

 सत्यमेव जयते	<b>राजस्थान राजपत्र</b> <b>विशेषांक</b>	<b>RAJASTHAN GAZETTE</b> <b>Extraordinary</b>
	<b>साधिकार प्रकाशित</b>	<b>Published by Authority</b>
	माघ 04, बुधवार, शाके 1945-जनवरी 24, 2024 <i>Magha 04 Wednesday , Saka 1945- January 24 , 2024</i>	

भाग 4 (ग)

उप-खण्ड(II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा  
अधिसूचनाएं।

**DEPARTMENT OF MINORITY AFFAIRS AND WAQF**  
**NOTIFICATION**  
**Jaipur, January 23, 2024**

**S.O.531** .-In exercise of the powers conferred by section 109 of the Waqf Act, 1995 (Central Act No. 43 of 1995), the State Government hereby makes the following rules, namely:-

**CHAPTER I**  
**Preliminary**

**1. Short title and commencement.**-(1)These rules may be called the Rajasthan Waqf Rules, 2023.

(2)They shall come into force from the date of their publication in the Official Gazette.

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

- (a) ‘Act’ means the Waqf Act, 1995 (Central Act No. 43 of 1995);
- (b) ‘Board’ means the Board established under sub-section (1) of section 13 of the Act;
- (c) ‘Chairperson’ means the Chairperson of the Board elected under sub-section (8) of section 14;
- (d) ‘Chief Executive Officer’ means the Chief Executive Officer of the Board appointed under sub-section (1) of section 23;
- (e) “encroachment” in relation to any waqf property means occupation of the waqf property by any person without authority for such occupation and includes the continuance of occupation of the waqf property by any person after the lease or transfer authorising such occupation has expired or has been terminated for any reason whatsoever;
- (f) ‘form’ means a form appended to these rules;
- (g) ‘Government’ means the Government of Rajasthan;
- (h) “managing committee” means the Committees of Board established under section 18 of the Act;
- (i) “premises” means any land or any building or part of building and includes,-

- (i) the garden, water bodies, grounds, if any, appertaining to such building or part of the building;
  - (ii) any fittings affixed to such building or part of the building for the more beneficial enjoyment thereof; and
  - (iii) dargah, grave, graveyard, khanqah, peerkhana, karbala, maqbara, mosque, tomb and the courtyard appertaining thereto;
- (j) 'Survey Commissioner' means the Survey Commissioner of Auqaf appointed under sub-section (1) of section 4 and includes any Additional or Assistant Survey Commissioner of Auqaf.
- (k) 'section' means section of the Act;
- (l) 'State' means the State of Rajasthan;
- (m) "waqf premises" means,-
- (i) any premises dedicated by a person, of movable or immovable property orally or by an instrument in writing and used for any purpose recognised by the Muslim law as pious, religious or charitable;
  - (ii) premises notified as waqf property in the Official Gazette;
  - (iii) premises registered as waqf in the Register of auqaf maintained by the Board; and
  - (iv) property treated as waqf by user; and
- (n) "waqf property" means any movable or immovable property referred to in clause (r) of section 3 of the Act and includes premises thereof.

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

## CHAPTER II

### Mutawalli, Management Committee and Scheme for Management

**3. Qualifications of Mutawalli.**-(1) The mutawalli must be a citizen of India.

(2) Qualifications of a mutawalli of a waqf shall be such as may be specified by a waqif in the waqf deed.

(3) Where no qualifications are specified by the waqif in deed a mutawalli must,-

- (a) be secondary passed from a recognized Board of Secondary Education;
- (b) have knowledge of English, Hindi, Urdu or the regional language of the place where the waqf property is situated;
- (c) have knowledge of waqf law;
- (d) have knowledge of Sharia; and
- (e) have perfect physical and mental health:

Provided that where no qualifications are specified by a waqif in waqf deed or no person having the qualification specified in waqf deed is available, the Board may appoint, any hereditary mutawalli or a person having secondary passed certificate, as the mutawalli for the waqf concerned.

**4. Duties of mutawalli.** -Every mutawalli shall,-

- (a) Carry out the directions of the Board in accordance with the provisions of the Act and these rule or order made thereunder;

- (b) Furnish such returns and supply such information or particulars as may from time to time be required by the Board in accordance with the provisions of this Act or of any rule or order made thereunder;
- (c) Allow inspection of waqf properties, accounts or records or deeds and documents relating thereto;
- (d) Discharge all public dues;
- (e) Do any other act which he is lawfully required to do by or under the Act;
- (f) Maintain records of the waqf in a proper and systematic manner for regular inspection by the Board;
- (g) Assist the Board in proper functioning of the waqf for which he is responsible; and
- (h) Ensure that all the information sought by the Board for the waqf is made available to the Board within fifteen days of receipt of such notice/letter.

**5. Suspension of mutawalli.**-(1)-The Chief Executive Officer shall issue a notice in Form 1 to the mutawalli against whom action for removal is contemplated under section 64 of the Act for the purposes of holding an inquiry against him.

(2) The Chief Executive Officer shall conduct summary inquiry in the manner specified under rule 18 and submit the report to the Board.

(3) The Board after considering the report submitted under sub-rule (2), is of the opinion that it is necessary so to do in the interest of the Waqf pass an order of suspension of the mutawalli and same shall be published on the notice Board of the concerned waqf and office of the Board and shall also be served on the concerned mutawalli.

**6. Supersession of waqf management committee or its member.**---(1) Any committee entrusted with the supervision or management of a waqf shall have a maximum term of one years unless the committee is superseded by the Board. The Board may supersede the management committee on contravention of waqf deed or on violation of approved scheme of management of the waqf.

