

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय / **SECRETARIAT**

NOTIFICATION

Port Blair, dated theOctober'2019

No..... F. No. 7-11/WB/2018, in exercise of the powers conferred by Section 110 of Waqf Act, 1995 read with the Notification No. U-11030/2/96-UTL dated 05.06.1997 of the Govt. of India, Ministry of Home Affairs, the Lieutenant Governor (Administrator), Andaman & Nicobar Islands hereby grants sanction for making the following Regulation, namely:-

PART-I-PRELIMINARY

1. Short title and commencement:-

- a) These Regulations may be called the Andaman& Nicobar Islands Waqf Board Regulations, 2018
- b) They shall come into force with effect from the date of publication in the official Gazette.

2. Definitions: - In these Regulations unless the context otherwise provides:-

- a) Act means the Waqf Act, 1995.
- b) Board means the Board of Waqfs, herein-after shall be called the Waqfs Boards, Andaman & Nicobar Islands.
- c) Chairperson means the Chairperson of the Board.
- d) Chief Executive Officer means the Chief Executive Officer of the Board.
- e) Lt. Governor means the Administrator of Andaman & Nicobar Islands.
- f) Survey Commissioner means the Survey Commissioner of Waqfs appointed under section 4 of the Waqf Act.

- g) Additional/Assistant Survey Commissioner means Additional/Assistant survey Commissioner of Waqfs appointed under section 4 of the Waqf Act.
- h) Member means members of the Board and includes the Chairperson.
- i) Convener means convener of a committee appointed under section 18 of the Waqf Act 1995.
- j) committee members means member of a committee appointed under section 18 of the Waqf Act 1995
- k) Rules means Waqf Board Rules, framed under the Waqf Act 1995.
- l) Committees means Committees constituted under section 18 of the Waqf Act 1995 by the Board for a particular purpose or for any specified area or areas for the supervision of Waqfs
- m) Executive Officer means Executive Officer appointed by the Board under section 38 of the Act.
- n) Masjid means Mosque or such place where prayers are performed on regular basis by Muslims in Jamaat.
- o) New item of expenditure means any expenditure not provided in the budget and being incurred for the (First) time.
- p) Form means forms appended to these Regulations.
- q) Qabrastan means burial place, TakiyaKhanqah and Dargah (Mazar) etc.

2. (a) Words and Expressions used and not defined in the Regulations but defined in the Act shall have the same meanings respectively assigned to them in the Act.

**PART-II CONDUCT OF MEETING OF THE BOARD AND
COMMITTEES.(Section 17 of the Act)**

3. a) There shall ordinarily be 12 meetings of the Board every year which may be increased to any number depending upon the need for the meeting to discuss and resolve important matters and issues.

- b) An extra ordinary (special) meeting of the Board may be convened if the Chairperson so desire necessary or if a requisition in that behalf is presented to the Chairperson by one third of the members of the Board setting out matter/ Agenda for consideration in the meeting.
- c) An ordinary meeting of the Board may be convened by giving 3 days notice. An extraordinary meeting of the Board may be called by giving shorter notice.

The notice for the meeting whether ordinary or extraordinary would contain date, time, venue and agenda of the meeting.

- d) Three members shall form a quorum of the Board.
- e) Where a meeting has been adjourned for Lack of quorum, the adjourned meeting would be held an hour later than the time fixed for original meeting at the same venue and agenda of business irrespective of quorum.
- f) All matters brought before the meeting shall be decided by majority of votes of the members presents in the meeting.
- g) The Chairperson or the Chief Executive Officer with the approval of the Chairperson of the Board shall convene the meeting of the Board on the agenda approved by the Chairperson.
- h) The Chairperson or in his absence any member as authorized by the Chairperson shall preside the meeting.
- i) The Chairperson shall have a 2nd or a casting vote in cases of equality of votes.
- j) At the next meeting, the minutes of the previous meeting shall be read and confirmed.
- k) The minutes of the meeting shall be recorded by the Chief Executive Officer and after approval by the Chairperson, it shall be circulated to members.
- l) It shall be open to any member to raise any matters not included in the agenda with the permission of the Chairperson provided that in the extra-ordinary(special) meeting only such business shall be transacted as is included in the agenda.

- m) Proposals relating to formal vote of thanks, message of congratulations or condolence and other matters of the nature be moved without notice from the chair or by any member with the permission of the chair.
- n) The Chairperson shall maintain order at the meeting of the Board or Committee, and if a member fails to comply, the Chairperson may exclude him from the rest of the meeting.
- o) Every motion by members shall be in the form of a resolution which must be seconded before it is considered.

PART-III COMMITTEES OF BOARD
(Section 18 of the Act)

4. (1) **Appointment of the Committees:-** (1). The Board whenever considers necessary may appoint following Committees and as many other Committees as considered necessary for a particular purpose or for any specified area or areas for supervision of Waqfs for a specific period and until the Committees are constituted, the Board will discharge all function of Committees prescribed under Regulation 5 (1) to 5 (4).
- I. Budget and Finance Committee
 - II. Land and Building Committee
 - III. Education and Religious Affairs Committee.
 - IV. Masjid and Qabrastan Committee
- a) The Constitutions, functions, duties and term of office of Committees shall be determined by the Board from time to time, subject to requirement.
 - b) All Committees shall have 5 members out of which 1 will be the members of the Board, 2 will be from Waqfs and 2 will be from the Muslim Community. The Finance Committee shall have a member from outside who is having good knowledge of Accounts and the Land & Building Committee shall have an Engineer as a member from outside.

- 4(2) a) **Functions and terms of office of committees** – Every Committee shall have a convener to be appointed by the Chairperson of the Board from amongst the members of the committee with the consent of the members of the Board.
- b) The Chief Executive Officer will be the Chief Executive Officer of each and every Committee.
- c) Every Committee will meet once in two months. Three members shall form a quorum .
- d) Whenever it is felt necessary, The Chief Executive Officer in consultation with the Convener of the concerned Committee may convene the meeting of the Committee at any time.
- e) The Board shall be entitled to extend the term of any Committee by a resolution for a specified period .
- f) Vacancies in each Committee by death, resignation and removal etc. of a member shall be filled in by co-option by the Chairperson of the Board for the remaining period or extended term of the Committee.
- g) At- least 3 days notice shall be given to members for ordinary meeting and one day notice for emergency or extra ordinary meeting of the Committee.
- h) The proceedings of the meeting shall be recorded in the minutes book in Form No.I.
- i) The minutes of the Committee meeting shall be forwarded to the Board for approval and for such action as deemed necessary by the Board.
- j) The minutes will be signed by the Chief Executive Officer and the Convener of the Committee.
- k) The Board in case does not approve any resolution of the Committee, shall return it with its recommendations to the Committee to pass a fresh resolution.
- l) Any member of the Committee if fails to attend three meetings in succession, shall cease to be a member of the Committee and it shall be open for the Board to fill up the vacancy by co-option.

