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Part IV of the "Madhya Pradesh Wakfs (Amendment) Act, 1964" dated the 30th October 1964.

M. P. WAKFS BOARD, BHOPAL

Bhopal, the 21st September, 1964.

(1964-1965).—In exercise of the powers conferred by section 68 of the Wakf Act, 1954 (No. 29 of 1954), the Madhya Pradesh Wakfs Board, with the previous sanction of the Madhya Pradesh Government, hereby makes the following regulations, namely:—

1. Short title and commencement.—(i) These regulations may be called the Madhya Pradesh Wakfs Board Regulations, 1964.

(ii) They shall come into force at once.

2. Definitions.—(i) In these regulations, unless the context otherwise requires,—

- (a) "Act" means the Wakf Act, 1954;
- (b) "Board" means the Madhya Pradesh Wakf Board;
- (c) "Chairman" means the Chairman of the Board or a committee, as the case may be, and includes a person presiding for the time being at a meeting of the Board or a committee;
- (d) "Committee" means a committee of the Board established or appointed under the Act;
- (e) "Fund" means the Wakf Fund formed under section 48 of the Act;
- (f) "Form" means a form appended to these regulations;
- (g) "Government" means the Government of Madhya Pradesh;
- (h) "Rules" means the Madhya Pradesh Wakf Rules, 1960;
- (i) All other words and expressions used but not defined in these regulations shall have the meanings respectively assigned to them in the Act and the Rules.

3. Time and place of the meetings.—(i) The office of the Board shall be situated at Bhopal and the meetings of the Board shall be held at its office or in special circumstances at such other place in Madhya Pradesh as the Board may fix for the purpose.

(ii) The meetings of the Board shall be convened by the Secretary who shall fix the date and time of the meeting in consultation with the Chairman. No consultation shall be necessary for convening the first meeting of the newly established Board or during the absence of the Chairman on leave or otherwise for a period of more than a month.

4. Ordinary and special meetings.—(i) The Board may ordinarily meet for transaction of its business at least once in every month and as often as necessary.

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the Chairman or at least one half of the members of the Board shall call a special meeting. If a meeting is not held within twelve days after the receipt of the requisition made by members in writing, the requisition may call the meeting.

5. Notice of the meeting.—(1) A notice specifying the time, date, place of the meeting and the business to be transacted thereat shall be given to each member and shall be affixed at the office of the Board ten clear days before an ordinary meeting and five clear days before a special meeting.

(2) Notice of meetings may be sent by post under certificate of postage and may be served personally.

(3) No meeting shall be invalid due to any defect in the form of the notice.

6. Quorum of the meeting.—(1) Five members including the Chairman shall form a quorum.

(2) If at a meeting of the Board the quorum is not present within half an hour of the time appointed for the purpose, the meeting shall stand adjourned to a later hour on the same day or to some other day as may be fixed by the Chairman. No quorum shall be necessary at such adjourned meeting.

(3) No notice shall be necessary if a meeting is adjourned to a later hour on the same day otherwise a notice shall be given to all members of the Board.

7. Procedure and conduct of the business at the meetings.—(1) The Secretary shall prepare an agenda of the business to be transacted at any meeting.

(2) A copy of the agenda shall be forwarded to every member and also displayed on a notice Board at the office of the Board.

(3) The agenda shall set forth clearly and fully the business to be transacted at the meeting and no business other than that so set forth shall be transacted except with the permission of the Chairman or with the assent of the majority of the members.

(4) Every business that may be transacted at a meeting shall be brought forward according to the order as prescribed in the agenda. In case a proposal is proposed by any member to give priority to any particular item of the business, the Chairman shall put the proposal before the meeting and shall be guided by the majority of votes of the members present.

(5) At an ordinary meeting the business shall be conducted in the following order:—

- (a) The minutes of the last ordinary meeting and of any special meeting held thereafter shall be read and if approved as correctly recorded shall be signed by the Chairman of the meeting.
- (b) Business postponed from the last ordinary meeting shall be considered.
- (c) Letters and reports of the committees, if any, shall be read and accounts and statements shall be considered and passed.
- (d) Other business fixed for the meeting shall then be transacted.
- (e) Motions of which due notice has been given shall be discussed.

