time and date fixed for the said meeting.

Secretary to Govt. Minority Welfare Department/
Officer authorized to conduct Election
Of Chairperson.

(Note : Minimum 7 days Notice to be given for conduct of this meeting.)

Form 25

(See Rule 33(5))

Notification by Government regarding appointment of Chairperson

NOTIFICATION

(under rule 33 (5) of Jharkhand Wakf Rule 2004)

It is hereby notified that Sri / Smt. _____
_____ S/o. / W/o _____
_____ a member of the Jharkhand State Wakf Board is duly elected as Chairperson of Jharkhand State Sunni Wakf Board as per Section 14 (8) of Wakf Act, 1995.

By order and in the
Name of the Governor of Jharkhand

Form 26

(See rule 35(1))

Application for inspection of records/other documents in any public office The Movable/immovable properties mentioned her under the :-

(1)Wakf Properties belonging to _____(Wakf)

(2)Claimed to be Wakf properties

It is required to inspect the documents mentioned in Column (3) of the table below under Section 29 of the Wakf Act, 1995.

TABLE

Sl. No.	Details of movable/ immovable properties	Record/Register/Other documents to be inspected	Official/Person authorized
1	2	3	4

A Movable

B Immovable

You are hereby requested to permit the Officer / Person authorized in column 4 of the Table above to inspect the said record / register and other documents immediately.

A fee of Rs. _____ (in Word) _____ is remitted vide Challan / Receipt No _____ dated _____

To,

_____ C.E.O. / A.C. (Wakfs)/

_____ W.O. _____Distt.

(here indicate the authority to whom application is made)

Section 29 of the Wakf Application is made

Section 29 "the chief Executive Officer or any officer of the Board duly authorized by him in this behalf shall, subject to such conditions and restrictions as may be levelled under any law for the time being in force be entitled at all reasonable time to inspect in any public office, any records, registers, or other documents relating to a Wakf or movable or immovable properties which are Wakf properties or are claimed to be wakf properties."

Form No – 26A

(See Rule 36(1))

(Application for Inspection of Proceedings of Records)

Date	Name & Address of the	Nature of the	If the document relates to a Wakf the	Order granting or rejecting	Searching fee Ordinary	Deposit Urgent

	applicant	document	relation of the applicant with Wakf	the application		
1	2	3	4	5	6	7

Initial of the head Clerk-Cum Accountant	Date and hour when the inspection will be allowed	Signature of the clerk receiving the application	Remarks
8	9	10	11

Form No – 26 B

(See Rule 36(5))

(Application for Copies of Proceedings or Records)

Date	Name & Address of the applicant	Specification of the document of which a copy is required	Where the document relates to a Wakf the relation of the applicant with the Wakf	Order granting or rejecting the application	Number of words to be copied	Searching fee Ordinary	Deposited urgent
1	2	3	4	5	6	7	8

Copying Fee Ordinary	Deposited Urgent	Certification fee deposited if a certified copy is required ordinary	Urgent	Initial of the Head Clerk – cum-Account receiving the	Date and hour when the copy will be ready	Date of delivery	Signature of the applicant acknowledging receipt	Remarks
9	10	11	12	13	14	15	16	17

Form 27
(See Rule 42 (2 a))

LIST OF WAKFS

List of wakf under direct management as on _____

For preparation of Budget under Section _____

Sl. No.	Name of the Wakf	Name of the Administrator	Order No.	date period of direct Management

Chief Executive Officer
Jharkhand State Sunni Wakf Board
RANCHI

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Form 28 (See Rule 42 (2b)) From :
The Chief Executive Officer,
Jharkhand State Sunni Wakf Board,
RANCHI.

To,

_____
_____

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

Sir,

The _____ Wakf is under direct management of the Jharkhand State Sunni/Shia Wakf Board, U/s_____ as per order No. _____ dated _____ for a period of _____.

As per Section _____ of Wakf Act. 1995 the Budget of the above institution needs to be placed before the Board. Therefore, you are requested to prepare and furnish the budged covering the estimated receipts expenditure in the prescribed perform under Sub-rule (3) of Rule _____with a statement giving details of increase, if any, in the income of the Wakf and also steps taken for its better management under Sub-Rule _____ of Rule. The budget prepared shall reach the undersigned by December

Chief Executive Officer/
Authorised Officer
Jharkhand State Sunni Wakf Board RANCHI.

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From 29
(See Rule 42(3))

Annual Budget Estimate of wakf for 200 _____ to 200_____

ABSTRACT

_____

Actual for Sanctioned estimate revised for estimate _____ Total Budget Estimate for 200 _____ 200 _____ for current year current year 200 __ _____200_____ 200 _____ 200 _____ Actual for 8 month Probable Expenditure for 4 month_____

Opening Balance:
Receipt (Statement 1):
Expenditure (Statement): Closing Balance:

Total _____
Total_____
Total_____
Total_____

_____

Statement 1 (Receipts)

_____

1.Opening Balance.

2.Cash with the Bank.

3.In hand (Cash, Cheque & D.D.)

4.Income from Rent:

a. Residence.

b. Office/Complex’s.

c. Shops.

d. Schools.

e. Shadi Mahal/Exhibition
f. Others.

Total: _____

5.Security Depsotis

6.Good Will

7.Income from Bataie/Man

8.Income from Agricultural Land.

a.Sale of Agricultural Crops

b.Sale of usufructs of trees (income from fasal)

c.Sale of trees

d.Annuity

e.Tasdid Allowance
f.Cash Grants

Total: _____

_____

9.A) Miscellaneous receipts:
a.Nazar/Presents
b.Subscription Fee
c.Meelad/Ramzan Donation
d.Nikah Fee
e.Hide & Skin
f.Other collection

_____ Total: _____

_____

9.B) Receipts From:
a.Grant in aid
b.Loan recovery
c.Salary & Festival (Advance recovery)
d.Interest from Bank
e.Loan from Central Wakf council, New Delhi.

f.Fixed Deposit Receipts.

g.Royalty/E.M.D.

_____

Total: _____

_____

10. Any other receipts:

Grand Total: _____

_____

Statement II (Expenditure)

Sl. No.	Particulars	Actual for Previous Year	Actual for Year of report	Revised Budget for year of report for ensuring year	Budget Estimated or	Remarks

(A) General Administration

1. Salaries

2. T.A.

3. Office Expenses:

i. Purchase of furniture

ii. Purchase of stationery & Forms

a.Printing of Receipts

b.Printing/Purchase of Books of Accounts.

iii. Postal Charges
iv. Telephone Charges
v. Water Charges
vi. Electric Charges
vii. Earnest Money/Advance
viii. Purchase of Vessels
ix. Purchase of Machinery & Electrical items.