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

(3) The order of suspension passed by the Board under the proviso to sub-section (2) of section 67 of the Act shall be published on the notice Board of the concerned waqf and office of the State Board of Waqfs and shall also be served on the concerned committee.

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

(5) The Board shall, before issuing an order for removal of a member of the committee from the membership of the managing committee under sub-section (6) of section 62 of the Act, shall issue a show cause notice in Form 3 to such member calling upon him to show cause as to why he shall not be removed from the membership of the committee.

**7.Consultation relating to scheme for administration of waqf.**-(1) Where the Board takes a decision to frame a scheme for the administration of a waqf under sub-section (2) of section 69 of the Act, it shall issue a notice in Form 4 to the mutawalli concerned, managing committee or the applicant.

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

- (a) name of the waqf;
- (b) address;
- (c) whether under the management of the mutawalli/managing committee or under the direct management of the Board;
- (d) details of the scheme/proposal;
- (e) expenditure involved; and
- (f) income to be generated.

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

(4) Every scheme framed by the Board under sub-rule (1) shall be published in local newspaper having circulation in the area.

### CHAPTER III

#### Survey of Auqaf

**8. Appointment of Survey Commissioner and its report.**-(1)The State Government may, under sub-section (1) of section 4 of the Act, appoint an Officer of the Rajasthan Administrative Service not below the rank of the Joint Secretary to Government as survey Commissioner of Auqaf.

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

- (a) number of Auqaf in the State showing the Shia Auqaf and Sunni Auqaf separately;
- (b) name, nature and objects of each Waqf;
- (c) location of each Waqf institution;
  - (i) district;
  - (ii) tehsil;
  - (iii) municipality/village panchayat;
  - (iv) village;
  - (v) local name of the place where situated;
- (d) date/month/ year of creation of Waqf;
- (e) year, month and date of Waqf deed;
- (f) the manner in which the Waqf is administered at present, that is whether under a scheme settled by court of law or by registered document or established custom or usage;
- (g) details of immovable properties of each Waqf,-
  - (i) district;
  - (ii) tehsil;
  - (iii) municipality/village panchayat;
  - (iv) village;
  - (v) survey number;

- (vi) area;
  - (vii) value of the property;
  - (viii) gross annual income from immovable properties; and
  - (ix) the amount of land revenue, cesses, rates and taxes payable;
- (h) details of movable properties of each Waqf,-
- (i) description and value of movable properties including investments;
  - (ii) gross annual income from movables;
  - (iii) other receipts, if any;
  - (iv) Encumbrances, if any on the movable or immovable properties;
  - (v) The expenses incurred in the realization of the income;
- (i) the pay or other remuneration of the Mutawalli of each Waqf, if any;
  - (j) expenses for the performance of the functions specified in the Waqf deed or established by the custom;
  - (k) name and address of the person who is managing the affairs of the Waqf at the time of survey; and
  - (l) total cost of making the survey.

(3) The Survey Commissioner shall also furnish a separate list of Mutawallis of the each Waqf having an annual income of rupees one lakh and above.

(4) The Accounts of the Survey Commissioner shall be audited by the Director Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954) or rules made thereunder.

(5) The Salary and allowance for the time being in force as applicable to an officer of equivalent rank in the Government shall apply to the Survey Commissioner. The salary and allowances of the Survey Commissioner and his staff shall be paid by the Board.

**9. Other powers of inquiry of Survey Commissioner.**-The Survey Commissioner, while making an inquiry, in addition to the powers specified under sub-section (4) of section 4, shall have the following powers, namely:-

- (i) Grant of temporary injunctions and interlocutory orders; and
- (ii) Appointment of receivers:

Provided that no order shall be passed against the Board until the expiry of a period of two months from the date of a notice in writing delivered in the office of the Board stating the cause of action, description and place of the petitioner of the applicant and the relief claimed.

**10. Publication of List of auqaf.**-(1) The Board shall examine the report received by it under sub-section (1) of section 5 and forward the same to the Government within six months along with following information, namely:-

- (a) name of each Waqf (whether Shia or Sunni);
  - (b) nature and object of each Waqf;
  - (c) gross income of the property comprised in each Waqf; and
  - (d) amount of land revenue, cesses, rates and taxes payable of each Waqf.
- (2) The Board also shall prepare and maintain a list of Auqaf, which have come to its notice in the course of collecting information under sub-section (1) of section 40 or which

it has caused to be registered under section 41 or which have been registered at its office under section 36, and forward the same to the Government.

#### CHAPTER IV

##### Chief executive officer of the Board

**11. Term of office and other conditions of service of the Chief Executive Officer of the Board.**-(1) The Chief Executive Officer of the Board appointed under sub-section (1) of section 23 shall be an officer of the Rajasthan Administrative Service, not be below the rank of Deputy Secretary to the Government, and in case of non-availability of a Muslim officer of that rank, a Muslim officer of equivalent rank may be appointed on deputation.

(2) The Chief Executive Officer of the Board may be appointed for a period of three years. However, the State Government may remove before expiry of said period or extend his term for a further period of two years.

(3) In case a vacancy to the post of Chief Executive Officer arises due to his death/resignation/removal, the Assistant Chief Executive Officer shall perform the routine work of the Chief Executive Officer till such vacancy is filled.

(4) The confidential report on the work and conduct of the Chief Executive Officer shall be written by the Chairperson of the Board and shall be forwarded to the Secretary to the Government in-charge of waqf department, for a review.

(5) The travelling allowance, medical allowance or any other allowance for the time being in force as applicable to an officer of equivalent rank in the Government shall apply to the Chief Executive Officer.

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

(7) Casual leave shall be sanctioned by the Chairperson of the Board and leave other than casual leave by the Government.