- (f) A member while speaking shall not be interrupted except on a point of order or while seeking information on a personal explanation by a member.
- (g) On a point of order being raised or when the Chairman is speaking the member speaking shall resume his seat.
- (h) The Chairman shall decide all points of order that may arise at a meeting. If any question arises with reference to the procedure or any question of law, he may refer such matter for legal advice to any committee or person appointed by the Board.
- (i) Any member may move closure of the debate. Every closure so moved shall be put to vote.
- (j) No member shall be allowed to speak twice except by way of reply.
- (k) On closure being accepted, the mover of the motion shall have a right of reply.
- (l) The mover of an amendment shall not have any right of reply.
- (m) Any member may move a motion for adjournment of meeting or adjournment of discussion at any time in the course of meeting. Every motion so moved shall be put to vote. If a motion for adjournment of meeting or discussion on any item is allowed the meeting or such discussion shall stand postponed to a later hour of the same day or to any other day.
- (n) The Chairman shall preserve order at a meeting of the Board and shall have power not to allow any matter to be put at a meeting which he deems to be frivolous, vexatious or offensive. If a member fails to comply with the orders of the Chairman, the Chairman may direct such member to withdraw immediately from the meeting and the member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting unless permitted by the Chairman to attend again.
- (6) At a special meeting only the business for which the meeting was requisitioned shall be considered.
8. Minutes of the meeting.—(1) The minutes of the proceedings of every meeting of the Board with names of members present shall be recorded by the Secretary in a book specially kept for the purpose and signed by him and also the Chairman after confirmation at the next meeting.
- (2) Protests or dissents shall be handed over to the Chairman before or after the conclusion of the meeting at which a resolution protected against was passed except in the case where the Chairman permits to hand it over on the day following the said meeting.
- (3) The protest or dissent duly made shall be recorded in the minutes.
- (4) The minutes shall be open to inspection to the members during the office hours.
9. Notice of motions and amendments thereto.—(1) Any member may give notice of a motion intended to be included in the agenda of the meeting at least

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seven days before the day of the meeting. Notices received thereafter shall be included in the agenda for the next succeeding meeting.

(2) All motions shall relate to a subject within the competence of the Board.

(3) The members who gave notice of original motion may withdraw the motion with the permission of the Chairman.

(4) Any member may give notice of amendments to a motion at any time before the commencement of the meeting and if permitted by the Chairman during the course of the meeting.

(5) No amendment to a motion can be moved which may negative the effect or the original motion.

(6) Every amendment shall be relevant to the subject matter of the motion.

(7) Every motion or amendment shall be in writing and shall be duly seconded.

(8) The decision of the Chairman shall be final regarding admissibility of the motion or amendment.

(9) The Chairman may allow any amendment to be moved first and if negatived, he may take up the other or any one of the amendments till one is accepted or all are negatived.

(10) Any member may authorise another member to move a motion given notice by him for consideration. In the absence of such authorisation, the motion shall not be considered when the mover is not present at the meeting. If he makes no authorisation and remains absent at the subsequent meeting, the motion shall be dropped from the agenda.

10. **Proposals of thanks, etc.**—Proposals relating to thanks, messages of congratulations or condolences and other matters of like nature may be moved without notice by the Chairman or with his permission by any other member.

11. **Notice of questions.**—(1) Any member may give notice of questions for any meeting regarding matters within the competence of the powers and duties of the Board before seven clear days of the date of the meeting.

(2) The Chairman may disallow any question which has no bearing with its matters within the competence of the powers, duties and functions of the Board and the order of the Chairman shall be final.

(3) The Chairman or the Secretary may not answer oral question during the course of the meeting except when such questions are put as supplementaries to the question of which a notice has been given.

12. **Adjournment of meetings.**—Any meeting of the Board may with the consent of the majority of the members present, be adjourned from time to time to a later hour on the same day or to any other day, but no business other than that left over at the adjourned meeting shall be transacted at the subsequent meeting. If a meeting is adjourned to a later hour on the same day or continued from day to day, no notice shall be necessary; in other cases a notice shall be given.