- m) The Board may dissolve any Committee at any time in case the Committee fails to perform efficiently and thereafter appoint a fresh Committee.
- n) In addition to powers & functions prescribed in these regulations for each Committee, it shall be open to the Board to delegate additional powers and functions for specified periods by a resolution when such course appears expedient for the proper conduct of business of the Committee.

Part-IV Power of Committees
(Section 18 (2) of the Act)

- 5(1)**Budget and Finance Committee:** -(a)The Committee will examine the budget of all Waqfs where the Management is vested in any committee or is directly administered by the Board. After making such modification and observations which the Committee may consider necessary, will submit the Budget to the Board for approval. The Budget duly approved will be communicated to the concerned Mutawalli/Committee of the Waqf.
- (b) Shall inquire into the Financial irregularities in the account of the Waqf and shall report to the Board with its observation.
 - (c) Shall examine abstract of accounts of Waqfs directly administered by the Board at such intervals as may be prescribed by the Board.
 - (d) To consider proposal for new items of expenditure included in the Budget and submit proposal to the Board for approval with its observations.
 - (e) To consider re- appropriation of funds from one head of the budget to another head subject to such restrictions as is felt necessary.
 - (f) To consider revised budget estimate of Waqfs during the currency of the Year.
 - (g) To consider and implement the proposals for the improvements of the income of Waqfs directly administered by the Board and frame schemes (Bye Laws) for the Administration of such Waqfs.
 - (h) To consider and examine Audit reports of Waqfs and pass necessary order on it with reference to their financial administration.

- (i) To consider creation of a common Waqf fund to provide financial assistances to Waqfs handicapped in generating its own income to manage the Waqfs and for such purposes and cause which would be decided by the Board.
- (j) To realize annual contribution payable to Board by every Waqf, the net annual income of which is not less than five thousand rupees.
- (k) To consider all such matter which relates to finance of Waqfs.
- (l) To examine and consider the Budget of the Board, Audit report and all matters relating to finance of the Board.

5(2) a) **Land and Building Committee:** -a) To ensure that shops, houses, lands and other immovable properties rented out or leased to the best advantage of the Waqfs.

b) To consider schemes for improving the value of Waqfs property, enhancement of rent, extension of lease period with substantial increase in the amount of lease/rent and execution of agreement for rent and lease of the property with the concurrence of finance committee.

c) To arrange for the preparation of plans and estimate for repair and new construction and make necessary provision for same in the budget or arrange for Loan for new construction.

d) To consider and sanction filing of case connected with the Waqf properties before the concerned Authorities/Tribunal/Courts.

e) To sanction defending of cases connected with the Waqfs Properties when filed against the Board or its members.

f) To consider estimate of repairs of buildings as well as construction. The estimate may be passed with or without modification subject to the provision in the budget of the Waqf concerned and observance of all formalities in the matter with reference to the Waqf Act, Regulations and other prevailing provisions of rules.

g) To ensure that the properties are being used to the best advantage and benefits of the Waqf.

- h) To ensure that Mutawallies maintain all properties including Mosque, MazarDargah etc. in good state of repair and maintain assets register up to date.
- i) To ensure that the Mutawallies take proper and effective steps to protect and safeguard the Waqf properties from encroachment and whenever necessary initiate steps to remove the encroachment.
- j) To ensure that no additions and alterations are made in the Waqf Properties or any construction is undertaken in the Waqf Premises without the approval of the Board.
- k) To ensure that the Mutawalli execute Agreement of tenancy & enhance rent periodically to the best interest of Waqfs.
- l) To trace out and restore lost Waqfs and Waqf properties and arrange for its repairs, renovation or undertake new constructions thereof.
- m) To consider proposals of Mutawallies or Managing Committee of Waqfs for sale, or exchange of the Waqf properties and make recommendation there on to the Board.

- 5(3)a) **Education & religion Affairs Committee.** -(a)Subject to the provision in the budget, the Committee shall explore the possibility and means to promote education, ethical, religious and technical and make its recommendations before the Board for approval.
- b) To explore scholarships and free education for deserving candidates of weaker section of the society including Orphans subject to availability of fund with the approval of the Board.
 - c) To provide text Books, Copies, Uniforms etc. to deserving students subjects to availability of fund with the approval of the Board.
 - d) To chalk out a suitable educational system for disabled and blinds and to make necessary arrangements for availability of Fund.
 - e) To explore all such ways and mean that may be helpful for Strengthening/ Developing Waqf fund for educational requirements.
 - f) To ensure that high standard of education is being imparted in educational Institutions/Colleges and Madrassas.

- 5(4)a) **Masjid and Qabrastan Committee:-**(a) To ensure that Management of Waqfs, manage, control and provide all requisite conveniences for religions performances on adequate scale in all Mosques.
- b) To ensure that high standard of cleanliness is maintained in all Mosques & Qabrastan.
- c) To preserve and improve the attractiveness of all Mosques.
- d) To ensure that Mutawallies/ Managing committee connected with Mosques are performing efficiently, effectively and punctually.
- e) To ensure that all Mosques and its properties are well maintained and always kept in good state of repairs.
- f) To ensure that Mutawallies/Managing Committee of Waqf make proper arrangements for maintaining Qabrastan, graves and burial of dead bodies.
- g) To ensure that bodies of Muslims by religion and faith are buried in Qabrastan.
- h) To ensure that Mosques and its premises are used only for religious purposes.

**PART V – Terms & Conditions of service of Officers and Employees of
the Board
(Section 24 of the Act)**

6(1). The Board shall have the assistance of such number of officers and other employees as may be necessary for the efficient performance of its function, the details of which shall be determined by the Board in consultation with the State Govt.

2. The employment in the Board will consists of following category: -
- i. Regular appointment
 - ii. Adhoc appointment
 - iii. Contract basis appointment
 - iv. Daily wages basis appointment

3. Regular employees will carry scale of pay and posts will be classified as Group A, B and C according to norms applied in the A&N Administration.
4. Adhoc basis appointment will be made against the regular post lying vacant, for a short period which may be extended reasonably. Such appointment on Adhoc basis shall not make the appointee eligible to claim the Post on regular basis.
5. Contract basis appointment will be made against posts lying vacant on short term basis on consolidated pay and against such posts specifically created to fill in on contract basis.
6. Daily wages appointment will be on the basis of requirement of the Board such as for security purposes and to meet the requirement of office etc on the wages fixed by the Administration under minimum wages Act.
7. Recruitment rules for all regular staff will be framed by the Board which shall be vetted by the Administration and notified in the official Gazette. Guidelines will also be drawn by the Board for appointment on Adhoc basis, Contract basis and on Daily wages basis. Posts sanctioned by the Ministry of Minority Affairs will be filled in accordance with the terms & conditions of service prescribed by the Ministry.
8. **Working Hours.** The working hours of the Board will be the same as fixed by the A&N Administration for its employees, unless otherwise fixed by the Board.
9. The Board shall have the following category of staff which shall be subject to change depending upon the requirements.