(8) The date of retirement on superannuation of the holder of the post of Chief Executive Officer shall be the last day of the month on which he completes the age of 60 years.

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

**12. Inspection of any public office record and registers by the Chief Executive Officer or any other officer.**-(1) The Chief Executive Officer of the Board or any other Officer of the Board duly authorized by him, in writing, shall, for the purposes of carrying out inspection under section 29 of the Act, make an application in writing to the officer in charge of the office expressing his intention so to do.

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

(3) On a written request by the Chief Executive Officer, an agency of the Government or any other organization shall supply, within ten working days, copies of the record, register of properties or other documents relating to waqf properties or claimed to be waqf properties. If for any reason the required documents cannot be supplied within ten working days, the concerned agency of the Government or the organization shall seek further time, not exceeding ten working days to supply the information/documents.

(4) The supply of documents as required by the Chief Executive Officer shall be free of cost:

Provided that before seeking information/documents under sub-rules (2) and (3), the Chief Executive Officer shall obtain the approval of the Board.

**CHAPTER V****Inspection and grant of copies of record maintained by the Board**

**13. Inspection of records maintained by the Board.-** The mutawalli of any Waqf registered with the Board or the Executive Officer of such Waqf or any officer of the such Waqf duly authorised by the mutawalli shall be entitled at all reasonable time with due notice to visit the Board office and to inspect any records, registers or other documents relating to the Waqf in which he is the mutawalli or the executive officer after payment of inspection fees rupees five hundred per hour and it shall be the duty of the Chief Executive Officer or any officer in charge of the records, registers or other documents to afford all facilities and assistance as may be necessary or reasonably required in regard to the inspection.

**14. Application for copy of minutes of meeting and other record.-** (1) Any person, who desires to obtain a copy of minutes of meeting or other record of the Board, shall submit an application addressed to the Chief Executive Officer of the Board stating his full name and address and accurate description of the record.

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

(a) for searching records of any one year for a single document or entry One thousand rupees

(b) for searching records for every additional year Five hundred rupees .

**Note:** (i) Separate application shall not be required in respect of copy of each proceeding or record.

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

**15. Authenticated copies of minutes or records of documents or proceedings.-**

(1) An authenticated copy of any minutes or record or proceedings or document of the Board shall be granted on payment of such fees as may be specified by the Board, from time to time.

(2) The Chief Executive Officer or the officer authorized by him shall after the copy is compared with the original authenticate it by signing the same and affixing seal of the Board.

(3) A receipt signed by the Chief Executive Officer or any person authorized by him in this behalf shall be furnished to every person depositing search fees and coping fee.

**16. Refusal to grant copy.-**(1) The Chief Executive Officer or such other officer of the Board authorised by him may reject the application stating briefly the reason therefore:

Provided that for the purpose of refusal to grant a copy, the provisions of the Right to Information Act, 2005 shall mutatis mutandis apply.

**17. Register of issue of copies of records.-** The Chief Executive Officer or officer authorised to issue copies of records and proceedings of the Board shall keep a register to record the grant of copies of extracts of the records in the Form 5.

**CHAPTER VI****Inquiry**

**18. Inquiry of property which has ceased to become waqf property.**-(1) The Chief Executive Officer shall be an Inquiry Officer for the purposes of carrying out an inquiry under sub-section (1) of section 39 of the Act.

(2) The Chief Executive Officer shall issue a notice in Form 6 to the interested parties informing them the date, time and place for holding an inquiry in relation to any waqf whose object or any part thereof have ceased to exist.

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

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

(5) The inquiry officer shall record oral evidence of the witnesses and shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) for the appearance of pleader, filing of affidavits, production of documents, examination of witnesses, recording of oral evidence, issue of commission and return of documents and to pass interim order.

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

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

(2) The Board shall send a copy of the allegations made against the waqf to the management of the waqf and obtain its explanation on each of the allegations.

(3) The inquiry relating to administration of the waqf shall be held in the manner specified in rule 18.

**CHAPTER VII****Budget of Auqaf**

**20. Time and manner for preparation of budget by mutawalli.**-(1) Every mutawalli of a waqf shall submit a budget at least thirty days before the beginning of the financial year to the Board showing its estimated receipts and expenditure for the ensuing financial year in Form 7.

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

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

(4) If the Board is satisfied that adequate provision for certain items has not been made in the budget, it shall direct to modify the budget and return it to the mutawalli concerned for modification.

(5) Every mutawalli shall consider the directions of the Board and modify the budget and pass the budget before the beginning of the financial year to which it relates.



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

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

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

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

**21. Preparation and finalisation of budget of auqaf under the direct management of the Board.-** (1) The Chief Executive Officer shall prepare the budget for each waqf under the direct management of the Board for the next ensuing financial year by January of the current financial year in Form 8 containing all details of estimates of receipts and expenditure for the next financial year.

(2) The Chief Executive Officer shall,-

(a) prepare the list of all the auqaf under the direct management of the Board for which budget for the next ensuing financial year is to be prepared under sub-rule (1) by the month of December of the current financial year in Form 9.

(b) direct each of the officials of the waqf under the direct management by the Board to furnish the budget in respect of the next ensuing financial year in Form 10.

(3) The budget so prepared under sub-rule (1) shall have a statement furnishing details of the increase, if any, in the income of the waqf during the current financial year and also the steps taken for its better management and results obtained in Form 11.

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

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

**22. Interval at which accounts of auqaf may be audited.-**(1) The accounts of the each waqf having net annual income exceeding fifty thousand rupees shall be submitted to the Board by the mutawalli or the managing committee for audit within three months of the close of the financial year.