13. Reopening of the dead questions.—No decision of the Board shall be amended, modified or cancelled except by a resolution supported by at least two third of its members and passed by a majority of votes at a meeting :

Provided that a notice thereof is given to all the members of the Board.

14. Secretary to give effect to the resolutions.—The Secretary shall give effect to all resolutions or decisions passed or arrived at by the Board.

15. Interested members not to vote.—A member shall not take part in, or vote, on any discussion in the meeting of the Board on any matter in which he has a personal interest :

Provided that the Board or the Chairman may call such member at any discussion for seeking such clarification as may be required.

16. Secretary to attend meetings.—The Secretary of the Board shall be Present at every meeting of the Board and may with the permission of the chair explain or make a statement in regard to any subject under discussion but shall not vote.

17. Power to associate persons.—The Board may associate with it persons whose assistance or advice it may desire in carrying out any provisions of the Act. Such persons may take part in the discussions relating to the matter with which they are concerned but shall not vote.

18. Presentation of budget.—The budget of the Board shall be presented before the Board in January every year and shall be passed before 10th of February every year.

19. Unsanctioned expenditure.—No expenditure not provided in the budget unless sanctioned by a special meeting of the Board convened for the purpose by a majority of at least two third of the members present and voting shall be incurred by the Board.

20. Committees of the Board, their functions and procedure.—(1) The Board may establish by a resolution in that behalf a Committee consisting of such number of members as it thinks fit for such purposes and with such functions and powers and for such area or areas as it considers appropriate and may at any time discontinue or alter the constitution of any such Committee or reject the finding or recommendation of any committee.

(2) (a) The functions of such committees may be specified and the procedure for the business to be transacted at their meetings, may subject to the Act, rules and these regulations be laid down by a resolution of the Board.

(b) Every committee for which there is any ex-officio Chairman or a Chairman appointed by the Board, shall, when such Chairman is unable or for any reason fails to attend the meeting, appoint another person from amongst its members to be such Chairman for such meeting.

(3) A person may be a member of more than one committee.

(4) When the Chairman of the Board is a member of the committee he shall be an ex-officio Chairman of the said committee.

21. **Standing Committee.**—In addition to any committees that may be constituted under any provision of the Act, there shall be the following committees:—

- (i) Finance Committee.
- (ii) Registration Committee.
- (iii) Consultative Committee.

22. **The meetings of a Committee and its quorum.**—(1) Every committee referred to above shall ordinarily meet at least once a month or as often as may be necessary.

(2) Three members shall form a quorum if the number of the members is not more than seven. In all other cases half of the members of the committee shall form a quorum.

23. **Secretary of the Committee.**—The Secretary of the Board shall act as Secretary of all committees except when the Board appoints one of the members of the committee or any of the servants of the Board or the Committee to act as Secretary of any of the committees.

24. **Convening of the meetings.**—The Secretary of the Committee shall prepare the agenda and convene meetings of the committee with the approval of the Chairman of the Committee.

25. **Notice of the meetings.**—At least seven days' notice shall be given to the members for ordinary meetings and at least three days' notice for emergency meetings of the committee.

26. **Minute book.**—A minute book shall be maintained for every committee for recording the proceedings of its meetings. The minutes shall be signed by the Secretary and the Chairman of the Committee and shall be subject to the confirmation by the committee after being read over at its next meeting, and any minute of dissent shall also be recorded therein.

27. **Minutes to be forwarded to the Board.**—A true copy of the minutes of the committee shall be forwarded to the Board at its next meeting for the approval or the information of the Board as the case may be.

28. **Removal of a member of the committee.**—If a member of a committee fails to attend three consecutive meetings of the committee without sufficient cause to the satisfaction of the Board, he shall cease to be a member of the Committee and the Board shall appoint another person to fill the vacancy.

29. **Procedure for election of members.**—(1) The names of the persons for election as members of a committee shall be proposed in writing giving his full name and address and such writing must also be signed by two of the members as proposer and seconder. No member shall be allowed to propose or second more candidates than the number of persons required to be elected.