1. Chief Executive Officer	- 1
2. Executive officer	-1
3. Law Officer	-1
4. Accountant	-1
5. Assistant Programmer	-1
6. Computer Assistant	-1
7. Inspector of Waqf (Male)	-1
8. L.G.C	- 2
9. Driver	- 1

10. Peon-Cum-Messenger - 1
 11. MTS - 2
 12. Watchman - 2

10. Selection procedure for engagement of the different category of Staffs

Sl. No.	Name of Post	No. of Post	Appointing Authority	Method(s) of Appointment	Qualifications
(1)	(2)	(3)	(4)	(5)	(6)
1.	Chief Executive Officer	01	UT Government	<p>By Notification in the Official Gazette from a panel of 02 names suggested by the Board. Not below the Rank of Deputy Secretary to the UT Government either on Deputation/diverted capacity/ Additional Charge/ Contract basis.</p> <p>The candidate must be a Citizen of India, a Muslim and possess Bachelors Degree of any recognized Indian Universities.</p> <p>In case of non-availability Muslim Officer of that rank a suitable Muslim Officer of equivalent Rank or the Rank of Assistant Secretary may hold the additional charge or appointed on Deputation.</p> <p>A retired Deputy Secretary or Assistant Secretary on contract basis not beyond the age of 65 years may be appointed on contract basis for a period of 06 months in the 1st instance which shall be extended to 02 years.</p>	Bachelors Degree of any recognized Indian Universities.
2.	Executive Officer	01	By Board	i. By Direct Recruitment among	Bachelors Degree of any recognized Indian

				ii. Muslim Candidate Failing which either on Deputation/Diverted capacity/ Additional Charge/ Contract basis.	Universities.
3.	Law Officer	01	By Board	By Direct Recruitment	i. Degree in Law ii. Three years Bar practice as an Advocate with Computer typing knowledge
4.	Accountant	01	By Board	By Direct Recruitment	Master of Commerce, Computer Knowledge with Tally
5.	Assistant Programmer	01	By Board	By Direct Recruitment	Master Degree in Computer Science
				By Promotion	05 years' experience in the post of Computer Assistant
6.	Computer Assistant	01	By Board	By Direct Recruitment	Bachelor of Computer Application
7.	Inspector of Waqf (Male only)	01	By Board	By Direct Recruitment	Bachelors Degree of any recognized Indian Universities.
8.	Lower Grade Clerk	02	By Board	By Direct Recruitment	12 th pass with 1 year Diploma in Computer Application
9.	Driver	01	By Board	By Direct Recruitment	i. Xth pass ii. Valid license to drive Light Motor Vehicles iii. 03 years' experience in driving iv. Proficiency in driving (to be provided at a practical test)
10.	Peon-cum-Messenger	01	By Board	By Direct Recruitment	Xth pass with two wheeler Driving License
11.	Multitasking Staff	01	By Board	By Direct Recruitment	Xth Pass
12.	Watchman	01	By Board	By Direct Recruitment	Xth Pass

Note: The pay scale of the employees of the Waqf Board shall be at par with their counterpart in Andaman & Nicobar Administration.

11. Appointing Authority: - All Appointments will be made on the recommendation of the selection Committee. Selection Committee will be constituted by the Board. The Selection Committee will have three members of the Board including Chairperson. The CEO will be the Ex-officio member of the Selection Committee. The Chairperson will be the Appointing Authority in respect of Group A, B and C posts with the approval of the Board.

12. Probation.— Appointment to all the posts shall be subject to probation or/trial for a period of two year which may be extended further by the appointing authority at his discretion. If no extension is made, the employee shall not be deemed to have been confirmed unless a specific order of conformation is passed.

13. Termination of probation.— The appointing authority may, before the expiry of the period of probation, terminate the probation of any person and discharge him from services if he is a direct recruit, after giving him one month's notice or one month's pay in lieu of notice. In case of promotion on probation, the appointing authority may revert him to his substantive post under the Board. If any leave is granted, the period of notice and leave shall run concurrently.

14. Disqualification for appointment.— Any person who has been convicted of an offence involving moral turpitude or who has been dismissed from the service of the Central Government, State Government or any local authority or any person who has been declared medically unfit, or who has concealed material particulars at the time of appointment shall be disqualified for appointment under the Board.

15. Medical Certificate.— (1) Every person appointed for the first time to a post under the Board, shall furnish a certificate of health fitness to the Chief Executive Officer. The medial certificate shall be in the following form and it shall be attached to the first bill submitted for the pay of person concerned:

“I..... hereby certify that I have examined Mr/Ms.....s/o, d/o, w/or/o whose signature is attested below, a candidate for employment asunder Waqf Board and have not discovered that he/she has any disease. (communicable or otherwise), constitutional weakness or body infirmity, except I do not consider that the infirmity is disqualification for the said employment.

(2) In case of group A employees, the certificate shall be issued by the civil surgeon of the District or the medical superintendent of Government hospital.

16. Security.— (1) The Board may demand such security as it considers necessary from any of its employees but the amount of security so demanded shall not exceed the amount of cash likely to be handled by the employee.

(2) The rules laid down in the General Financial Rules of the Government shall be followed mutatis mutandis in matter relating to security deposit. For this purpose the expression ‘State Government’ or ‘Head of Department’ wherever it occurs in the said rules, shall mean the ‘Chairperson’ and expression ‘Government servant’ wherever it occurs shall mean the ‘employee of the Board’.

17. Resignation:

1. When an employee of the Waqf Board intend to resign from his post he should tender clear and unconditional resignation to the Appointing Authority in respect of the service or post in question who is competent to accept it.

2. Resignation from service will generally be accepted straightaway.

Exceptions:-

- (a) When the officer concerned is engaged on work of importance and alternative arrangements for filling up the post may take time.
- (b) Officials against whom inquiry/ investigation is pending (whether under suspension or not).

3. In case covered by (a), resignation should be accepted only when alternative arrangements have been made.

In case covered by (b), resignation will not be accepted if it is in the public interest to pursue the disciplinary case. The Competent Authority may, however, accept the resignation-

- i. If the case does not involve moral turpitude and public claims, or
- ii. If the available evidence does not have a base strong enough to lead eventually to dismissal or removal from service, or
- iii. If further pursued of the case may get so protracted as to render acceptance of resignation cheaper for exchequer.