(2) The accounts submitted under sub-rule (1) shall be audited by an auditor referred to in clause (b) of sub-section (1) of section 47 of the Act, within a period of one year of the close of the financial year:

Provided that such account may be audited within a period of two years, with the approval of the Chairperson for reasons to be recorded in writing.

## CHAPTER VIII

### Alienation of Waqf property

**23. Recovery of property transferred in contravention of Act.-** (1) Upon receiving report from any person residing in the locality where the waqf property is situated or upon receiving information otherwise that a waqf property has been transferred in contravention of the provisions of sections 51 or section 56 of the Act, the Board, on

being satisfied from the register of auqaf, maintained under section 37 of the Act that the property alleged to have been transferred is waqf property, shall obtain a certified copy of the deed of transfer from the registration office concerned.

- (2) The Chief Executive Officer shall draw up a report specifying therein fully the waqf property, the details of the transfer deed executed in respect of the property, the name and full particulars of the person executing the deed or other document and the name with particulars of person or persons to whom the property has been transferred.
- (3) The report shall be put up for orders of the Board which, after considering the report of the Chief Executive Officer and inspecting such of the documents as may appear necessary and/or making inquiry from such persons as is considered reasonable, pass orders for sending a requisition to the Collector of the respective district to obtain and deliver possession of the property to the Board.
- (4) The requisition to the Collector shall be drawn by the Chief Executive Officer in Form 12 and sent to the Collector of the respective district through special messenger or by registered post with acknowledgment due.
- (5) The order passed by the Collector under sub-section (2) of section 52 of the Act, shall be in Form 13.
- (6) If the person against whom an order under sub-section (2) of section 52 of the Act is issued, prefers an appeal to the Tribunal under sub-section (4) of the said section, he shall send a copy of the memorandum of appeal to the Collector immediately on the day of filing the appeal and the Collector shall arrange for its defense and shall also give intimation of such appeal to the Board.
- (7) While obtaining possession of the property under sub-section (5) of section 52 of the Act,-
  - (a) no person executing the Collector's orders, shall enter any dwelling house without giving forty-eight hours' notice to the occupants of the dwelling house;
  - (b) no outer door of any dwelling house shall be broken open unless the occupants of such dwelling house refuse or in any way prevent access thereto; and
  - (c) no person executing the Collector's order shall enter any dwelling house after sunset and before sun rise.
- (8) After obtaining possession of the property, the Collector or any person duly authorized by him in this behalf shall hand over the said property to the Board or to any person duly authorized by the Board.

## CHAPTER IX

### Removal of Encroachment

**24. Notice for removal of encroachment.-** (1) A notice for removal of encroachment under sub-section (1) of section 54 of the Act shall be served in Form 14 through serving officer/special messenger so appointed by the Chief Executive Officer to the person for whom it is intended or to any adult member of his family or by sending it through the registered post to that person at his usual or last known place of residence or business.

- (2) Where the notice under sub-rule (1) is delivered or tendered, the signature of the person to whom the copy is delivered or tendered shall be obtained in token of acknowledgement of the service of notice.
- (3) Where the person or the adult member of the family of such person refuses to sign the acknowledgement or where such person cannot be found after using all due and reasonable diligence and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence

or usual place of business of such person and where no constructions is made and the property is agricultural or non agricultural land, the notice shall be affixed on some part of the property and the other notice shall be returned to the Chief Executive Officer who issued the notice, with a report endorsed thereon or annexed thereto, stating that a copy has been so affixed and the circumstances under which it was so done along with the name and address of the person, if any, who identified the ordinary place of residence or usual place of business and in whose presence the copy was affixed.

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

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

(2) Where any person who has received notice under rule 24 and desires to be heard in person or through his representative, the Chief Executive Officer shall allow for such hearing and the party may be allowed to produce evidence which he intend to produce in his support and the Chief Executive Officer shall fix a date for personal hearing and scrutiny of evidence as he considers appropriate in each case.

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

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

(a) minutes of the proceedings;

(b) notice calling for objections and objection received at the inquiry ;

(c) evidence received at the inquiry; and

(d) brief record of reasons and the decision.

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

(6) After hearing the parties, perusing the objections and going through the evidence, if Chief Executive Officer is satisfied that the property in question is waqf property and there has been an encroachment on any such waqf property, he may by an order in Form 15, require the encroacher to remove such encroachment and deliver possession of the land, building, space or other property encroached upon to the Board or the mutawalli.

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

(8) If the waqf property is not vacated within fifteen days of the receipt of the order under sub-rule (6), the Chief Executive Officer may make an application before the Tribunal for grant of order of eviction under sub-section (3) of section 54 of the Act for removing such encroachment and deliver possession of the waqf property to the Board or the mutawalli.

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

(10) If any person fails to comply with the order of eviction passed by the Tribunal within forty-five days of the service of the order, the Chief Executive Officer shall refer the matter, in Form 16, to the Executive Magistrate of the area.

**26. Assessment of damages.-** In assessing damages for unauthorised use and encroachment of any waqf property, the Chief Executive Officer shall take into consideration the following, namely:

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

## CHAPTER X

### Income, Expenditure and Budget of The Board

**27. Annual contribution payable to the Board.-** (1) The mutawalli of every waqf, the net annual income of which is not less than five thousand rupees, shall pay annually to the Board, seven per cent of such annual income as annual contribution.

(2) The mutawalli of a waqf shall, before the 1<sup>st</sup> day of July every year, submit a return of the net annual income of the waqf and the contribution payable by it, in Form 17, to the Chief Executive Officer.

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

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

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

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

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

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

- (a) loss of money, stores of articles of the waqf not due to the negligence of the mutawalli or other employees of the waqf;
- (b) loss of income due to failure of crop on account of drought or other unforeseen causes like flood;
- (c) paucity of funds due to the mismanagement of the previous mutawalli;
- (d) paucity of funds due to non-recovery of loans, advances and debt;
- (e) where the waqf supports an orphanage whose resources are insufficient for its due management; and
- (f) other causes, approved by the Board with three-fourths majority.