Total: _____

_____

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

_____

Total: _____

_____

(B) Capital Expenditure :

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

Total : _____

_____

(C) Charitable Expenses

i) Scholarship/Free ship

ii) Medical Expenses

iii) Marriage Expenses

iv) Others

_____

Total :_____

_____

(D) Festival Expenses

i) Meelad

ii) Shab-emeraj

iii) Shab-e-Qadar

iv) Shah-e-Barat

v) Idgah/Mosque/Dargah expenses

vi) Urs/Imambara/Karbala/Mazar etc.

_____

Total : _____

_____

(E) Miscellaneous Expances :

i)

ii)

_____

Total : _____

Grand Total :_____

_____

Accountant C.E.O./E.O./Administrator

Form 30

(See Rule 43(4))

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

Name of Wakf _____ District _____

Sl.No.	Details of income Sources	Berief details of Audit of the Previous Year 200__	Order No.___ Dated ____ Of taking over direct manag.	Details of increase in immovable property after taking over under direct management	Increase of the income if any
1	2	3	4	5	6

1)Details to be adopted from the statement 1 receipts of Budget

_____

Signature of Administrator

Form 31

(See Rule 43(1)(i))

CASH BOOK

Receipts :

Date of Receipt	Receipt No.	Particulars	Amount	Cash B.D.No.	Date of deposit in Bank
1	2	3	4	5	6

Payments :

Date of Payment	Voucher No.	Particulars	Salary	T.A.	Office	Expenses	Misc.	Signature Balance
7	8	9	10	11	12	13	14	15

Form 32

0(See Rule (1)(ii))

Prescribed under the Jharkhand Wakf Rules 2004

RECEIPT BOOK

Name of the Wakf Estate and Reg. No. _____ Receipt No. _____

Dated _____ Name of the party _____ S/o

_____ Resident _____ P.O._____P.S_____Distric

_____

through _____Cash/Cheque/D.D.N.o._____

dated _____ Amount _____(in words)_____Purpose

_____

Receiving Authority Seal

Form 33

(See Rule 43 (1)(iii))

Demand, Collection and Balance of Wakf Contribution for the year 200___

Name of the Wakf	Head of the Accounts	Demand Arrears Current Total	Collection Arrears Current Total	Balance Arrears Current Total
1	2	3	4	5

_____

_____

_____

_____

_____

_____

_____

Details of Wakf Contribution payment to the Board particulars Date Amount paid Receipt No. Cash Cheque D.D.No.	Remarks
6	7

Signature of Mutawalli/Secretary M.C.

Form 34

(See Rule 43 (1)(iv))

Register of Immovable property

Sl. No. Scription of	Tauzi No.	Khata No.	Plot No.	Thana No. Sheet No.	Date of Purchase Grant property (order No of Board any other U/s 53 of Wakf Act.	Details of Wakf Deed/Purchase of Property Documents	De
1	2	3	4	5	6	7	8

Area of Property	Valuation of Property	Income of the property	Allienation of Property	Revaluation of Property	Remarks
9	10	11	12	13	14

Signature of Motawalli/Secretary/

Managing Committee/Administrator

Form 35
(See Rule 43 (1)(v))
Register of Movable Property

Sl.No.	Description Movable Property	Date of purchase	Value	Bill No. and date	Condition of the movable Property	Income of movable property if any	Signature of Mutawalli/S.M.C. Administrator
1	2	3	4	5	6	7	8

Form 36
(See Rule 43 (1)(vi))
Register of Hundi/Bills/Cheque/B.D./F.D.etc.

Name of the Wakf	Previous date of opening Hundi/Offerings Etc	Amount Collected	Nazar's (Approximate Cost)	Present date of opening of Hundi/Offering etc	Amount Collected
1	2	3	4	5	6
Nazar's (Approx Cost)			Remarks		
7			8		

Form 37
(See Rule 43
(1)(vii))
Register of
Lease/Mortgages

Sl.No.	Particulars of Property	Kinds of Leases	Period of Lease Mortagage	Document No.	Date of Comm Encement	Date of Expiry	Amount Received as Security Mortagage amount
1	2	3	4	5	6	7	8
Good will donation				Remarks			
9				10			

Form 38

(See Rule 43 (1)(viii))

Register of Rents

a)Rent of the Tenant : _____ b)Shop No./Holding No./ Khata No./Plot No./ Thana No./Circle No./ Ward No./Premises No. :_____ c)Extent/Area : _____ d)Rent fixed : _____ e)Authority fixing the rent.: _____ f)Date of Occupation. : _____ g)Advance/security deposit. :_____

Sl. No.	Month	Opening Balance	Monthly Rent	Total	Collection	Balance	Receipt No. & date	Initials of Clerk/ Mutawalli etc.	Remarks
1	2	3	4	5	6	7	8	9	10

Form 39
(See Rule 43 (1)(ix))
Register of Inspection Book

Sl. No.	Date of previous Inspection	Date of present Inspection	Name & Designation of Inspection	Important Observation of the inspecting officer
1	2	3	4	5

Form 40

(See Rule 43 (1)(x)) Register of Meeting

Sl.No.	Date & Place	No of members Present of Meeting	No of Member Absent	No of subjects discussed	No of subjects approved	Subjects deferred	Remarks
1	2	3	4	5	6	7	8

Form 40

(1) **(See Rule**

43 (1)(xi)) Register of Minutes

Sl. No.	Date of Meeting	Subject	Resolution Passed	Signature of President & Secretary/Administrator/C.E.O.
1	2	3	4	5

Form 41 (See

Rule 43 (1)(xi)) Register of Grants/Loans

Sl. No.	Date of Receipt of Loan/Grant	No & Date of order sanctioning the Loan/Grant Halfyearly	Purpose of Loan/Grant	Amount Loan/Grants	Grants O/C	Rate of interest
1	2	3	4	5	6	7

No of installments payable/ Whether yearly or Half yearly installment	Amount of each installment	Initials of Mutawalli	Payments Balance Date of Payment	% of interest	Total
8	9	10	11	12	13

Initials of Mutawalli	Remarks
14	15

Form 42 (See Rule 43 (1)(xii)) Register of Securities/Fixed Deposits/others investments

Details of Deposit

Sl. No.	No and Date of Orders under which Deposited	Date of deposit	Name & Address of the depositor	Purpose of deposit	Amount of deposit	Date of investment
1	2	3	4	5	6	7

Particulars of Investment	Face Value
8	9

Details of Investment :

Purchase Price	Due Date of Maturity of Accued interest	Amount of Interest	Amount credited in cash	Remarks
10	11	12	13	14

Form 43
(See Rule

43 (1)(xiii)) Register of Litigation (Details of Cases)

Sl. No. order	Case No	Name of Court	No of case	Petitioners	Prevision under	Progress/Advocate Brief Which the case has been instituted	Hearing	With date of Disposal
1	2	3	4	5	6	7	8	9

_____(Payments)_____

Board/Govt. order No And date	Particulars of Legal Fee/Expenses	Amount Sanctioned to (Name of the advocate of Party)	Amount paid Cash/Ch. No. Date	Institution Funds/
10	11	12	13	14

Form 44
(See Rule

43 (1)(xiv)) Register of Stock issue

Sl.No.	Invoice No./Bill No./date/Name of the farm	Details of the article Purchased	Quantity	Cost	Total stock including opening balance	Quantity issued	To whom issued
1	2	3	4	5	6	7	8

Closing Balance	Details of order passed	Remarks
9	10	11

Form 45

(See Rule 43 (2))

Statement of account for the year……

Receipts

Sl no.	Particulars	Rs.	Ps.