Acceptance of resignation in case at (b) above, is subject to prior approval of the Board in respect of group 'A' & 'B' and Chairperson in respect of group 'C' employees.

4. Resignation should not be accepted until all the departmental dues are fully adjusted.
5. The accepting will decide the date from which the resignation should become effective.
6. A resignation become effective not merely when it is accepted by the authority concerned, but only when the officer is actually relieved of his duties.
7. An official quitting his post before receiving intimation of acceptance of his resignation is liable to be proceeded against both legally and departmentally.

8. A employee quitting service on resignation will not be entitled any pension, gratuity or terminal benefits. He will however be paid suo motu, cash equivalent to the extent of half of earned leave at his credit on the date of cessation of service, subject to maximum of 150 days. HPL will lapse.
9. Withdrawal of Resignation in the following circumstances-
 - i. Before Acceptance – the resignation will be deemed to have been automatically withdrawn and there is no question of accepting the resignation.
 - ii. After acceptance, but before relief- withdrawal should normally be accepted. If rejected, grounds for such rejection should be recorded and intimated to the Government Servant.
 - iii. After relief (i.e. after it became effective) – the appointing authority may permit withdrawal in the case of permanent employees subject to the following conditions:-
 - (a) Availability of the vacated post or other comparable post.
 - (b) The resignation was tendered by the Government Servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct.
 - (c) The request for withdrawal has been made as a result of material change in the circumstances which originally compelled him to tender the resignation.
 - (d) The resignation was not tendered with a view to take up an appointment in a private commercial company or under a corporation, company, body, controlled or financed by the Government.
 - (e) The period of absence from duty between relief on resignation and resumption of duty, is not more than 90 days.
 - (f) In exceptional cases, the Board, will entertain any request to relax the limit of 90 days.

18. Date of retirement.— (1) The date of retirement of an employee of the Board shall be the date on which he attains the age of 60 years. He may be retained in service after the said date, in exceptional circumstances with the sanction of three fourth members of the Board in the interest of waqf, provided that he is medically fit but shall not be retained in service after the age of 62 years.

(2) No extension shall be granted for more than one year at a time. The medical fitness, as aforesaid, shall be certified before such extension.

(3) Notwithstanding anything contained in these Regulations, the appointing authority shall, if it is of the opinion that it is in the interest of Auqaf so to do, have the absolute right to retire an employee of the Board by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice—

(a) if he is, in group A or group B service or post in a substantive, Permanent or temporary capacity, after he has attained the age of 50 years;

(b) in any other case, after he has attained the age of 55 years.

19. Service Book.— (a) A service book shall be maintained in the form prescribed by the Government for its employees, for every employee of the Board. The service book shall be the record of the service of the employee;

(b) The Chief Executive Officer shall be responsible for the correct and upto date maintenance of the service book. He shall record an annual certificate of verification in the service book of the employees as early as possible after the end of every year.

20. Character roll.— In addition to the service book, character roll shall be maintained by the Chief Executive Officer. Character roll shall be maintained in such form as may be specified by the Board in which censures, other punishments and commendations shall be entered. Adverse remarks against any employee, if any, shall be communicated to him within six months. It shall contain a yearly report on the work of employee concerned. Every year in the month of April the Chief Executive Officer shall enter his report on the work of each employee under him for the preceding year. The report shall be forwarded to the Chairperson who will record his

comments, with his signature and date. The reports of all the employees with the comments of the Chairperson shall then be kept by the Chief Executive Officer in safe custody.

21. Promotion and efficiency.— (a) all promotions to higher grade or ranks shall be on the recommendation of Appointment Committee, on the basis of merit-cum-seniority-cum-fitness;

(b) there shall be no bar for reverting an employee from a higher post to which he may have been promoted on an officiating or trial basis, if he is not found up to the mark;

(c) annual or periodical increments in pay scales shall not be allowed as a matter of course and normally an employee against whom there has been an adverse report during a year shall not be allowed his increments until he earns a good report.

22. Advance increment.— The Board, may in exceptional circumstances, grant increment in advance to an employee in consideration of his special qualifications, experience and conduct.

23. Seniority.— The relative seniority of employees in any grade shall be determined according to the dates of continuous appointment to the grade. Employees promoted on the same date shall keep the position inter se which they held in the lower grades from which they were promoted. Seniority of persons recruited directly shall be determined according to the order of merit indicated at the time of selection for appointment.

24. Reduction of establishment.— When a post is abolished, the junior most employee in the grade shall be discharged or reverted to the next post below.

25. Order for abolition of posts.— (a) an order for abolition of a post or for reduction of the post of an employee shall not be brought into operation in the case of a permanent employee before the expiry of three months after the notice has been given to the employee affected and in other cases before the expiry of one month after the service of notice;

(b) in the case of an employee on leave, the order shall not be brought into operation before the leave expires, but the leave and the period of notice shall run concurrently.

26. Casual leave.— Eight days' casual leave in a calendar year or as determined by the Board shall be admissible to the employees of the Board.

27. Earned leave.— The employees of the Board shall be governed by the leave rules applicable to the employees of the Government, as amended from time to time, or otherwise as may be determined by the Board.

28. Disciplinary Authority.— (1) The Chairperson shall be the disciplinary authority in the case of group A, B and C employees.

(2) The Chief Executive Officer shall be the disciplinary authority in the case of group D employees.

29. Suspension.— (1) The appointing authority may by general or special order, place an employee of the Board under suspension for a period of six months—

(a) where disciplinary proceeding against him is contemplated or is pending;

(b) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of auqaf; or

(c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(d) the Board may, for reasons to be recorded, extend the period of suspension for a further period a period of six months, or until such period as may be decided by the Board.

(2) During suspension, an employee shall be entitled to subsistence allowance at 50% of the average monthly pay earned by him during the twelve months immediately preceding the month in which he is suspended.

(3) after six months, the payment of subsistence allowance may be reviewed by the Board.

(4) An employee of the Board shall be deemed to have been placed under suspension by an order of the appointing authority—

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours;

(b) with effect from the date of his conviction, if he is not dismissed or compulsorily retired consequent to such conviction.

(5) disciplinary proceedings in the case of a suspended employee shall be completed within six months or within such period as may be fixed by the Board.

30. Penalties.— (1) The following penalties may for good and sufficient reasons be imposed on an employee of the Board, namely —

(a) Minor

(i) censure;

(ii) withholding of increments and promotion;

(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of order;

(b) Major

- (i) reduction to a lower class of post or to lower time scale or to lower stage in a time scale;
- (ii) compulsory retirement of an employee in permanent employment;
- (iii) removal from the service of the Board;
- (iv) dismissal from the service of the Board.