(2) No nomination shall be valid unless the candidate whose name is proposed has expressed in writing his willingness to serve as a member.

(3) The Chairman shall prepare a list of candidates eligible for election and read out their names along with the names of their proposer, seconders, and hand over a ballot paper in Form I, duly signed by him to each member present.

in the meeting who shall put a cross (x) mark against such number of candidates as may be required to be elected.

(4) The said ballot paper shall then be returned by the member to the Chairman either in a closed cover or in such other manner as it will secure the secrecy of his voting who shall immediately open the ballot papers, count them, record the number thereof in a statement and declare the candidate securing largest number of votes to be duly elected. In case of equality of votes the election of the member shall be decided by lot to be drawn by the Chairman.

(5) A ballot paper shall be invalid if the cross mark is so placed thereon as to make it doubtful which one of the two or more candidates the vote was intended to be given or if no mark is placed thereon or if it does not bear the signature of the Chairman.

30. Finance Committee.—The following are the powers and functions of the Finance committee:—

- (i) to prepare the budget of the Board ;
- (ii) to prepare the budget of the registered wakfs whose mutawallis have failed to submit budgets in time and submit them for approval of the Board ;
- (iii) to scrutinize the budget of the registered wakfs and submit its report to the Board ;
- (iv) to pass the budget of the registered wakfs having such annual income as may from time to time be fixed by the Board through a resolution.
- (v) to call for reports, returns and budgets whenever required from the mutawallis of the registered wakfs ;
- (vi) to scrutinize the monthly accounts of the Board and report to the Board ;
- (vii) to make and when it is not in the competence of the committee to pass a budget to suggest necessary alterations or modifications if required, in the budget of the registered wakfs, as may not be inconsistent with any of the provisions of the Act or with the objects for which the wakf was created ;
- (viii) to consider all proposals involving finance and submit its report to the Board ;
- (ix) if any item of expenditure is not specifically provided for in the budget of the Board but can be made out of savings under similar head, it may be sanctioned by the Finance Committee if it does not exceed Rs. 250 in the case of non-recurring expenditure or Rs. 50 in the case of recurring expenditure and by the Board on the recommendation of the Finance Committee if it exceeds Rs. 250 in the case of non-recurring or Rs. 50 in the case of recurring expenditure ;
- (x) to recommend to the Board conversion of a wakf property into a property of different nature or kind if the committee is satisfied that such conversion is advantageous to the wakf concerned ;

Provided that such conversion is not contrary to any wakf deed that might exist concerning the property.

- (xi) to call for report, returns and budget or other documents from the mutwallis of a registered wakf;
- (xii) to institute, whenever it thinks fit, any inquiry relating to the administration of registered wakf to submit report, if required for necessary action by the Board;
- (xiii) to supervise and control the works of registered wakfs;
- (xiv) to inquire into and consider all financial irregularities and report to the Board for final orders;
- (xv) to propose re-appropriation of funds from one head to another subject to such restrictions, if any, as may be imposed by a resolution of the Board;
- (xvi) if necessary to prepare during the currency of the financial year revised budget estimates for the fund and submit it for approval of the Board;
- (xvii) if a mutawalli applies for revision of the budget during the year, to take such action within its competence as it considers necessary;
- (xviii) to consider all proposals for the creation of new posts or alterations in the scale of pay of existing posts under the Board and forward its recommendations to the Board;
- (xix) subject to delegations made to the Secretary or any other officer of the Board, to consider the reports of the auditors on accounts of the registered wakfs and pass necessary orders thereon subject to such restrictions as may be imposed by the Board;

Provided that the committee shall obtain report from the auditors concerned containing a general appreciation of the working of the wakfs during the year without special reference to their financial administration and forward the same to the Board with its own comments thereon;

- (xx) to consider the auditors report on the accounts of the fund and submit the same with its comments to the Board;
- (xxi) to consider the report of the auditor on the appropriation of the accounts of the registered wakfs;
- (xxii) to consider scheme for improving the value of wakf properties by all legitimate means and after approval of the Board implement such schemes and report the progress to the Board;
- (xxiii) subject to the budget provisions sanction the expenditure for filing or defending cases or suits in the courts in connection with all wakf properties or any matter relating to the Board;
- (xxiv) to consider whether properties are being used to the best advantage of the wakfs concerned and to submit a report to the Board;
- (xxv) to consider such matters as may be referred to it by the Board or any other committee.

