

1956
J. J. J.

J. J. J. Ahmed Naqvi,
ADVOCATE.

GOVERNMENT OF RAJASTHAN

राजस्थान सरकार

LAW AND JUDICIAL DEPARTMENT

विधि एवं न्याय विभाग



सत्यमेव जयते

THE RAJASTHAN WAKF RULES, 1956

राजस्थान वकफ नियम, १९५६

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राजस्थान वक्फ नियम, १९५६

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सन् १९५६ में प्रकाशित हुए]

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dated 13-3-1957.]

JUDICIAL DEPARTMENT

NOTIFICATION

Jaipur, December 8, 1956.

No. D. 126/F. 18 (87)-LJ/A/55.—In exercise of the powers conferred by sub-sections (1) and (2) of section 67 of the Wakf Act, 1954 (Central Act 29 of 1954), the Government of Rajasthan hereby makes the following rules, namely:—

THE RAJASTHAN WAKF RULES, 1956

Preliminary.

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Wakf Rules, 1956.

(2) They shall come into force on such date as may be appointed in this behalf by the State Government.

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

- (a) "Act" means the Wakf Act, 1954 (Central Act 29 of 1954);
- (b) "Form" means a form appended to these rules;
- (c) "section" means a section of the Act.

Section 4 (3) (f).

3. *Particulars to be entered in the report of the Commissioner.*—The report to be submitted by the Commissioner or wakfs to the Government under section 4 (3) shall, besides other things, contain the following particulars in respect of each Wakf:—

- (a) description of the landed property including extent, classification, etc., and the value thereof;
- (b) description of the movable properties and value thereof, including investments and their particulars;
- (c) encumbrances, if any, on the properties mentioned in (a) and (b) above; and
- (d) how the wakf is administered at present; whether under a scheme settled by a court of law or by a registered document or established custom or usage.

Section 5 (2).

4. *Particulars to be entered in the list of Wakfs.*—A list of wakfs published under section 5 (2) shall contain the following particulars:—

- (1) Names of wakfs (showing the Shia wakfs and Suni wakfs separately).
- (2) District.
- (3) Tehsil.
- (4) Village.
- (5) The nature and object of each wakf.
- (6) The gross income of the property comprised in each wakf.
- (7) The amounts of land revenue, cesses, rates and taxes payable in respect of such property.
- (8) The expenses incurred in the realisation of the income, and the pay other remuneration of the mutawalli of each wakf.

✓(9) Such other particulars as the State Government may, by order, prescribe.

Section 22:

5. *Delegation of powers to be notified.*—Any order under section 22 delegating powers and duties of the Board to the Chairman or any other member or to the Secretary or any other officer or servant of the Board shall be published in the Rajasthan Gazette and a copy of the same shall also be affixed to the notice board.

Section 45.

6. *Notice of inquiry.*—(1) Notice of inquiry by the Board under section 45 shall be sent by registered post, acknowledgment due, to—

- (i) the parties to the inquiry, and
- (ii) the mutawalli of the wakf.

(2) A copy of the notice shall be published by affixture on the notice board of the office of the Board and in the office of the village head-man or in other conspicuous place in the locality in which the wakf property is situate. Such publication shall be deemed to be sufficient intimation to persons having any interest in the wakf property.

(3) Where the wakf property is situate in the city of Jaipur or in more than one district, a copy of the notice shall also be published in a newspaper having circulation in the locality or in the Rajasthan Gazette.

7. *Appearance and written statement.*—(1) All persons who appear in response to the notices issued under rule 6 shall, within the time fixed in the notice or within such further time as may be granted, file written statements, containing their objections or suggestions. The Board may, however, permit any person, who has not filed a written statement, to make representations at the time of inquiry.

(2) Any party to the proceedings shall have a right to appear in person or by pleader, to adduce oral and documentary evidence and to apply for summoning witnesses or documents. The inquiring officer shall record the oral evidence of witnesses in his own handwriting.

8. *Provisions of the Code of Civil Procedure and General Rules (Civil) to apply.*—The provisions of the Code of Civil Procedure, 1908 (V of 1908) and the General Rules (Civil) 1952 shall apply, as far as practicable, to appearance of pleaders and to affidavit, production of documents, examination of witnesses, recording of oral evidence, proof by affidavits, filing of exhibits, issue of commissions, return of documents not admitted to evidence and other matters connected with the inquiry.