(2) The following shall not amount to a penalty within the meaning of this regulation—

(a) non-promotion, whether in a substantive or an officiating capacity of an employee, after consideration of his case, to a service, class or post for promotion on which he is eligible;

(b) reversion to a lower service, class or post of an employee, officiating in a higher service, class or post on the ground that he is considered, after trial to be unsuitable for such higher service, class or post on administrative grounds unconnected with the conduct.

31. Procedure for imposing major penalty.— (1) No order imposing any of the major penalties, specified in clause (b) of sub-regulation (1) of regulation 28 shall be passed against an employee of the Board (other than an order based on facts which have led to his detention for more than 48 hours or conviction by criminal court), unless he has been informed in writing of the grounds on which action is proposed to be taken and has been afforded an opportunity of defending himself. The grounds, on which action is proposed to be taken, shall be reduced to definite charge or charges which shall be communicated to the person charged, together with a statement of allegations on which each charge is based and any other circumstances proposed to be taken into consideration in passing orders on the case. He shall be required within a reasonable time to put in a written statement of his defense and to state whether he desires to be heard in person. If he so desires, or if the authority concerned so directs, an inquiry shall be held. At that inquiry, oral evidence shall be heard and recorded as to such of the allegations as are not admitted and the person charged shall be entitled to

cross examine witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the inquiring officer may, for sufficient reasons to be recorded, refuse to call a witness. The proceedings shall contain record of the evidence, a statement of the findings and the grounds thereof. The disciplinary authority shall consider the record of the inquiry, record its findings on each charge and pass appropriate order thereon.

(2) These Regulations shall not apply where the person concerned has absconded, or where for other reasons it is impracticable to communicate with him. All or any of the provisions of this regulation may, in exceptional cases for sufficient reasons to be recorded, be waived off by the Board, where there is difficulty to observe exactly the requirements of these Regulations without doing injustice to the person charged.

32. Procedure for imposing minor penalty.— No order imposing any of the minor penalties specified in clause (a) of sub-regulation (1) of Regulation 28 shall be passed except after the employee is informed in writing of the proposal to take action against him and of the allegation on which action is proposed to be taken and given an opportunity to make a representation.

33. Termination of services.— Services of an employee can be terminated—

(a) in the case of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;

(b) in the case of a person appointed otherwise than under a contract to hold a temporary appointment, on the expiration of the period for which he was appointed; and

(c) in the case of a person employed under an agreement in accordance with the terms of such agreement.

34. Pay and allowances on re-instatement.— (1) When an employee who has been dismissed, removed or suspended, is reinstated, he may be allowed the difference between full pay with allowances and the subsistence grant, at the discretion of the Disciplinary Authority. In such a case the period of absence from duty shall be treated as a period spent on duty for all purposes.

(2) The pay and allowances of an employee who is removed or dismissed from service shall cease from the date of removal or dismissal. Leave shall not be granted to an employee when the authority competent under these Regulations to impose the penalty, has decided to dismiss, remove or compulsorily retire him from the service of the Board.

35. Appeal.— (1) An appeal in the case of group A, B and C employees shall lie to the Board and that of group D employees shall be to the Chairperson.

(2) An employee may appeal to the Appellate Authority from an order by any subordinate authority imposing any of the penalties mentioned in Regulation 28

(3) An appeal shall also lie against—

(a) an order reverting an employee to a lower class or post, officiating in a higher class or post otherwise than as a penalty; and

(b) an order determining the pay and allowances for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose.

36. Forms and contents of appeal.— (1) An appeal shall be preferred within one month of the date on which the appellant was informed of the order appealed against

(2) It shall contain all material statements and arguments relied on by the appellant and shall contain no disrespectful or improper language and shall be complete in itself.

(3) Every such appeal shall be submitted through the Chief Executive Officer or through the authority from whose order the appeal is preferred.

37. Withholding of appeal.— (1) The authority which made the order appealed against may withhold an appeal if—

(a) It is an appeal against an order from which no appeal lies; or

(b) It does not comply with any of the provisions of regulation 34; or

(c) It is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that an appeal withheld on the ground that it does not comply with the provisions of sub-regulations (2) or (3) of regulation 34 shall be returned to the appellant and if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons thereof.

38. Transmission of appeal.— (1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under Regulation 35 and thereupon such appeal shall be transmitted to that authority together with the comments thereon with the relevant record.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under Regulation 35 and thereupon such appeal shall

be transmitted to that authority by the person withholding the appeal and the relevant record.

39. Consideration of appeal.— (1) In the case of appeals the appellate authority shall consider—

(a) whether the procedure prescribed in these Regulations has been complied with, and if not, whether such non compliance has resulted in failure of justice; and

(b) whether the penalty imposed is excessive, adequate or inadequate and after such consideration, pass such order as it thinks proper.

40. Implementation of order in appeal.— The authority which made the order appealed against, shall give effect to the order passed by the appellate authority.

41. Service condition: - Regular employees of the Board shall be governed generally by the set of rules prescribed and applicable to the servants of the Central Govt: and the employees of the Andaman & Nicobar Administration except for posts sanctioned by the Ministry of Minority Affairs for which the service conditions and qualifications are prescribed by the Ministry.

42. Leave Entitlement: - The staff of the Board will be governed in the matter of admissibility of leave by the leave rules applicable to the employees of the Administration.

43. Scale of pay: - Regular posts will carry scale of pay as admissible to the employees of that category in the Administration. Posts sanctioned by the Ministry of Minority Affairs will carry such scale pay or wages as prescribed by the Ministry.

44. Social Security Benefits viz. Provident Fund, Death-cum-Retirement Gratuity, Pension Scheme etc of Employees :

- i. The employees of the Board shall be eligible to be covered under Employees Provident Fund and shall also be eligible for pensionary benefits as admissible under Employees Provident Fund & Miscellaneous Provisions Act, 1952.
- ii. Gratuity - the Employees of the Board who have rendered continuous service for at least five years shall be eligible for Death-cum-retirement gratuity as admissible under Payment of Gratuity Act, 1972.

PART VI-REGISTRATION WAQFS.

(Section-36 and 37 of the Act)

45. (1).Application for Registration - An application for registration of Waqf shall be made by the Mutawalli in **Form-II** along with copy of scheme (Bye-laws) framed for the Administration and management of Waqf. The Board shall supply such form to the Mutawalli of Waqfs free of cost.