1)Opening Balance :

a)Cash with the bank

……

b)In hand Cash/Cheque/DD.

2)Income from Rent of :

i) a) Buildings

b) Shops

c) Schools

d) Shadi Mahal

ii) a) Security Deposits

b) Goodwill

3) Income from Agriculture Produce

a)Sale of Agriculture

b)Sale of Fruits of Trees

c)Sale of Trees

d)annuity

e)Tasdiq Allowance

f)Cash Grants

4) Income from other sources:

a)Nazar/Presents

b)Subscription Fee

c)Milad/Ramzan Donation

d)Nikah Fee

e)Golak Collection

f)Donation

5)Miscellaneous Receipts:

a) Grant-in-Aid

b) Recovery of Loan

c) Recovery of Festival Advance

c)Interest from Bank

d)Loan from C. W. C., New Delhi

e)Fixed Deposit/Receipts

Expenditure

Sl. No.	Particulars	Rs.	Rs.

1)General Administration

1)Salaries

2)Traveling Allowance

3)Office Expenses

ii) Purchase of Furniture

iii) Purchase of stationery and forms:

a)Printing of receipt books

b)Purchase of Books of Accounts

c)Postal Charges

d)Telephone charges

e)Water Charges

f)Electric charges
g)Office stamp
h)Purchase of Machines/Electrical items i) Meeting expenses
4)Legal expenses
5)Audit expenses
6)Corporation/Municipal/Land Tax
7)Wakf Contribution to Board

2)Capital Expenses
1)Construction expenses
2)Repayment of Loan/Advances
3)Security Deposits
4)Building License/Plan Fee

5)Royalty
6)Refund of E. M. D.

3)Charitable Expenditure:
1)Scholarship/Fee ship
2)Medical expenses
3)Marriage expenses

4) Festival Expanses
1) Milad
2) Shab-e-Meeraj
3) Shab-e-Barat
4) Shab-e-Qader
5) Mosque/Idgah/Dargah/Karbala/Imambara/Mazar etc.

5) Miscellaneous Expenses:
1)
2)
3)
4)
5)

Form 46

(See Rule 43 (3))

NOTICE

Notice under Section 46 and Rule 40 (3) to the Mutawalli/Managing Committee of a Wakf for non Submission of Statement of accounts for the year _____ The statement of account of a Wakf is to be furnished to the Jharkhand State Sunni Wakf Board before 1st May for the year _____ under Section 45 (2) of the Wakf Act. But you, Janab _____

Mutawalli/President/Secretary of Wakf have failed to furnish the statement of account for the year _____ before due date. You are therefore hereby directed to furnish the same within seven days from the receipt of the notice and you are also directed to give an explanation as to why proper action should not be taken against you to impose a penalty under section 61 of the Wakf Act, 1995. In case you fail to furnish the said statement of accounts within seven days and your explanation for non-submission of the same is not found satisfactory the Board shall proceed (against you) in accordance with the relevant provision of the Acts and Rules after the expiry of seven days.

Chief Executive Officer/
Authorised Officer/
Wakf Officer/Wakf Inspector.

To,

Janab, _____

Mutawalli/President/Secretary

_____ (Name of the Institution)

Form 47

(See Rule 44 (1))

Notice of Demand under Section 47/82 of the Wakf Act. 1995

NOTICE

Are hereby required to taken notice that a sum of Rs. _____ (Rupees _____ (in words).

Due against you as per the report of the Auditor under Section 49/82 of the Wakf 1995 and as modified by an order of the Board or tribunal under section 48 of Wakf Act. 1995 to words the payment of Wakf contribution from _____ and that unless it is paid to the account of the board, within seven days from the date of service of this notice, along with a sum Rs. _____ (Rupees _____) being the fee chargeable for this notice, compulsory proceeding will be initiated. According to relevant Act and Rules for the recovery of whole amount still due against you as per the report of the Auditor.

Chief Executive Officer/
Assist. Commissioner/Wakf Officer
Wakf Inspector.

Jharkhand State Sunni Wakf Board, Ranchi
To,

The Mutawalli/Secretary of the Managing Committee,

_____

_____

Copy to the Chairman, D.W.C. _____

The Concerned.

Form 48

(See Rule 44 (2))

Notice to the defaulter under section 49(2)/82 of the Wakf Act, 1995

NOTICE

Where as a Demand Notice regarding payment of dues was issued to you under section 49(1)/82 of the Wakf Act, 1995 and in spite of expiry of time limits of sixty days you have failed to remit the amount of Rs. _____ (Rupees _____) as per the demand.

You are, therefore called upon to explain within seven days of the receipt of this notice as to why a certificate for recovery of said amount against arrears of Land Revenue be not issued to your under section 49(2) of the Wakf Act, 1995

Chief Executive Officer/
Jharkhand State Sunni Wakf Board,
Ranchi

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

Copy to the Chairman, District Wakf Committee ___ the Concerned.

Form 49

(See Rule 44 (3))

This hereby certified that the person (s) of the Wakf noted in the schedule is liable pay Rs. _____ (Rupees _____) under section 34, 49, 72 and 82 of the Wakf Act, 1995.

The said amount not been paid in spite of giving reasonable opportunity by serving a demand Notice No. _____ dated _____ and a defaulter Notice No. _____ dated _____ served on the person (s) Mutawalli of the wakf shown in Column 2 of the schedule on _____ (date).

SCHEDULE

Sl. No.	Details of Amount due

Name of the person (s) of the Wakf institution	Address of the person/name of the Mutawalli	Amount payable (in Rs.)

It is therefore requested that an amount of Rs. _____ (Rupees _____) due under section 34/section 49/section 72/82 of the Wakf Act 1995 be recovered as arrears of Land revenue and be remitted to the Chief Executive Officer, Jharkhand State Sunni Wakf Board, Ranchi by a Demand Draft.