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

**28. Waqf Fund and its Investment.-** (1) The Board shall authorise one of its officers, hereinafter referred to as the authorised officer, to receive all payments to the Waqf Fund, to issue receipts and to make payments on behalf of the Board.

(2) The authorised officer shall be required to furnish to the Board, securities or sureties for such amount as the Board may specify in that behalf. Solvency of sureties shall be verified by the Sub-Divisional Magistrate of the area where the authorised officer and sureties are residing at the beginning of each year.

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

(4) All such money shall immediately be deposited in,-

- (a) a Scheduled Bank as defined in the Reserve Bank of India, Act, 1934 (Central Act No. 2 of 1934), or
- (b) a Post Office Savings Bank Account.

(5) All deposits shall be made in the name of the Board. The Chairperson and any other member or officer of the Board authorised in this behalf by the Board shall have the powers to withdraw such deposit or any part thereof and operate on the bank account, subject to such conditions as the Board may think proper.

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

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

(8) Payments from the Waqf Fund shall be made by cash or cheque.

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

(10) Any person having a claim against the Board shall present a voucher duly verified and stamped. All vouchers shall be filled and signed in ink and,-

- (a) amount shall be written in figures as well as in words; and
- (b) corrections and alterations, if any, in the vouchers shall be attested by the dated initials of the person signing the voucher.

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

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

Provided that if in any case, after such inquiry as the Board may make, the Board is satisfied that the loss was unavoidable and was not due to any negligence on the part of the

officer responsible for the proper custody of the amount, the Board may not insist on reimbursement of the amount of the loss by the officer concerned, but may write it off.

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

(a) in one or other of the following securities:-

- (i) promissory notes, debentures, stocks or other securities of the Central Government;
- (ii) stock or debentures of, or shares in companies, the interest wherein shall have been guaranteed by the State Government or the Central Government;
- (iii) debentures or other securities for money issued by or on behalf of any Municipal body under the authority of any Act; or

(b) in fixed deposits for a period not exceeding three years in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Central No. 2 of 1934);  
or

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

(15) (a) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be specified by it. The pages in the account books, registers, receipts, etc., shall be serially numbered and each page shall be affixed with the seal of the Board. The number of pages that each book or register contains shall be noted on the first page after actual verification by the Chief Executive Officer.

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

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

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

- (a) be responsible for ensuring that the budget estimates of the Board are properly framed keeping in view the instructions issued by the Board and the Government in this behalf and submitted to the Board within the time schedule;
- (b) scrutinize the budget proposals submitted by the mutawallis thoroughly and assist the Board in scrutinizing the budget proposals;
- (c) examine and advise on all scheme of new expenditure for which it is proposed to make a provision in the budget;
- (d) ensure that monthly and annual accounts of the Board are compiled properly and promptly;
- (e) obtain necessary periodical returns of progress of expenditure, watch and review the progress against sanctioned amounts and issue such instructions as may be found necessary to the officers and employees of the Board;
- (f) scrutinize the proposals for supplementary grants and advise the Board suitably;
- (g) keep himself in regular touch with the audit objections and inspection reports of the audit and for their early settlement;
- (h) keep a close watch on the recoveries of dues to the Board and repayment of loan and interest;
- (i) be responsible for the proper maintenance of accounts of the Board;

- (j) obtain periodical returns of stores and stocks and their value from the officers and review them and offer his remarks on such accounts and place it before the Board;
  - (k) furnish any information and statistics that may be called for by the Board on matters relating to budget, accounts and audit;
  - (l) arrange for internal audit of accounts of the Board periodically and take urgent steps to rectify any defects noticed during such audit;
  - (m) report to the Board all instances of payments made contrary to the rules and regulations including cases where payments are made in the absence of any provision in the budget estimates.
- (19) The Board may prepare revised estimates during the financial year keeping in view the actual and probable expenditure during the year.

**29. Budget of Board.**-(1) The Chief Executive Officer shall in every year prepare in Form 18, a budget in respect of the ensuing financial year, showing the estimated receipts and expenditure during that financial year and place before the Board by 31<sup>st</sup> December every year.

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

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

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

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

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

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

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

## **CHAPTER XI** **Miscellaneous**

**30. Suit by or against the Board.** (1) The Chairperson or the Chief Executive Officer shall be competent to sanction,-

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

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

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

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

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

**31. Annual report.-** (1)The State Government shall, as soon as after 1st day of april in every year, cause the annual report of the Board to be prepared in **Form 19**.

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

(3)The State Government shall finalize the annual report of the Board by the end of august and such report shall be laid before the House of State Legislature in its next session.

**32. Recovery of amount due to the Board.-** In recovering any sum recoverable under the Act as an arrear of land revenue, the procedure prescribed in the Rajasthan Land Revenue Recovery Rules, 1958 for the time being in force shall be followed.

**33. Procedure relating to proceeds of Land Acquisition.-** (1) Where any Waqf land is acquired. The proceeds of land acquisition shall be paid to the Waqf Board by the land acquisition authority and the Board shall cause the same to be deposited in a Scheduled Bank in the account of the Board.

(2) The amount so deposited shall be utilized by the Mutawalli or the Executive Officer, of the concerned Waqf, with the approval of the Board of its receipt for the acquisition of other properties or for other purposes beneficial to the Waqf.

**34. Repeal and Saving.-** (1) The Rajasthan Waqf Rules, 1956, are hereby repealed:

Provided that any order issued or any action taken under the rules so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.