- a) On receipt of application for registration, the Chief Executive Officer or any authorized Person by the Board in this behalf may before registration of Waqf make such enquires as may be considered necessary or may require the applicant to supply any further particulars or information in respect of the Waqf and its property. The Chief Executive Officer or the authorized Person, in case finds any irregularity or discrepancy in the correctness of any particular, the matter will be placed before the Board. The decision of the Board shall be final.
- b) The Board shall maintain register of Waqf registration which shall contain detail of information in respect of each Waqf as prescribed in **Form-II**.
- c) Every change in the management of Waqf shall be notified to the Board timely by the Mutawalli of the Waqf.
- d) Every Waqf created before or after the commencement of Waqf Act, shall be registered at the Office of the Waqf Board.

- e) Waqfs registered before the commencement of the Waqf Act under any Law shall be deemed to be a registration made under the Waqf Act and it shall not be necessary to register such Waqf under the provision of the Waqf Act.
- f) The fee for registration of each Waqf shall be Rs.500/-
- g) The Board may direct the Mutawalli(Secretary) to apply for registration or furnish requisite information to the Board to cause the Waqf registered or may at any time amend the register of Waqfs.
- h) In the event of failure on the part of Mutawalli(Secretary) to apply for registration or furnish the requisite information, the Board shall issue a notice to the Mutawalli (Secretary) or the person who is administering the Waqf to show cause within 30 days as to why the said Waqf should not be registered by the Board. The Board shall consider the reply or objection received in the matter and pass appropriate order for the registration of the Waqf. The order of the Board shall be final unless otherwise modified by the Tribunal.
- i) The board at any time may amend the register of Waqfs.

46. Suo-motu registration:-The Chief Executive Officer, on receipt of information that any waqf is not registered with the Board, may require an officer of the Board to conduct local inquiry and on the report of the officer, if he is of the opinion that it is a waqf, to be registered under the Act, he shall issue notice to the person who is administering the waqf, to show cause as to why the said waqf should not be registered. The Chief Executive Officer shall consider the objection, if any, and pass appropriate order.

47.The register of auqaf:- The register of auqaf shall show in the remarks column the past and present position of the waqf, and utilization of its income as per the wishes of the waqif.

Parts-VII. Budget and Accounts of Waqf
(Section 44 , 46 & 78 of the Act)

48. (1)The Mutawalli of the Waqf shall prepare the budget every year and shall submit the same to the Board at least 90 days before the beginning of financial year for approval.

- a) The Financial year of all Waqf shall commence from 1st April each year.
- b) The Mutawalli shall make adequate provision in the Budget for:-
 - i) Carrying out the objects of the Waqf.
 - ii) Maintenance & Preservation of Waqf Properties.
 - iii)For discharging of all Liabilities and subsisting Commitments binding on the Waqf under the Waqf Act or any other law for the time being in force.
- c) In the course of Financial year, the Mutawalli may modify the provision made in the budget under different heads for which the mutawalli may submit a supplementary or a revised budget to the Board for approval.
- d) The Board may give such directions for making alterations, omissions or additions in the budget as it may deem fit, consistent with the objects of the Waqf and the provision of the Act.
- e) Every Mutawalli shall keep regular accounts of Waqfs and before the 1st day of May every year shall prepare and furnish to the Board a full and true statement of accounts of Waqf for the period of 12 months ending on 31st day of March, provide the date on which the annual accounts are to be closed may be varied at the discretion of the Board.
- f) Subject to provision in the bye-laws of the Waqf, Mutawalli/Committee shall have full power for expenditure sanction in respect of items included in the budget subject to limitation of provisions if any made in the Scheme (Bye-law).
- g) For items not included in the budget, expenditure upto Rs.10000/- (Rupees Ten thousand only) may be incurred by the Waqf in each

case at a time provided saving is expected and proposals for re-appropriation of fund is submitted to the Board.

PART- VIII BOOKS OF ACCOUNTS AND REGISTERS

(Section 79 and 110(l) of the Act)

49. (I) The Board shall maintain such books of accounts in manner as are deemed necessary such as:-

- 1) Budget Register/File
 - 2) Grant in Aid Register
 - 3) Receipt & Expenditure Register
 - 4) Annual Contribution Register
 - 5) Cash Book
 - 6) Cheque issue Register
 - 7) Loan Register
 - 8) Advance Register
 - 9) Amanat Register
 - 10) Stationery Purchase & Issue Register
 - 11) General Ledger
 - 12) Stock Book
 - 13) Property Register
 - 14) Rent Account Register
 - 15) Cash deposit and Withdrawal Register
 - 16) Registration of Waqf and Waqf Property Register
 - 17) Minutes Book
 - 18) Any other book of account maintenance of which is felt necessary.
- a. Cash books, Cheque books, all valuable documents and books of Accounts shall be kept in safe custody under lock and key.
 - b. Cash deposit withdrawal register shall show daily deposit and withdrawal from the Bank.
 - c. All money received by the Board shall be deposited into the Bank.

- d. Cash book shall be closed daily if there is transaction by striking total of payments and receipts with supporting vouchers to be numbered serially and file properly.
- e. Accounts of every month shall be closed before the 10th day of the succeeding month.
- f. Entries in cash book shall be reconciled with the statements of receipt & expenditure received from the bank and in case of any discrepancy, the error will be rectified.
- g. Receipt shall be issued for all money received by the Board.
- h. Every payment order should clearly mention whether it is by cheque or by cash.
- i. Every item of expenditure shall be through bill and all payments will be made after the bills/claim are duly scrutinized, verified and passed by the Chief Executive officer/Chairperson.
- j. All bills/claims that have been paid shall be numbered serially and properly filed
- k. Every payment made out of Board fund shall be sanctioned by the Chief Executive Officer or in his absence by the Chairperson.
- l. All books of accounts and entry in all registers shall be kept upto-date.
- m. The Board in all matters relating to accounting, finance and maintaining of records upto-date entrust the responsibility to its employees by adopting a resolution, the said employee shall be responsible for the entire accounting system of the Board including preparation of budget etc. and shall check all receipts and payments, scrutinized all bills and maintain vouchers file etc. and initial each and every entry before the documents, books of accounts and registers are presented to the Chief Executive Officer/Chairperson for signature.

IX – ALLOWANCE AND FEE TO MEMBERS OF THE BOARD/COMMITTEE
(Section 110 (d) of the Act)

- 50.** (a) Every member of the Board who perform journey to attend the meeting of the Board or travel to attend training and meeting etc. inside Union Territory or outside Union Territory or travel in connection with any work relating to the Board or for taking stock and inspection of Waqfs shall be entitled to “Travelling and Daily Allowances” for their Journey and stay.
- a. The rate for payments of TA,DA and amount of incidental charges to Chairperson and members of the Board and Committees members shall be determined and fixed by the Board.
- b. The Members of the Board shall be eligible for sitting fees @ Rs. 3500/- for Chairperson and @ Rs. 3000/- for other Members per sitting.
- c. The Members of the Board shall be entitled to following class of fare and incidental charges for their journey.