BY THE ORDER OF THE BOARD

Chief Executive Officer,

Jharkhand State Sunni Wakf Board, Ranchi

To,

The Collector/Deputy Commissioner,

_____ District.

Form 50

(See Rule 45 (2))

Requisition No. _____ Ranchi, Dated _____ 200 ___

Under section 52 of the Wakf Act, 1995 and the Jharkhand State Sunni Wakf Rule 2004. You are hereby requested to take the possession of the Wakf Property which has been transferred/alienated/Gifted/Sold Exchanged/Mortgaged or in any man in contravention of section 51 of the Wakf Act, 1995 by the unauthorized person (s).

1.Details of Wakf property alienated without sanction of the board:

Tauzi No.	Thana No.	Khata No.	Khesra No.	Area	Boundary	Remarks
1	2	3	4	5	6	7

2.Particulars of transfer deed executed in respect of the above property:

3.Name and full particular of the person (s) executing the deed:

4.Name and full particulars of the person (s) to whom the property has been alienated or person (s) in unauthorized occupation:

5.Result of the comparison of the details of the Wakf maintained U/S 36 & 37 of the Wakf Act, 1995:

6.Result of the enquiries from the record of the board regarding absence of sanction for the said alienation as required U/S 51 of the Wakf Act, 1955:

7.Name and full particulars of the Board's against to whom the possession of the wakf land is to be handed over on behalf of wakf board.

Chief Executive Officer
Jharkhand State Sunni Wakf Board, Ranchi To,
The Collecctor,
District _____
(Seal of the Board)

N. B. on receipt of this requisition the collector shall pass an order directing the person in possession of the property to deliver the property to the board/its agent within a period of thirty days from the date of the service of the order and the collector shall be guided under section 52 of the Wakf Act, and the Jharkhand State Wakf Rules, 2004 for further proceedings:

Form 51
(See Rule 45 (3))

Abstract of the order of the collector passed U/S 52(2) of the Wakf Act, 1995 and under Wakf Rule 2004 made there under.

To,
Shri _____
_____

Whereas a requisition has been received U/S 52(1) of the Wakf Act. 1995 from the Chief Executive Officer, Jharkhand State Sunni Wakf Board, Ranchi regarding alienation/transfer of wakf Property made without the previous sanction of the board in contravention of the previous of section 51 of the Wakf Act, 1955.

And where as notwithstanding any thing contained in the Wakf deed, any gift transfer, Sal, Exchange, settlement/lease mortgage, or alienation of any immovable property of wakf property, is void U/S 51(1) of the Wakf Act, unless such gift, transfer, sale settlement/lease exchange, mortgage, or alienation is effected with the prior sanction of the Board.

And where as the Wakf property detailed below has been alienated in your favour by Shri _____ in contravention of the Wakf Act, 1995.

You are hereby therefore directed to deliver possession of the said property to the Jharkhand State Sunni Wakf Board, Ranchi through its authorized Officer/Agent Shri _____ within a period of thirty days for the date of service of this order, failing which you shall be evacuated forcefully from the said property, if required.

Details of Wakf property:-
Collector,

_____ District

Notice No_____

Ranchi, Dated _____

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Form 52
(See Rule 46 (1))
Under Section 54 of the Wakf Act 1955

To,

_____S/o_____Age (Approx) at _____ P.O. _____ P.S._____Dist. _____ (If minor, through his guardian)

Where as it has come to the notice of the Board that you have encroached upon/taken illegal occupation/possession over the Wakf property belonging to _____ Wakf Estate No. details off property is mentioned below in the schedule and that is a registered Wakf property under section 36 and 37 of the Wakf Act.

You are, there fore, called upon to furnish your explanation within 15 days from the receipt of this notice as to why order against you to remove the encroachment before _____ (Date) be not passed U/S 54 of the Wakf Act, 1995 failing exparte order shall be passed.

SCHEDULE

Tauzi No.	Thana No.	Khata/Circle No.	Plot No.	Word No.	Holding No.	Area	Boundary	Remarks
1	2	3	4	5	6	7	8	9

Chief Executive Officer,
Jharkhand State Sunni Wakf Board, Ranchi

Copy to _____
Mutawalli/Secretary, M. C./
Administrator, For Information

Form 53

(See Rule 46 (4))

Application under section 55 of the Wakf Act, 1995

For removal of Encroachment from Wakf Property

No. _____

Date_____

To,

The Sub-Divisional Magistrate,

Sub-Division, _____

District _____

Whereas, an order has been passed under sub-section (3) of section 54 of the Wakf Act, 1995 as enclosed herewith to remove the encroacher/encroachers as per details in the schedule below, from the immovable property which is a wakf property.

SCHEDULE

(1)Name of the Wakf Estate
(2)Location
(3)Name of the Mutawalli/Secretary
Managing Committee:
Father Name
Address
(4)Details of encroached property

Name & Full Address of Encroacher	Tauzi No.	Thana No.	Khata/Circle	Plnot No.	Word No.	Hol. No.	Area	Boundary	Remarks

Whereas, the encroacher has/have failed to comply with the notice served upon him U/S 54 of the Act. Now, therefore in exercise of the powers conferred U/S 55 of the Wakf Act, 1995 you hereby requested to take necessary step to remove the encroachment/unauthorized possess in directing the encroacher to remove the encroacher himself or if needed by using police force. You are further requested handover the possession of the property to the Mutawalli/Secretary of the Managing Committee. A from the proceeding to be sent to the encroachers is attached hear with for your conversation.

Chief Executive Officer,
Jharkhand State Sunni Wakf Board, Ranchi

Form 54

(See Rule 47 (1))

Prescribed U/s 56 of the Wakf Act, 1995 and

Under Rule 47 (1) of the Jharkhand, Wakf Rules, 2004

NOTICE

To,

_____ S/o _____

Tenant of _____ Wakf Estate No._____

Shop No._____

At _____P.O._____P.s._____

District _____

Where as you are a month to month tenant of the Wakf property belonging to _____ Wakf Estate.

And where as it has come to the notice of the board that you have not paid the rent for two consecutive months/has sublet the Wakf property wholly or partly without the permission of the board/has caused damages to the Wakf property.

And where as the wakf property as described let out to you is required for the purposes of the board itself/or for the development/addition, attraction and modification in the property.

You are, there fore directed to vacate the said Wakf property and pay the dues.

Amounting to (Rs._____) within 15 days of the issue of this notice failing which certificate proceedings would in initiated for realization of their dues and steps would be taken to get the property vacated by use of fare.