**FORM 1**  
**[see rule 5(1)]**

**NOTICE FOR HOLDING OF ENQUIRY**

Notice to Mutawalli/ Secretary of \_\_\_\_\_ (Waqf institution) under sub-section (3) of section 64 of the Waqf Act, 1995 to conduct an enquiry.

Whereas, you Shri

\_\_\_\_\_ S/o \_\_\_\_\_ were appointed as Mutawalli/ Secretary of (Waqf Institution) vide Board's Order No. \_\_\_\_\_ dated ..... for a period of ..... and whereas, it is now established that you have violated the provisions of the Waqf Act, 1995 and rules made thereunder and you are liable for action under sub-section (1) of section 64 for any one or more than one reasons indicated below (tick whichever appropriate)

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

- (i) continuously neglects duties or commits any misfeasance, malfeasance misappropriation/ misapplication of funds or breach of trust in relation to the Waqf or in respect of any money or other Waqf property; or
- (j) willfully and persistently disobeyed the lawful orders made by the Central Government, State Government, Board under any provision of the Act or rule or order made there under; or
- (k) Misappropriate or fraudulently dealt with the property of the waqf; or
- (l) as per the information/audit report/report before the Board,-
- (1)
- (2)
- (3)

You are liable for action.

Therefore, by virtue of the powers conferred under sub-section (3) of section 64 of the Waqf Act, 1995, notice is hereby given that an enquiry will be held under sub-rule (1) of rule 5 of the Rajasthan Waqf Rules, 2023.

You are therefore called upon to file your objections, if any, to the said enquiry, within seven days, from the date of service of this notice and if you fails to file your objections, the enquiry shall proceed and appropriate decision under section 64 of the Waqf Act, 1995 shall be taken, as required under law.

**Chief Executive Officer**

To Shri

.....  
.....

**FORM 2**

[see rule 6(2)]

**SHOW CAUSE NOTICE**

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

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

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

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

**By Order of the Board****Chief Executive Officer****Date:**

To

The Secretary/President,

Managing Committee

---

---

**FORM 3**

[see rule 6(5)]

**SHOW CAUSE NOTICE**

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

Where as shri \_\_\_\_\_ S/o \_\_\_\_\_ was appointed as a Member of the Managing Committee of (Waqf institution) \_\_\_\_\_ by the Board on \_\_\_\_\_. Whereas, now there is sufficient evidence that you \_\_\_\_\_ Member of the above said committee has abused the positioning such member or has knowingly acted in manner prejudicial to the interests of the waqf for the following reasons:

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

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

Therefore, you shri.....are hereby called upon to show cause as to why an order should not be passed for your removal from the membership of the above said committee within seven days from the date of service of this Notice.If no reply is received, the Board shall proceed with in accordance with law under sub-section (6) of section 67 of the Waqf Act, 1995.

**By Order of the Board  
Chief Executive Officer**

**Date:**

To

shri \_\_\_\_\_

Member, Managing Committee

Copy to the Chairman,. Waqf Committee \_\_\_\_\_.

**FORM 4**

[see rule 7(1) ]

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

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

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

**Date:****Chief Executive Officer**

To

The Mutawalli/applicant of  
Managing Committee,

---

---

**FORM 5**  
**COPYING REGISTER**  
( see rule 17)

S. NO.	NAME OF APPLICANT WITH MOBILE NUMBER	DATE OF APPLICATION RECEIVED	BRIEF DISCRPTION OF COPIES SOUGHT FOR	PREPARED ON	ISSUED ON	COPYING FEE WITH RECEIPT NUMBER	SIGNATURE OF RECEIVER OF COPIES
1	2	3	4	5	6	7	8

**FORM 6**  
[see rule 18(2)]  
**NOTICE**

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

**Schedule**

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

It is therefore hereby notified that an inquiry will be taken regarding the said cessation and to ascertain the property and the funds of that Auqaf and to order for recovery of the said property or funds and its utilization under sub-section (2) of section 39 of the Waqf Act, 1995.

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

**Chief Executive Officer/ Authorised Officer**

To

\_\_\_\_\_

\_\_\_\_\_

**FORM 7**

[see rule 20(1)]

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

Receipts of rent from the properties

Donation/contribution

Maintenance of property expenditure

Excess of expenditure over receipt

1. Actual for the current year

2. Actual for the preceding year  
proposed**Estimated Expenditure**

Salary of the employees of

Miscellaneous receipt, if any

Miscellaneous expenditure with details

Excess of receipt over expenditure

**Date:****Mutawalli/Authorised Officer****Place :**

**FORM 8**

[see rule 21(1)]

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

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

Opening Balance

Total.....

Receipts (Statement I)

Total.....

Expenditure (Statement II)

Total.....

Closing Balance

**Total.....****Statement I (Receipts)**

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



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

---

Total:

---

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

---

Total:

---

9. Miscellaneous receipts:
  - (a) Nazar/Presents
  - (b) ubscription fee
  - (c) Meelad/Ramzan Donation
  - (d) Nikah fee
  - (e) Hide & Skin
  - (f) Golak collections

---

Total

---

10. Receipts from:
  - (g) Grant-in-aid
  - (h) Loan recovery
  - (i) Salary & Festival Advance recovery
  - (j) Interest from bank
  - (k) Loan from Central Waqf Council, New Delhi
  - (l) Fixed Deposit Receipts
  - (m) Royalty/E.M.D