Inside Union Territory

- i) By Helicopter --- Actual fare
- ii) By Ship --- Deluxe Cabin/First Class Cabin
- iii) By Road ---Conveyance Subjects to availability Actual Fare.
- iv) Incidental Charges --- To be fixed by the Administration or by the Board

Outside Union Territory

- i) By Air ----- Economy Class
- ii) Incidental Charges ----- To be fixed by the Administration or by the Board.
- d. The Members will avail the accommodation according to their entitlement in the State owned Guest Houses. In case of non-

availability of accommodation in Guest Houses, the members will seek accommodation in Hotels according to their entitlement.

The entitlement of accommodation for Chairperson and members of the Board in the State-owned Guest Houses shall be prescribed by the Andaman & Nicobar Administration.

- e. Members shall not draw TA for attending the meeting whose place of residence is within the radius of 8 k.m from the Board office or the place of meeting.
- f. Officers of the Andaman & Nicobar Administration posted in the Board shall be entitled to such travelling and daily allowance as are admissible to them under the rules applicable to Government Officials.

PARTS -X MISCELLANEOUS AND GENERAL MATTERS

(Section (110 (2), (j), (k) & (l) of the Act)

- 51.** (1) The Board shall have the following power & function to regulate the other activities and function of Waqfs & Board.
- a) The Chairperson or the Chief Executive Officer shall authenticate the Order and decision of the Board.
 - b) All correspondences emanating from the Board and all correspondences made with the Board shall be in the name of the Chairperson or the Chief Executive Officer of the Board.
 - c) The common seal shall be in the custody of the Chief Executive Officer.
 - d) All the recommendations or decisions of the Committees appointed by the Board shall be placed before the Board for approval.
 - e) Fees payable for inspection of proceedings and records of the Board or for issue of copies of the same shall be equivalent to the amount prescribed under the R.T.I Act.
 - f) To frame Scheme lay down general principles and policies for the better Administration of Waqfs.

- g) To review Administration of the secular activities of Waqfs generally and to suggest improvement, if any.
- h) To ensure that the provisions of the Act, Rules, Regulations and the Lawful orders and directives of the Board are followed by Waqfs Management.
- i) For any matter of General interest not mentioned above, it shall be open for the Board to take up the matter and decide by a resolution in the Board Meeting.

PART-XI FUNCTION AND DUTIES OF MUTAWALLI OF WAQF

(Section – 36,42,44,46,47,50,68 & 69 of the Act)

- 52.** (1) Subject to such duties and responsibilities prescribed in this regulation under the Provisions of the Act, the Mutawalli shall be responsible for the following function:-
- a) To apply for registration of Waqf.
 - b) To supply information or particulars in respect of Waqf as required by the Board.
 - c) Allow inspection of Waqfs Properties, accounts, records or deeds and all documents relating there to.
 - d) To deliver possession of Waqf Property, if ordered by the Board or Tribunal.
 - e) To carry out orders and directions of the Board.
 - f) To discharge public dues etc.
 - g) To do any act which he is lawfully required to do by under the provision of the Act or Rules/Regulations made there under.
 - h) To Frame scheme (Bye-laws) consistent with the provisions of Act for proper administration of Waqf.
 - i) To conduct election for the New Managing Committee for the Waqf before the terms of existing Management expires, under the Guidance & supervision and approval of the Board.
 - j) To notify change in the Management of Waqf and accordingly intimate the Board.

- k) The Mutawalli shall not make any addition/alteration in the Waqf or its Property or undertake any construction or change in tenancy or creation or transfer of tenancy of the Waqf Property without the approval of the Board.
- l) To execute Agreements of tenancy.
- m) The Mutawalli shall not keep more than Rs. 10000/- (Rupees Ten thousand) with him in his custody. An amount exceeding Rs. 10000/- (Rupees Ten thousand) shall be deposited with the scheduled Bank.

PART-XII -DUTIES AND RESPONSIBILITIES OF EXECUTIVE OFFICER
(Section-38 of the Waqf Act)

53. (1) Every Executive Officer appointed by the Board on whole-time or part-time basis or in an honorary capacity shall work under the direction, control and supervision of the Board.

- a) The Executive Officer shall ensure that the Waqf to which he has been appointed is properly managed and administered.
- b) He shall ensure that the budget of the Waqf is submitted, the accounts of Waqf are regularly maintained and the yearly statements of accounts are timely submitted to the Board.
- c) He shall not interfere with any religious duties or any usage or custom of the Waqf sanctioned by the Muslim law.
- d) He shall exercise such Powers and discharge such duties relating to the Waqf and its Properties which are prescribed by the Board from time to time and assigned to him.

PART-XIII FUNCTION AND POWER OF THE CHIEF EXECUTIVE OFFICER

(Section- 23, 25, 29, 33, 45, 54, 73, 78, 80, 105 and 110 (2) (1))

54. (1) Subject to the provisions of the Act and the rules made there under, the function and the Chief Executive Officer shall include:-

- a) The Chief Executive Officer shall be ex-officio secretary of the Board and shall be under the Administrative control of the Chairperson.
- b) The Chief Executive Officer shall work under the general supervision and control of the Chairperson.
- c) The Chief Executive Officer shall give effect and execute all decisions and resolutions of the Board and carry out the instructions and directions that may from time to time be given by the Board or by the Chairperson of the Board.
- d) The Chief Executive Officer shall have Power of inspections of Waqfs, its Property and all records, accounts and documents relating there to.
- e) The Chief Executive Officer duly authorized by the Board shall be entitled to inspect, in any public office, any records, registers or other documents relating to Waqf or Properties claimed to be a Waqf Properties.
- f) The Chief Executive Officer shall initiate action for removal of encroachment from any land, building, space or other Property of the Waqf
- g) The Chief Executive Officer shall have the Power to direct Banks or any person with whom any money belonging to a Waqf is deposited, to pay the contribution, leviable under section 72 of the Act, out of such money as may be standing to the credit of the Waqf in such bank or may be deposited with such person.
- h) The Chief Executive Officer shall in every year prepare budget of the Board for the next financial year including Waqfs under the direct management of the Board and shall maintain such books of accounts and other documents in relation to the accounts .
- i) The Chief Executive Officer shall arrange for audit of the Accounts of the Board.
- j) The Chief Executive Officer shall require any person having the custody of any records, register, report or other documents relating to Waqf or its Property to furnish subject to payment of

costs copies of or extract from any such record, register, report or documents.