Chief Executive Officer,
Jharkhand State Sunni Wakf Board, RANCHI

Form 55

(See Rule 50)

Detailed Annual Report regarding wakf under the Management of the board, under section 65 of the Wakf Act, 1995

Name of the Wakf institution :

Details of Registration of institution :

Under section 37 :

Order No. & Date of taking the institution

Under Direct management

Name of the official Person officially appointed

As the Administrator of Wakf institution :

Income of the Wakf for the proceeding year :

Steps taken by the Administrator to improve

The income of Wakf :

Period for which the wakf in under the direct

Management and reasons for not entrusting

The wakf to the Mutawalli/Managing

Committee during the year

Details of immovable property and the income there from :

Details of projects proposed, after taking the institution under direct management :

No of Resolution made after brining the institution under direct management :

Details of collection of arrears by way of rent/lease amount etc. :

Details of Wakf contribution paid :

Recommendation of the board to the state Government regarding continuance under Direct management.

i)

ii)

iii)

iv)

Chief Executive Officer,

Jharkhand State Sunni Wakf Board, RANCHI

Form 56

(See Rule 51 (3))

NOTICE

Under Section 71.64 of the Wakf Act, 1995

_____

To,

_____ S/o _____

Mutawalli/Secretary M.C./Administrator/Beneficiary/Petitioner/_____

At_____ P.O._____

_____P.S._____

District _____

Where as Shri_____ has been duly authorized to hold enquiry /inspection (hereinafter referred to as Enquiry/Inspecting Officer.) of the Wakf Estate

No._____ on

_____ at _____ (place) _____A.M./P.M.

Hence, You are hereby called upon to be present at the place, date and time as referred to above with you relevant documents, papers, and witness in support of your claim either in person or through pleader failing which expert enquiry/Inspection will be held and the enquiry/Inspecting officer shall submit his report on the basis of evidence or document made available to him.

Given under the sign and seal of the undersigned.

C.E.O./E.O.

Jharkhand State Sunni Wakf Board, RANCHI

Form 57
(See Rule 51 (5))
Order xviii Rule 5& 7 C.P.C. 1908.

Prescribed under the Wakf Act, 1995 and the Jharkhand Wakf Rules 2004 FORM OF HEARING OF DEPOSITION

Wakf Estate No. :_____ Date No. _____
Deposition of witness No. _____ for the Petitioner/Befef./Mut.
Objector/Benef./Mut.

Aged about _____(taken) on solemnly affirm on _____ Date _____
This date of deposition _____
That my name is _____
My father's name _____
That my age is _____ That by religion _____
And My nationality is _____
My home is at village _____ P.S._____
P.O._____ Distt._____
That presently I am residing at present village _____ P.O._____
P.S._____ District_____
By Profession _____

Signature of witness

Form 58

(See Rule 52 (2))

SHOW CAUSE NOTICE

(Show cause notice under sec. 67(2) of the Wakf Act, 1995 for superseding a Committee of Wakf)

Where as, a Committee for supervision/Management of
(Wakf)_____ was constituted under section 67(1) of the wafk
Act, 1995 for a term of _____ period for the said wakf on _____ It is now, brought to the notice of the board that the committee so constituted is not performing/managing the issues in the interest of Wafk is for the reasons :

i)
ii)
iii)
iv)
v)

(Reasons shown above shall be the complaints and written objections about the same, observation of mis-management and mis-use of funds as reported in the Audit Report or observation of mis-management and mis-use during the course of inspection etc, shall be indicated specifically).

Now therefore by virtue of the powers conferred with the Jharkhand State Sunni Wakf Board under Sub-section (2) of section 67 of the wakf Act, 1995 you are hereby called upon to explain within one month from the date of issue of this notice as to why and order for supersession of the Committee should not be passed. If no reply is received from you within the stipulated time, the Board shall proceed to pass an order sub-section (2) of Section 67 of the Wakf Act, 1995.

By order of the Board,
Chief Executive Officer,
Jharkhand State Sunni Wakf Board, RANCHI

To,
The Secretary/President,
Managing Committee,
_____
_____

Copy to the Chairman, District Wakf Committee _____the concerned.

Form 59

(See Rule 52 (4))

SHOW CAUSE NOTICE

(Show cause Notice to be issued to a Member for his removal from a Committee under Section 67 (6) of the Wakf Act, 1995)

Where as you _____ S/o _____

Were appointed as a Member of the Managing Committee of (Wakf)_____ by the Board under Sec.67(1) of the Wakf Act, 1995 on _____ whereas, now there is sufficient evidence that janab _____ Member of the above said committee has abused his position as a member or has knowingly acted in a manner prejudicial to the interests of the Wakf for the following reasons :

i)

ii)

iii)

iv)

v)

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

Therefore, by virtue of powers conferred with the Jharkhand State Sunni Wakf Board under Sub-Section (6) of sec. 67 of the Wakf Act, 1995, You are hereby called upon to show cause as to why an order should not be passed for your removal, from the committee from the date of service of this notice if no reply is received within _____ days from date of receipt of the notice, the Board shall proceed with in accordance with law under Section 67(6) of the Wakf Act, 1995.

By order of the Board,
Chief Executive Officer,
Jharkhand State Sunni Wakf Board, RANCHI

To,
Janab _____
Member, Managing – Committee,
_____
_____

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Copy to the Chairman, District Wakf Committee _____ the concerned

Form 60

(See Rule 53 (1))

NOTICE

(Notice under Sec.69 of the Wakf Act, 1995 to the Mutawalli/Managing Committee or the applicant to adopt the scheme of Management approved by the Board for proper administration of Wafk). Whereas, the Jharkhand State Sunni Wakf Board is satisfied by its own motion/as per the application made by not less, then five person interested in the affairs of (Wakf institution) that it is necessary 69(1) of the wakf Act, 1995.

It is hereby notified that the Mutawalli/Applicant under Sub-Sec.(1) of Sec. 69 of the Wakf Act, 1995, may furnish the said Schemen along with the Resolution of the Managing Committee/General Body, within fifteen days from the date of receipt of the Notice.

Chief Executive Officer,
Jharkhand State Sunni Wakf Board, RANCHI

To,
The Mutawalli/applicant of,
Managing Committee,

_____

_____

Copy to the Chairman, District Wakf Committee _____ the concerned.

Form 61

(See Rule 55)

APPLICATION

(Application for an enquiry against the administration of wakf under section 70 of the wakf Act, 1995).

1.Name of the Applicant :
2.Age & Full Address :
3.Name of the Wakf against which
Allegation is mad :
4.Nature and interest of the applicant
In the Wafk :
5.Details of allegations :

i)
ii)
iii)
iv)
v)

6. Details of documents produced in
support of allegations :

i)
ii)
iii)
iv)
v)

7. Name of the Mutawalli/President/
Secretary & Members of the Managning
Committee against whom allegations
Are made

8. If the allegations are of the misuse
Of immovable property, details of
such property be furnished as under :

i) Khata No./Plot No./Holding No./Area :

ii) Income (generated) from the property :

iii) Details of sale agreement/
Registered document if any.

iv) Name of the purchaser/Lessee/
Mortgage of the property :

v) Amount received during the

Transaction :

9. Details of fee paid with D.D. No. and
Receipt No. (to be enclosed) :

Signature of the Applicant.