9. *Return of documents.*—(a) Any person desirous of receiving back any document produced by him at the inquiry shall, unless the document has been impounded, be entitled to receive back the same if the proceeding is one in which the order made is not liable to be questioned by a suit in a Court or if the time for filing the suit has elapsed without the suit being filed, or when a suit having been filed has been disposed of:

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor delivers to the Board a certified copy to be substituted for the original and undertakes to produce the original, if required.

(b) An application for the return of document shall give the date and description of the document, the number of the proceeding in which and the date on which it was produced and the exhibit mark it bears, and on the return of a document, a receipt shall be given by the person receiving it.

Section 46 (2).

10. *Circumstances in which reduction or remission of contribution by a particular wakf may be granted.*—Reduction or remission of contribution by a mutawalli of a wakf shall not ordinarily be granted except in the following circumstances:—

- (1) (i) Loss of money, stores and articles not due to the negligence of the mutawalli or other servants of the wakf;
- (ii) Loss of income due to failure of crops on account of drought or other unforeseen causes like cyclones or floods;
- (iii) paucity of funds due to the mismanagement of the previous mutawalli or mutawallis;
- (iv) paucity of funds due to non-recovery of loans, advances and debts; and
- (v) other unforeseen causes.

(2) Before a reduction or remission of contribution is sanctioned, the Board shall make a thorough investigation of the causes which rendered such reduction or remission necessary.

Section 47.

11. *Application for sanction for borrowing.*—(1) The Board shall, when applying to the Government for sanction to raise loans to meet its legitimate expenditure, furnish the following, besides other, particulars:—

- (a) the need for raising the loans;
- (b) the items of expenditure to which the loan is to be utilized;
- (c) the amount of the loan required;
- (d) the source from which the loan is proposed to be raised;
- (e) the rate of interest to be paid for the loan;

- (g) whether it is proposed to mortgage any property in respect of the loan and, if so; details regarding the situation, nature, value, etc., of the property; and.

- (2) If the State Government is convinced that the circumstances warrant the Board to raise the loan and that the terms and conditions are acceptable, it may grant the sanction.

12 *Custody of moneys in the Wakf Fund and Investment.*—
(i) The moneys received in the Fund shall be in the custody of the Chairman of the Board or such other member of the Board or Secretary, as the Chairman may appoint in this behalf.

- (iii) a Post Office Savings Bank.

(c) the purchase or in the first mortgage of immovable property with the previous sanction of the State Government.

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

(3) An officer of the Board authorised by the Chairman in this behalf, shall grant receipts for all moneys received by him to the Wakf Fund. A counterfoil receipt bearing printed machine numbers shall be maintained for the purpose.

(4) Recoveries of overpayments relating to the current year shall be shown as abatement of charges of the accounts concerned. If the overpayment relate to previous year the accounts of which have been finally closed, the recoveries will be taken as direct receipts to the accounts concerned.

16. *Expenditure.*—(1) Payment from Wakf Fund shall be made by cash or cheque. Cheques shall not be issued for sums less than Rs. 10/-.

(2) No money shall be withdrawn from the bank unless it is required for immediate payment.

(3) Money indisputably payable shall never be left unpaid and money paid shall, under no circumstances, be kept out of the accounts a day longer than is absolutely necessary.

(4) Any person having a claim against the Board shall present his voucher duly verified and stamped. All vouchers shall be filled in and signed in ink. The amount shall be written in figures as well as in words. All corrections and alterations in the voucher shall be attested by the dated initials of the person signing the receipt.

(5) Receipts for all sums exceeding Rs. 20 either by cash or cheque shall be stamped. The correct head of classification according to the budget shall be recorded on each voucher by the drawing officer.

17. *Establishment.*—*Pay Bill, Travelling Allowance Bills etc.*—The Forms in which Pay Bill, T.A. Bills and Contingent Bills may be prepared shall be governed, so far as possible, by the rules and forms for the time being applicable to offices of the State Government.

18. *Stamps.*—Postage stamps shall be purchased and issued for use in the Board's Office after they are perforated by a perforator with the impression "M.W.B.". The charge for postage stamps shall be drawn on separate contingent bills.

19. *Heads of expenditure.*—Expenditure shall be classified under the following major and minor heads:—

Major	Minor
(a) Salary of Officers.	(i) Allowances or fees to the Chairman or members of the Board or Committees.
(b) Pay of establishment.	(ii) Pay of Secretary. Pay of establishment in the Board's office.

