

MODEL SPECIMEN
DRAFT WAKF DEED
Deed of Wakf

To all to whom these presents shall come I.....wife of a Mahomedan by faith and religion governed by *sunni/shia* school of Mahomedan Law etc. send greeting whereas I am of my free will and own accord desirous of permanently dedicating my properties, movable and immovable, full mentioned and described in the schedule hereunder written for purposes recognised by the Mahomedan Law as religious, pious and/or charitable now know ye and I hereby declare as follows:

1. I dedicate all the properties mentioned and described in the schedule hereunder written with all appurtenances and the rents, issues and profits thereof absolutely and permanently by way of wakf for the purposes as aforesaid with intent to extinguish all my rights and claim therein and vest the same in God and complete the same by delivery of possession to the *mutawalli* in the manner hereinafter mentioned.
2. The ultimate benefit under this wakf is reserved for purposes and objects recognised by the Hanafi of Sunni School of Mahomedan Law as religious, pious and/or charitable and indicated in the paragraph next succeeding.
3. The purposes and objects referred to in the last preceding paragraph are *inter alia* as follows:
 - (i) The payment of my just debts.
 - (ii) The maintenance and support of myself and my.....
 - (iii) The distribution of *alms* to poor and indigent persons on every Thursday in the week the amount or value of such weekly alms not to be less than Rupees.....
 - (iv) The observance of the tenth day of Mohurrum by distribution of milk and other food.
 - (v) The celebration of ceremonies known as Mound Shariff.
 - (vi) To help poor and meritorious students professing Islam faith and reading in any recognised institution.
 - (vii) The performance of the annual fateha of myself after my death and of my husband after his death and the members of.....
 - (viii) Other religious, pious and/or charitable purposes any may be thought fit by the *mutawalli* from time to time or a Court of Law including pecuniary reliefs or assistance to indigent members of my family and the family of my.....
4. The moneys which may be realized by execution of the decrees in the suits mentioned in the said Schedule hereto shall, after payment therefrom of my debts, be invested in landed properties and such landed properties shall form a part of the estate hereby mode wakf estate.
5. Out of the income of the said wakf estate the said.....shall each receive a monthly sum of not more than Rs.....only for the benefit of themselves and their respective families and descendants. As regards the respective amounts to be spent for the other purposes aforesaid, the *mutawalli* or *mutawallis* for the time being shall have absolute discretion.

6. For the appointment of mutawalli, the following rules are laid down:

- (i) I shall be the *mutawalli* for my life.
- (ii) After my death Sri.....and.....son of..... shall be joint mutawallis and each of them shall be at liberty to appoint one of his or her lineal male descendants as his or her successor failing which each shall be succeeded by his or her eldest lineal male descendant. All the mutawallis for the time being and each of them shall have the power of appointing their, his or her successors or successor.

7. The *mutawalli* or *mutawallis* for the time being (jointly if there are more than one) shall, as and by way of remuneration, be entitled to receive jointly one-fourth part of the net income of the wakf estate and to retain all expenses of management including the costs of all necessary litigation.

8. Notwithstanding anything herein contained, no *mutawalli* will directly or indirectly grant or extent any benefit out of the wakf estate to my.....or any descendants of theirs.

9. In cases of necessity and for the benefit of the wakf estate, the *mutawalli* or *mutawallis* for the time being shall after obtaining sanction of the Wakf Board Constituted under the Wakf Act, 1995 and in accordance with its directions, be at liberty, to sell, mortgage, transfer, alienate, partition and/or demise the wakf properties mentioned in the said schedule hereto or any part thereof and to invest the moneys thereby raised and in the event of such sale, mortgage, transfer, alienation, partition and/or lease the proceeds thereof as well as such investments shall form part of the wakf estate but no purchaser, mortgagee, transferee, alienee, co-sharer or lessee of the said properties shall be concerned to enquire whether the respective sales, mortgages, transfers, alienations, partition or leases are necessary for or beneficial to the wakf estate or to see to the application of the proceeds thereof.

10. The dedication hereby made will bind my heirs, executors and representatives.

11. The properties hereby dedicated are valued at Rs.....

The Schedule above referred to:

Part I

Part II

In witness whereof the said.....has executed these presents on thisday of.....20..... at.....

In presence of:

(1).....

Signature

and

(2).....

Seal