DECLARATION

I_____ hereby further declare that whatever information furnished above, is true to the best of my knowledge, belief and I shall be further available to furnish any document/deposition whenever called upon to do so.

Signature of the Applicant.

Form 62

(See Rule 56(1))

Statement of net annual income and Annual Contribution payable to the Board to be furnished by the Mutawalli/Secretary.

Name of the Mutawalli/Secretary _____ S/o _____ Age _____

P.O._____P.S. _____

District _____

Name of the Wakf Estate _____ Registration No._____

Year of income _____

1.Income:

(i) House rent :

Sl. No.	Building No. Shop No.	Location	Size of shop Sq. feet	Monthly Rent	Rent Amount for 12 Months	Remarks
1	2	3	4	5	6	7

(ii) Agriculture out put :

Sl. No.	Area of Land Bigha/Acre	Location	Yeld per Acre Kharif/Rabi	Value	Remarks
1	2	3	4	5	6

Per Month Per Year

(iii) Mosque :

(iv) Orphanage :

(v) Sale proceeds of immovable properties :

Details of properties	Area	Value per Khata	Category of Land	Total Value	Order No. & Date of the Board if any

2.Offerings _____ Per month Per Year

3.Nazars : Kinds & Value

4.Compensation _____

5.Annuity _____

6.Interest on deposits/reinvested to earn income

Amount of deposits	Interest occurring per annum
1	2

8. Balance of previous year _____

9. Sales proceeds of movable properties _____

Form 63
(See Rule 56(1))
Demand Collection & Balance of wakf Contribution

Name of Wakf	Head of the Accounts	Demand			Collection			Balance		
		Arrears	Current	Total	Arrears	Current	Total	Arrears	Current	Total
1	2	3a	3b	3c	4a	4b	4c	5a	5b	5c

1.Rents
2.Cess
3._____
4._____
5._____
6._____

Details of Wakf Amount Contribution payable to the Board Particulars/Remarks

Date of Payment	Receipt No.	Cash	Cheque No.	D.D.No.
6a	6b	6c	7a	7b

Signature of Mutawalli/Secretary,
Managing Committee.

Form 64

(See Rule 56(2)and 61(v))

(Register of demand, Collection and Balance with regard to Annual contribution payable to the Board

under Section 72 of the Wakf Act, 1995).

For the year _____ to _____

Name of the Wakf Estate :_____

Name of the District :_____

Name of the Sub-Division :_____

Income of the Wakf	Net income	Amount of 7% Contribution (Fixed)	Demand of Wakf Arrears Current	Contribution Demand or the year	Total
1	2	3	4	5	6

Collection of Wakf Contribution				Receipt No.	Balance of Wakf Contribution				
Arrear	Current	Collection	Total		Arrear	Current	Balance	Total	Signature
5a	5b	5c	6	7	7a	7b	7c	8	9

Signature

(With Date)

Form 65

(See Rule 56(3)and 61(v))

(Register of Demand, collection and Balance with regard to Annual contribution payable to the Board under Section 72 of the Wakf Act, 1995).

Demand Collection and Balance of Jharkhand State Suni Wakf Board, RANCHI.

Sl.No.		District in the Distt.		Name of Wakf Institution		Name of Wakf Institution Liable to pay 7% Contribution		Name of Wakf Institutions Which income Is assessed & contribution fixed.	
1		2		3		4		5	
Demand			Collection			Balance			
Arrears	Current	Total	Arrears	Current	Total	Arrears	Current	Total	Remarks
6a	6b	6c	7a	7b	7c	8a	8b	8c	9

Form 66

(See Rule 56 (3) and (vi))
(Register of Wakfs not liable to pay 7% Wakf Contribution)

Sl No.	Wakf Register No. & Address	Details of property Khata, Plot, Area, Description	Source of income Offerings Nazaras etc. rent Timber Usufructs of trees
1	2	3	4
Annual Income & Expenditure		Remarks	
5		6	

Form 67

(See Rule 56 (4))

NOTICE TO DEFAULTER

To,

_____

_____

_____

You are hereby required to take notice that a sum of Rs. _____ due by you being the wakf contribution payable has not been paid and that unless it is paid to Jharkhand State Sunni/Shia Wakf Board within (10) ten days from the date of service of Notice together with the sum of Rs.

_____

Being the fee chargeable for this notice compulsory proceedings will be taken according to law for the recovery of whole of the Wakf contribution still due by your institution for the current year on your account.

Dated _____ day of _____

Chief Executive Officer/
Administrative Officer
Jharkhand State Sunni Wakf Board

Form 68

(See Rule 56 (7))

(To be Issued Under Section 72)

Whereas, you Sri _____ Mutawalli/Secretary of the Managing Committee of (Wakf Institution _____), has furnished returns of net annual income under Sub-Rule (1) of Rule 56 and after verification under Sub-Rule (2)of Rule 56 it is imminent that your annual income for the year _____ need to be revised from Rs. _____ (Rupees in words) _____ to Rs.) for the reasons that you have not property assessed income from the following items.

i)
ii)
iii)
iv)
v)
vi)

Therefore, you are called upon to explain within seven days from the date of receipt of this Notice, as to why annual income of the above said institution should not be revived to the amount assessed by the Chief Executive Officer Authorized Officer.

If you fail to furnish your reply, the received amount as assessed will be accepted and take into the Demand.

Chief Executive Officer,
Authorized Officer
Jharkhand State Sunni Wakf Board

To,

The Mutawalli/

The Secretary of the Managing committee.

_____

_____

Copy to the president, DAC _____District

Form 69

(See Rule 56 (8))

NOTICE

(Notice regarding as caped amount liable Under Section 72(8) of Act 1995)

Where it is seen from the Assessment furnished by you regarding the net annual income under Sub-Rule (1) of Rule 56 read with Section 72 of the Wakf Act, 1995, that the amount noted hereunder has escaped assessment thereby. The contribution paid/payable by you needs to be revised.

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

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

Chief Executive Officer

To,
The Mutawalli/
The Secretary of the Managing Committee
_____
_____
Copy to the President, DAC _____ District.