---

 Total
 

---

 11. Any other receipts
 

---

 Grand Total
 

---

### Statement II (Expenditure)

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

#### I. General Administration

1. Salaries
2. T.A.
3. Office Expenses:
  - (i) Purchase of furniture
  - (ii) Purchase of Stationery & forms:
    - a) Printing Receipts
    - b) Printing/Purchase of Books of Accounts.
  - (iii) Postal Charges
  - (iv) Telephone Charges
  - (v) Water Charges
  - (vi) Electric Charges
  - (vii) Office impress amount
  - (viii) Purchase of Vessels
  - (ix) Purchase of Machinery & Electrical items
  - (x) Meeting Expenses
4. Legal Expenses
5. Audit Expenses
6. Corporation/Municipal/Land Tax
7. Waqf Contribution to Board

---

 Total
 

---

#### II. Capital Expenditure:

- (i) Construction Expenses
- (ii) Repayment of Loan/Advances
- (iii) Security deposit

- (iv) Building License/ Plan Fee
  - (v) Royalty
  - (vi) E.M.D.
  - (vii)
- 

Total:

---

**III. Charitable Expenses:**

- (i) Scholarship/ Free ship
  - (ii) Medical Expenses
  - (iii) Marriage Expenses
  - (iv) \_\_\_\_\_
- 

Total:

---

**IV Festival Expenses**

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

Total:

---

**V. Miscellaneous Expenses**

- (i)
  - (ii)
- 

Total:

---

Grand Total:

---

**FORM 9**

[see rule 21(2)(a)]

**LIST OF WAQFS****List of Auqaf under direct management as on for preparation of Budget under section 45**

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

**Date:****Chief Executive Officer**

**FORM 10**

[see rule 21(2)(b)]

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

From:

The Chief Executive Officer,  
Rajasthan Board of Muslim waqf

To

---

---

Sir,

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

The .....Waqf is under direct management of the .....  
Board under section 45 as per the order No. ....dated for a period of  
.....

As per section 45 of Waqf Act, 1995, the budget of the above institution needs to be placed  
before the Board. Therefore you are requested to prepare and furnish the budget covering  
the estimated receipts and expenditure in the prescribed Performa with a statement giving  
details of the increase, if any, in income of the Waqf and also steps taken for its better  
management.

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

**Date:****Chief Executive Officer/ Authorised Officer**

**FORM 11**

[See rule 21(3)]

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

Name of Waqf:

District:

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

(1)

(2)

(Details to be adopted from the Statement In receipts of Budget) Steps taken for better management:

1.

2.

3.

Results:

1.

2.

3.

---

**Signature of Administrator**

**FORM 12**

[see rule 23(4)]

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

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

**Place:****CHIEF EXECUTIVE OFFICER****Date:**

**FORM 13**

[see rule 23(5)]

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

To

Shri .....

.....

Where as a requisition has been received under sub-rule (4) of rule 23 of the Rajasthan Waqf Rules, 2023 from the Chief Executive Officer, Rajasthan Waqf Board, regarding transfer of Waqf property, detailed in the Schedule given below in your favour by Shri.....in Contravention of section 51 or section 56 of the Waqf Act, 1995.

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

**SCHEDULE:**

Details of Waqf Property

**Date****SIGNATURE OF THE COLLECTOR  
SEAL**



**FORM 14**

[see rule 24(1)]

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

To

Shri .....

.....

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

**Grounds**

.....

.....

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

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

**SCHEDULE:**

Details of Waqf Property

**Date:**

Copy to: Mutawalli

**Signature and seal of the  
Chief Executive Officer**

**FORM 15**

[see rule 25(6)]

**ORDER FOR VACATION OF THE UNAUTHORIZED OCCUPATION OF WAQF PROPERTY**

Whereas, I the undersigned, am satisfied for the reasons recorded below that you Shri/Smt./Km. .... are an encroacher and unauthorised occupant of the Waqf property specified in the Scheduled below:-

**REASONS****SCHEDULE****Details of Waqf property:**

Now, therefore, the undersigned under section 54 of the Waqf Act, 1995, here by order that Shri/Smt./Km..... and all persons who are in unauthorised occupation of the Waqf property or any part thereof to vacate the said premises within 15 days of the service of this notice. In the event of refusal or failure to comply with this order within the period specified above, the matter shall be referred to the Tribunal for passing appropriate order.

**DATE:****SIGNATURE AND SEAL OF THE  
CHIEF EXECUTIVE OFFICER**

**FORM 16****[see rule 25(10)]****APPLICATION TO EXECUTIVE MAGISTRATE UNDER SECTION 55 OF  
THE WAQF ACT, 1995**

To

The Executive Magistrate,  
.....

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

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

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

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

**Date:****SIGNATURE AND SEAL OF THE  
CHIEF EXECUTIVE OFFICER**

**FORM 17**  
[see rule 27(2)]

**STATEMENT INDICATING THE NET ANNUAL INCOME OF THE WAQF AND  
THE CONTRIBUTION PAYABLE TO BE FURNISHED BY 15<sup>TH</sup> JUNE EVERY  
YEAR**

1. Name of the Waqf
2. The income assessed as per Statement of Accounts  
for .....year
3. Deduction from the income as per sub-section (1) of section 72
  - i)
  - ii)
  - iii)
  - iv)
  - v)
4. Net profit derived from the Waqf
5. 7% Waqf Contribution payable to the Waqf Board.