- k) The Chief Executive Officer shall be the custodian of all records and documents and shall ensure that all records, books of accounts and valuable documents are properly maintained and kept in safe custody.
- l) The Chief Executive Officer shall prepare annual report on the performance and activities of the board and the Waqf under the management of the board.
- m) The Chief Executive Officer shall have the Power to pass all bills after obtaining sanction from the Chairperson and shall exercise Powers of incurring expenditure of miscellaneous nature subject to such limit as may be imposed by a resolution of the Board.
- n) The Chief Executive Officer shall have the Power to call reports, returns, budget and other documents and such information from the Mutawallies of Waqfs as required by them.
- o) The Chief Executive Officer shall ensure that every expenditure is incurred with Proper sanction.
- p) The Chief Executive Officer shall be responsible for ensuring proper representation of the Board in all civil suits, appeals and proceedings, instituted by or against the Board or its members in the capacity as members of the Board and may for this purpose appoint with the permission of the Chairperson, legal practitioners to act for the Board for such fee as the Board or the Chairperson may have approved. All affidavit in this regard shall be signed by the Chief Executive Officer.
- q) The Chief Executive Officer shall bring all financial irregularities to the notice of the Chairperson and the Board.
- r) The Chief Executive Officer generally do all such acts as may be necessary in the interest of the Board and Waqfs.

- s) The Chief Executive Officer shall exercise such Powers and such duties as are assigned to him or delegated to him by the Board under the Act from time to time.

PART-XIV- FUNCTION AND POWER OF THE CHAIRPERSON OF THE BOARD

(Section- 110(2) (1))

55. (1). The function and Power of the Chairperson shall include:-

- a) a)The Chairperson shall be the Chief Administrative Officer of the Board and shall be responsible for the proper functioning of the machinery set up by the Board.
- b) The Chairperson shall preside all the meetings of the Board at which he is present.
- c) The Chairperson shall direct the Chief Executive Officer in discharging his duties and shall exercise generally over the execution of the decisions and the orders of the Board.
- d) The Chairperson shall fix date and time for ordinary meetings of the Board at his own instance or on special request from at least 3 members of the Board for an urgent or special meeting if such contingency arises.
- e) The Chairperson shall ensure that the order and discipline in the meeting of the Board and the Committee in which he is present is maintained.
- f) The Chairperson shall have Power to order any urgent inquiry in respect of any matter connected with the administration of any Waqf and for that purpose he may by an order authorize the Chief Executive Officer or any member of the Board or its officers or servants to enter into such property or office and the findings of such inquiry shall be placed by the Chairperson at the meeting of the Board.
- g) The Chairperson shall have the Power to nominate a member of the Board to discharge his duty during his absence from the Head quarter exceeding 10 days.

- h) Subjects to provisions made in the budget, the Chairperson shall have full Power of expenditure sanction, for items not included in the budget, the Chairperson may incur expenditure to the extent of Rs. 25000/- in each case at a time and proposal for re-appropriation of fund in such manner duly passed by the Board be submitted to the Administration.
- i) The Chairperson shall exercise all such Powers which are delegated to him and discharge all those duties which are assigned to him by the Board.
- j) The Chairperson shall be responsible to the Board in all matters relating to functioning of the Board.

56. Repeal & Savings (1) The Andaman & Nicobar Islands Waqf Board Regulations, 1981 is hereby repealed.

(2) Notwithstanding such appeal, anything done or any action taken under the said Regulations shall deemed to have been done or taken under the corresponding provisions of this Regulations.

57. Power to remove difficulties (1) If any difficulty arises in giving effect to the provisions of this Regulations, the State Government may by an order not inconsistent with the provisions of the Act, remove the difficulty:

(2) Provided that no such order shall be made after the expiry of the period of one year from the commencement of this Regulations.

Lieutenant Governor (Administrator)

Andaman & Nicobar Islands

By order and in the name of the Lieutenant Governor

Deputy Secretary (Revenue)

(Name of State or U.T.)..... WAQF BOARD

FORM NO. I
[Regulation 4(2)(i)]

**MINUTE BOOK OF THE MEETING OF THE BOARD AND THE
COMMITTEES**

Date	Name of members present	Resolution	Name of mover	Name of seconder	Amendment moved	Substance of discussion held	Result of the Motion Favour Against		Form of resolution adopted and carried	Remark
1	2	3	4	5	6	7	8	9	10	11

(Name of State or U.T.)..... WAQF BOARD

FORM-II

(REGULATION 42)

**APPLICATION FOR REGISTRATION OF WAQF
UNDER SECTION 36 OF THE WAQF ACT, 1995**

To

The Chief Executive Officer,

.....
.....
.....

Sir,

I s/o, w/o
.....resident of
being the mutawalli of waqf/beneficiary/person interested in the
waqf properties which have been described below, do hereby apply
for the registration of the said waqf under section 36 of the Waqf Act,
1995.

1. Description of waqf properties—
 - (a) List of property and its description with estimated value.
 - (b) Municipal number, if within municipal limits.
 - (c) Khatian and khasra number.
 - (d) Area leased out to tenant.
 - (e) Area of land under self possession.
 - (f) Encumbrances and allowances, if any, and persons, bodies or institutions in actual physical possession of the same.
2. Gross annual income from such properties.
3. The amount of land revenue, cesses, and rates and taxes payable annually in respect of waqf properties.
4. Estimate of expenses annually incurred in the realisation of the income from waqf properties—

- (a) In case of immovable properties, cost annually incurred to a maximum of 12.5% of the gross income;
 - (b) 1% in the case of income from securities, debentures share dividends, etc.;
 - (c) 1% in the case of income from fixed contributions in lumpsum such as (i) regular allowance paid by a trust fund or (ii) when the entire waqf property has been let out; and
 - (d) 1% in case of the cash value of crops which do not require the employment of a collection staff.
5. List of expenditure directed by the waqif or according to waqf deed or usage or customs for—
- (a) salary of mutawalli and allowances to individuals;
 - (b) expenses for charitable purposes;
 - (c) expenses for religious purposes;
 - (d) expenses for other purposes;
6. A correct statement of the accumulated income out of the waqf properties in cash or kind.
7. The rule of succession to the office of mutawalli under the waqf properties.
8. The manner in which the waqf is administered at present, that is, whether under a scheme settled by a court of law or by a popularly constituted Committee.
9. Name of waqif
10. Name of mutawalli(s) with present addresses.
11. Year and date of the waqf deed.
12. List of papers submitted.

V E R I F I C A T I O N

I solemnly declare that the above statement is true to my knowledge and that I have not concealed anything.

Signature:
Address:
.....
.....

N.B.— A copy of the Waqf Deed should be annexed with every such application where no deed was drawn up at the time of the creation of the waqf, the applicant should write a brief history and full particulars of the origin, nature and object of the waqf and of all other necessary facts to his knowledge.