Form 70

(See Rule 59 (3))

JHARKHAND STATE SUNNI WAKF BOARD, RANCHI

Receipt No. _____ Name of the the Wakf land No. _____ Dated _____

Book No. _____

Received from _____

By/Through _____

Purposes _____ Rs. _____ Ps. _____

1. Wakf Contribution U/S 72 of the Wakf Act, 1995
2. Sale of form _____
3. Cost of cases/Fine _____
4. Fee for inspection of records & issuing certified copies _____
5. Registration Fee _____
6. Amount of Penalty U/S 61 of the Act,
7. Court Fee _____
8. Other Charges _____

Total Rs.: _____

Rupees (in words) _____

Stamp Cashier/Authorised Officer

Jharkhand State Sunni Wakf Board, Ranchi

Form 71

(See Rule 60)

Estimated Budget Jharkhand State Sunni Wakf Board for the year _____

Prescribed Under the Wakf Act, 1995 & the Jharkhand Wakf Rule 2004

Five year actual expenditure.

No of the Post		Salary & allowance			Wages			Office Expenses	
1	2	3	4	5	6	7	8	9	10

Rent	T.A.	1% Contribution	Telephone	Liveries	Legal Expenses
11	12	13	14	15	16

Accountant (S.O.) (B.O.) (C.E.O.) (Chairperson)

From 72

(See Rule 60)

Prescribed Under the Wakf Act, 1995 & the Jharkhand Wakf Rules, 2004

DETAILS OF EXPENDITURES

Post under the Jharkhand State Sunni Wakf Board, Details of expenditure to be met during _____

Sl. No.	Category No.	Name of the post	Sanctioned post	Working	Scale of Pay	Dearness allowance	Medical allowance
1	2	3	4	5	6	7	8

City allowance	House rent allowance	Interim relief	Other allowance	C.P.F. Contribution	Total requirement	Remarks requirement
9	10	11	12	13	14	15

Accountant (S.O.) (B.O.) (C.E.O.) (Chairperson)

Form 73

(See Rule 60)

Prescribed Under the Wakf Act, 1995 & the Jharkhand Wakf Rules, 2004

Complete Budget for the year _____ of the Jharkhand State Sunni Wakf Board.

Receipt

Sl. No.	List of heads of receipts	Budget estimated for year ……	Actual receipts for	5 Months actual Receipts
1	2	3	4	5

7 Months estimated receipt	Total	Estimated Budget For
6	7	8

Accountant (S.O.) (B.O.) (C.E.O.) (Chairperson)

Form 74

(See Rule 60)

Prescribe Under the Wakf Act, 1995 & the Jharkhand Wakf Rules, 2004 Complete Budget for the year _____ of the Jharkhand State Sunni Wakf Board.

Expenditure

Sl. No	Head of Expenditure	Budget estimated for year …….	Actual expenditure for ……	Actual expenditure for 5 months …….	7 months estimated expenditure for year ……
1	2	3	4	5	6
Total		Estimated Budget for ……		Remark	
7		8		9	

Accountant (S.O.) (B.O.) (C.E.O.) (Chairperson)

Form 75

(See Rule 61 (iii))

GENERAL CASH BOOK

Receipts.

Date of receipt	Grant	W.C.	Sale of Forms	C. Copy Fee	Cost of Case	Court Fee	Fine	Interest on investment
1	2	3	4	5	6	7	8	9

Re-deposit	Others	Amount	Total
10	11	12	13

Payments

Date	Cheque No/Cash	Particulars	Head	Vouchers No.	Amount	Total	Signature C.E.O.
1	2	3	4	5	6	7	8

Form 76

(See Rule 61 (iii))

GENERAL CASH BOOK

Daily Cash Book

Classification of Receipts

Date	Receipt No.	From whom received	Particulars	Grant	W.C.	Sale of Form C	Copy Fee
1	2	3	4	5	6	7	8

Cost of Case & Fine	Court Fee	Re-deposit	Registration Fee	Other receipts	Total Rs.
9	10	11	12	13	14

Rs. Np.	Amount remitted to Bank Date of remittance	Remarks
15	16	17

Form 77

(See Rule 61 (viii))

Register showing recoveries of Wakf Contribution

Date	Name of the Wakf & No.	Amount received	Cash/Cheque No. B.D. or D. D. No. during the month	Total Amount received	Office Receipt No.	Remarks
1	2	3	4	5	6	7

Form 78

(See Rule 64 (1))

Before the Jharkhand Wakf Tribunal,

Ranchi **Applicant/Plaintiff**

Name :
Full Address :
And of/respondents/defendant :
Full Name & Address :

DETAILS OF THE APPLICATION

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

The application is made against the following order:

a)Order No. :
b)Date :
c)Passed by :
d)Subject in brief :

2)(A) Facts of the Case.

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

3)Matters not previously filed or pending with or pending with Wakf Tribunal or and court including High Court.

The Application 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 petitions the gist of the decision should be given.

iv) Relief:

Verification: 1. (Name of the Applicant) _____

S/O- _____ D/O- _____ W/O- _____

Age _____ Occupation _____

Residing at _____ P.S. _____ District _____

Do hereby verify that the contents of the para's 1 to _____ are true to my knowledge, belief and information and that I have not suppressed any Material facts.

Date _____

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Form 79

(See Rule 65)

AFFIDAVIT

(Before Notary Public or E.M. or oath Commissioner)

I,_____ S/O- _____ D/O- _____ W/O- _____

Aged about _____ do hereby solemnly affirm and state as follows:-

1)That I am _____ in this case and am fully acquainted with the facts and circumstances of the case.

2)That the contents of the petition and affidavit have been read/read over and explained in Urdu/Hindi which I have understood which are true to the best of my knowledge and belief.

Verified and Signed this the

_____ day of _____ 2000

at _____

Sd/-Deponent

Form 80

(See Rule 68)

Prescribed under the Wakf Act, 1995 and the Jharkhand Wakf Rules, 2004

Schedule xiii High Court (A) (Old C. P. No. 43)

List of Documents Produced by Petitioner/Benef./Mutawalli _____ Objection/Benef./Mutawalli Order 13 Rule 1 code Civil Procedure.

District _____ Wakf Estate No. _____ Before Enquiry Officer_____Case No. _____ Petitioner.

Versus

_____Objector

Sl. No.	Description of Documents	Date of Document if any	Signature of Party/Pleader
1	2	3	4

Form 81
(See Rule 59(4))

Counter Foil Before the Bihar Wakf Tribunal _____ No. _____Date _____ Application/Suit/Appeal No. _____
No. _____ Dated_____

Cash Receipt
Received From_____
A sum of Rs. _____
In words _____
Towards
(1) Copying Charges
(2) Process Fee
(3) Fee for Application
(4) Interim Relief
(Accountant)

Cash Receipt
Received From _____
a sum of Rs. _____
in words _____
Towards
(1) Copying Charges
(2) Process Fee
(3) Fee for Application
(4) Interim Relief
(Accountant)

Jharkhand Wakf Tribunal

Form 82

(See Rule 76(1))

General Annual Report on the working and Administration of the Jharkhand Sunni Wakf Board and the Administration of wakf in the state during the Year__

Part I : (Report Proper)
Section I _____ Constitution and Management
Section II _____ Financial Position
Section III_____ Removal of encroachment and protection and leasing wakf property
Section IV _____ Litigation and working of Wakf Tribunals
Section V _____ General
Part II : Section I constitution and Management

1)Jurisdiction i) The area and population of Muslims.

ii) No of Boards
iii) No. of Territorial Division (Dist. Units)
iv) No of Wakf Institutions
2)Personnel i)
Total No. of Board Members ii) No. of Members by nomination and their names
iii) Chairperson ___ Name and Category and date of election iv) C.E.O. _____ Name and period from which working v) Name of other officers.