- | | |
|---|------------------------------------|
| 1 | 2 |
| (c) Allowances | (i) Travelling allowance |
| | (ii) Other allowances. |
| (d) Contingencies | (i) Rents, rates and taxes. |
| | (ii) Postage and telegrams. |
| | (iii) Stationery. |
| | (iv) Books and periodicals. |
| | (v) Electric and lighting charges. |
| | (vi) Telephone charges. |
| | (vii) Printing charges. |
| | (viii) Furniture. |
| | (ix) Miscellaneous. |
| (e) Law charges. | (i) Lawyers' fees. |
| | (ii) Stamp charges. |
| | (iii) Court fees. |
| (f) Loans and advances. | (i) Repayment of loans. |
| | (ii) Interest on loans. |
| | (iii) Grant of loans. |
| (g) Preservation and protection of Wakf properties. | |
| (h) Audit charges | |
| (i) Other expenses | |

Reappropriation or transfer of funds from the allotment under one minor head of expenditure to another under the same major head may be made by the Chairman. No appropriation from one major head to another shall be made without the sanction of the Board.

Section 51.

20. *Functions of the auditor.*—(1) In auditing the accounts of the Wakf Fund, the auditor shall verify the cash balance and state in the report whether the cash was readily forthcoming for verification.

(2) The auditor shall, in the course of the audit, verify the debentures, share certificates, Government bonds and other securities and the bank pass books and report whether they were found correct.

21. *Contents of audit report.*—(1) The auditor shall report,

besides other points arising in audit—

(a) whether the accounts and registers required to be maintained are kept properly;

(b) whether the contributions and other receipt due to the Board have been realised at the proper time and whether due steps have been taken to recover the sums overdue and, if not, in which cases such action has not been taken;

(c) whether all collections have been brought to account promptly;

(d) whether any contributions have been remitted or reduced and if so, under proper authority;

(e) whether the expenditure incurred is in accordance with the sanctioned budget and if there are deviations from such budget, what the deviations are;

(f) whether every item of expenditure has been sanctioned by the competent authority and is supported by a proper voucher;

(g) whether there is any item of expenditure which, in the opinion of the auditor, is *prima facies* extravagant; and

(h) whether the moneys not required for immediate expenditure have all been deposited in banks and surplus funds have been invested.

(2) The auditor shall report any material impropriety or irregularity which he may observe in the expenditure, in the collection of contributions due to the Board or in the accounts, and also all cases of loss or waste of money together with the names of persons directly or indirectly responsible for the loss or waste.

22. Documents to be annexed to the audit report.—(1) The auditor shall append to his report—

(a) a statement of receipts and charges under the budget heads;

(b) a statement of income and expenditure;

(c) a consolidated statement of assets and liabilities;

(d) a statement of debentures, shares certificates, Government bonds and other securities; and

(e) a consolidated statement of demand, collections and balance of all items of revenue including contributions, decree amounts, etc. both arrears and current, outstanding whether in cash or in kind.

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

FORM No. 1
(See rule 13)

Budget Estimate of income and expenditure for the year

Accounts for	Income.		Expenditure.		Head of expendi- ture	Revised Estimate for	Budget Estimate for	Year.	
	Budget Estimate for	Head of income	Budget estimate made for	Budget estimate for					
1	2	3	4	5	6	7	8	9	10

Rs.	Rs.	Rs.	Rs.
			1. Deficit from previous year.

Rs.	Rs.	Rs.	Rs.
			1. Contribution from wakfs' under section 46 (1).
			2. Other income
			(a) interest on investments and advances.
			(b) Fees for supply of documents and other petty items.
			(i) Fees or allowances to Chairman and members of Board or Committees.
			(ii) Pay of Secretary.

Deficit at the end of
the year.

Total.....

FORM No. 2

(See rule 13)

Budget Estimate of receipts and payments for

Accounts for	Budget Estimate for	Revised Estimate for	Receipts	Budget Estimate for	Revised Estimate	Heads of payments	Revised Estimates	Budget Estimate for	Accounts for
1	2	3	4	5	6	7	8	9	10

Rs. Rs. Rs.

Cash balance from previous year..

(i) Income..

(ii) Loans ..

(i) Expenditure --

(ii) Payment of loans*

Cash balance at the end of the year

Total.....

Total....

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

Includes advances of pay, travelling allowances and law fees.

Sec rule 13)

Budget Estimates for Assets and Liabilities on

13

*Includes advances of pay, travelling allowances and lawyers' fees.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.