Signature of Mutawalli/  
Secretary of the Managing Committee

To

The Chief Executive Officer  
Rajasthan State Board of Waqfs

Or

Authorised Officer

\_\_\_\_\_

\_\_\_\_\_

Copy to the Chairman, DWAC \_\_\_\_\_

**FORM 18**

[see rule 29(1)]

**BUDGET ESTIMATE OF INCOME AND EXPENDITURE FOR THE  
FINANCIAL YEAR 20.....-20.....****DETAILS**

INCOME						EXPENDITURE					
Head	Actual for immediately preceding year	Budget estimate for current year	Actual current year (up to)	Revised estimate for current year	Budget estimate for next financial year	Head	Actual for immediately preceding year	Budget estimate for current year	Actual current year (up to)	Revised estimate for current year	Budget estimate for next financial year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

1. Contributions from Auqaf under sub-section (1) of section 72
2. Other income :-
  - (a) Interest on investments and advances.
  - (b) Fees for supply of documents and Registration.
  - (c) Rents of land and building
  - (d) Grants, assistance and amenities
  - (e) Sale of securities, stocks, debenture
  - (f) Sale of immovable properties
1. Deficit from previous year.
- (a) Allowance to the Chairperson or members of the Board or Committees
- (b) Pay of establishment in the Board's office
- (c) (i) Travelling allowance  
(ii) Other allowances
- (d) (i) Rents,  
(ii) Postage  
(iii) Printing and Stationary  
(iv) Books and periodicals  
(v) Electric and water charges  
(vi) Telephone charges  
(vii) Furniture and Fixures  
(viii) Audit and other charges  
(ix) Advertisement charges  
(x) Miscellaneous
- (e) (i) Lawyer's fee and other charges
- (f) (i) Interest on loans  
(ii) Loans and advances

(g) other receipts

- (g) (i) Grants, Coaching and Scholarships  
(ii) Grants and Imdad for welfare activities  
(iii) Capital expenditure on land and building  
(iv) Maintenance and repair  
(v) Purchase of securities  
(vi) Preservation of Auqaf  
(vii) Maintenance and repair of office building
- (h) (i) Fuel for vehicles  
(ii) Maintenance for vehicles
- (I) (i) 1% contribution to Central Waqf Council under sub section (1) of section 10 of The Waqf Act, 1995

**Total**

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

**Chief Executive Officer**

**FORM 19**

[see rule 31(1)]

**ANNUAL REPORT ON THE WORKING AND ADMINISTRATION  
OF THE WAQF BOARD AND THE ADMINISTRATION OF AUQAF  
INDEX**

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

**Section I: Administration and management****1. Jurisdiction:-**

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

**2. Personnel:-**

- (i) Number and names of Board members
- (ii) Number of members by election and their names along with the electoral colleges.
- (iii) Number of members by nomination, their names and category.
- (iv) Chairperson-name and date of selection.
- (v) Chief Executive Officer—name and period from which working
- (vi) Names of other officers(office and field)

**3. Meetings and attendance:-**

- (i) Number of ordinary and special meetings of the Board and meetings adjourned meetings.
- (ii) Regularity in holding of Board's meetings and attendance of members in the meetings.
- (iii) Whether meetings of the Board held as per Rules and Regulations. If not, reason thereof.
- (iv) Information regarding agenda and resolution-number of resolution
  - (a) tabled during the year;

- (b) passed;
- (c) discussed and withdrawn;
- (d) referred again by the Chief Executive Officer to the Board;
- (e) referred by the Chief Executive Officer to the State Government, and
- (f) Dropped.

#### 4. Committees

- (i) Number of Standing Committees, their functions along with names of members.
  - (ii) General summary of work of each Committee, average attendance and comments of the Board regarding the Standing Committees.
5. Summary of other meetings held in the head office or elsewhere during the year.
6. Date and details of Annual General meeting of the Board

### Section II: Financial Position

#### 1. Summary of the accounts during the year

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

2. Investments, loans and grants: Details of capital investments, loans and grants may be given.
3. Audit:-
- (i) The period for which the audit has been completed under section 80, and action taken on the audit report.
  - (ii) Cases of mis-appropriation of money by the Waqf intuitions and action taken under the provisions of the Waqf Act, 1995 by the Board.
  - (iii) Cases of improvement is the finances of any Waqf, whether under direct management.
  - (iv) Vigilance cases against the staff of Board.

### Section III: Remunerative

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

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

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



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

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

#### **Section V: Status of litigation**

1. Details of applications, suits and writ petition pending in various courts to be given.

Expenditure incurred by way of counsel fees to be given in the report. The efficiency of the panel of Advocates to be examined by checking number of cases in which orders are passed in favour of the Board.

2. Number of applications filed and defended in Tribunal and writs and suits filed in other courts during the year. Expenditure on counsel fee and other expenditure in legal cases during the year to be given.
3. Regarding Tribunals, the number of appeals and applications filed their disposal by each Tribunal may be reviewed .Problems faced by the Tribunal (s) in the disposal of cases may be highlighted .The Tribunal fee collected and its remittance to the waqf fund to be examined.

#### **Section VI: Development works**

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

#### **Section VII: Religious work**

1. Details of construction of mosques with estimate and expenditure.
2. Details of maintenance expenditure of mosques , dargahsetc, along with amount of electricity bills.
3. Amounts pantones and other festivals.
4. Details of salary of Imams and moazzins with number in different categories.
5. Details of grants to mosques.

#### **Section VIII: Charity**

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

#### **Section IX: Grant to educational and vocational institutions and centres**

1. Details of expenditure on schools directly managed by the Board with their names, number of teaching staff etc.
2. Details of recurring grants to school, college etc. run by private organizations with the names of educational institutions.
3. Details of recurring grants to madarsa's with their names and place.

4. Information of one time grant of schools, colleges, madarsa's etc. with name of institution, their address and amount of grant.
5. Details of grant to vocational centre.
6. Details of activities with expenditure on the promotion Urdu.

**Section X: Any other activity**

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

**Conclusion**

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

CHIEF EXECUTIVE OFFICER

CHAIRPERSON OF THE BOARD

**[No.F.2(5)Mino.Waqf/2023]**

**By order of the Governor,**

Shefali Kushwaha,

**Deputy Secretary to the Government.**

---

**Government Central Press, Jaipur.**