3) Meeting and Attendance:-
i) No. of Meeting- ordinary, general, special and adjourned
ii) Regularity in holding of meetings, attendance of members in the meeting, meetings, adjourned.

4) Committees:-i) Total No. of standing committees their functions and details may be indicated along with names of members.

ii) Total No. of other committee and each committees.

iii)General summary of work and Adhoc Committees

Aggregate attendance name of the most energetic and most slack amongst the committee most favored by the members of the Board.

iv) Joint committee, if any work done by them
5) Establishment:
Act of the organization set up of the Board along with the performances indicated the cost of establishment as presented in the rules and expenditure incurred may be highlighted, meetings are conferences for the administration and the result achieved may be indicated.

6) Registration:
Section II- Financial Position

Summary of the financial transaction.

7) Head of Account	Opening Balance	Closing Balance

Details of closing Balance Cash in Hand, Cash in Bank/Deposit etc. may be given i) Whether minimum balance maintained

ii) Diversion of funds:
8) Receipts and expenditure:
i) Summarized details of receipts and expenditure may be given for the two presiding year beside the year under report and items

Showing increased receipts and expenditure may be indicated.

9) Investments, Loans and Grants

10) Audit i) The period for which the audit has been completed Under Section 80, action taken on the audit reports etc.

ii) Whether programme of audit of wakfs including wakfs under completed under Rule 40 of Jharkhand Wakf Rules and other relevant provisions.

iii) Cases of mis-appropriation of money by the wakf institution may be highlighted and action taken under the provisions of Wakf Act, 1995 by the Jharkhand State Sunni Wakf Board to be examined.

iv) Cases of improvement in the finances of any wakfs whether under direct management or otherwise.

11) Assets and Liabilities:

i) Details of Rentals from immovable properties.

ii) Outstanding collections and Balance of Wakf Committee, other dues, Loans, No. of bills and amount pending for payment.

a) Remunerative enterprises :

i) Possibility of Loan for development of Wakf property from Central Wakf Council and other achievement there of to be indicated in the development of Wakf properties and increase in the income by the Wakf to be examined.

ii) Details of projects taken up by the concerned institution or by the Board out of their own funds to be indicated.

iii) Details of Project taken own funds to be indicated.

iv) Projects taken up with other funds improvements there of

v) Grants under Grant-in-aid code for development of Wakfs utilization certificate of the said grants to be finalized by the Board.

b) Removal of encroachment, protection and leashing Wakf property

1.Whether the list of encroachment are maintained by the Board and a programme to identify the encroachment on Wakf properties like Burial Ground, Idgahs etc. is taken up by the Board, if so details.

2.Progress in the relevant provisions of the Wakf Act to remove encroachments, implementation of the orders and requisition by the District Magistrate and Sub-Divisional Magistrate regarding the regarding the removal of encroachment and restoration of wakf properties to be examinded and highlights of achievements and slackness may be indicated. Problems faced by the Board regarding enforcement there of be examined.

3.Action taken by the Board regarding preservation and protection of Wakf properties by utilizing Wakf fund under Section 77 (5)

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12. Leasing of Wakf Properties.

Total No. of properties leased No. of applications received and disposed under the relevant provisions of the Jharkhand Wakf Rules. Any deviation noticed may also by high lighted.

(a) Litigation's and Working of Tribunals :

1. Details of suits and write petition pending in various courts to be examined and disposed by the Board by way of furnishing para wise replied to be taken into account and the details of total number of adjournments taken up by the Advocates of the Board. Expenditure incurred by way of Advocate fees to be checked up. The efficiency of the penel of Advocates to be examined by checking out No. of cases in which orders are made in favour of the Board.

2. Regarding Tribunals the No. of appeals, suits, applications filed and their disposal by each tribunal may be reviewed, Problems faced by the Tribunals in the disposal of cases may be high lighted. The tribunal fee collected and its remittance to the Wakf Fund to be examined.

(b) General :

1. Visit of distinguished persons and address to be mentioned.

2. Relationship between the Board and the Chief Executive Officer in the smooth administration of the Board may be highlighted.

3. Inspection of Wakf Committees, Wakf Institutions and Table inspection in the Board office by the Chief Executive Officer or other officers and the compliance to the said inspection.

4. Action taken on the review by the Government on the general annual report from the preceding year. The year under the report may be examined.

Conclusion : Any other important matter affecting the general Administration of the Wakf Board and the Wakf Institution to be highlighted.

By the order of Governor
Sd/-
Secretary
Welfare Department
Jharkhand, Ranchi

Memo No. - 5/Aa/Ka.Wakf-62/2003-1621 Dated -02/08/2005

Copy forwarded to Superintendent, Secretariat Press, Doranda, Ranchi with the request to publish it in extraordinary Gazette. Also requested to make available 300 copies of the printed copies of the gazette of the Welfare Department, Govt. of Jharkhand.

Sd/-
Secretary of Govt.

Memo No. - 5/Aa/Ka.Wakf-62/2003-1621 Dated -02/08/2005

Copy forwarded to the Accountant General Bihar/Jharkhand, Patna/Ranchi for information and needful.

Sd/-
Secretary of Govt.

Memo No. - 5/Aa/Ka.Wakf-62/2003-1621 Dated -02/08/2005

Copy forwarded to the Principal Secretary of the His Highness Governor of Jharkhand / Principal Secretary of the Hon'ble Chief Minister / Private Secretary to Hon'ble Welfare Minister! Secretary of Chief Secretary/ Development Commissioner/ Principal Secretary Finance Department Secretary Cabinet Secretariat and Coordination Department! AIl commissioners and Secretaries/All Secretaries! All head of departments / A11Divisional Commissioner and Deputy Commissioner all Supt. of Police for information and needful.

Sd/-
Secretary of Govt.

Memo No. - 5/Aa/Ka.Wakf-62/2003-1621 Dated -02/08/2005

Copy forwarded to the Secretary Minority Welfare Department Bihar, Patna and The Chairman Sunni Welfare Board, Harding Road, Patna, for information and needful.

Sd/-
Secretary of Govt.