31. **Registration Committee.**—The following are the powers and functions of the Registration Committee :—

- (i) subject to the delegation made to the Secretary, to order registration of any wakf property and hold an inquiry for the purpose if necessary;
- (ii) to take necessary steps for the speedy registration of all the wakfs properties in the State;
- (iii) to consider and pass orders on all matters connected with the registration of wakfs;
- (iv) to take steps to trace out wakf properties and suggest means for the recovery of lost property;
- (v) to take steps with the prior approval of the Board against any encroachment on wakfs property or misappropriation of its income proceeds or produce;
- (vi) to get prepared and maintained a register of all kinds of wakfs in the State of Madhya Pradesh containing information relating to their origin, extent, nature income and objects and beneficiaries;
- (vii) to get prepared and maintained a register containing copies of documents of all wakfs;
- (viii) to call for any report, return or other documents from the mutawalli.

32. **Consultative Committee.**—The following are the powers and functions of the consultative committee :—

- (i) to advise or give opinion on any matter that may be referred to it for the purpose;
- (ii) to enquire into any matter that may be referred to it and submit its report to the Board for consideration;
- (iii) to prepare any scheme or plan for the Board;
- (iv) to call for any report, return or other documents from a mutawalli or any other person in possession of such documents or information.

33. Allowances and fees to be paid to the Chairman and members of the Board.—Subject to the budget provision, the Chairman and other members of the Board shall be entitled to draw the following allowances for attending the meetings of the Board or for any committee appointed by the Board or for the purpose of discharging such duties as may be assigned to them by the Board :—

1. Travelling Allowances

- (i) When the journey is performed by rail—Single fare of the first class.
- (ii) When the journey is performed by a public motor service—Single fare for the highest class.
- (iii) When the journey is performed by a member in his own car—50 nP per mile subject to the maximum of items No. (i) or (ii) above which ever be less:

Provided that where a class actually availed of is less than the first or the highest class, the fare admissible shall be of the class actually travelled in.

2. Daily allowances.

- (i) For places within Madhya Pradesh—Rs. 10 per business day.
- (ii) For any other place out of Madhya Pradesh—Rs. 15 per day :

Provided that any member having the privilege to travel free by rail or public motor service or otherwise shall be entitled to draw Rs. 15 for incidental expenses.

3. Fees for special work.—The Board may depute the Chairman or any member of the Board or committee for carrying out any special work on duty and may fix fees to be paid to him with reference to the nature of the work and may allow such expenses as may be necessary for the performance of such work or duty.

34. Services under Board.—The Board may from time to time appoint such officers and servants subordinate to the Secretary as it may deem to be necessary for the efficient carrying out of the purposes of the Act.

35. Grades, scales of pay etc.—Subject to the budget provision the Board may from time to time determine,—

- (i) the number;
- (ii) Designations;
- (iii) Grades.
- (iv) the scales of salaries;
- (v) allowances of the officers and servants of the Board;
- (vi) Contributions to the Provident Fund which may be required to be paid by the officers and servants of the Board.

36. Qualifications.—(i) No person shall be eligible for appointment to any post under the Board carrying minimum salary of—

- (a) Rs. 150 or more per mensem unless he is graduate and possesses administrative experience. For Technical post the qualification shall be equivalent Technical qualification;
- (b) Rs. 60 or more unless he has passed Intermediate or higher Secondary examination or any examination equivalent thereto.

(2) No person shall be appointed to the post of Auditor or Head Accountant in the office of the Board unless he has passed an examination in the Accountancy equal to a graduate degree of a University :

Provided that the Chairman or Secretary may for the purpose of making an appointment for six months, exempt any person from possessing the above qualifications and the Board may exempt any person permanently in view of special suitability of the person for a particular job.

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37. **Appointing and disciplinary authority.**—(1) The appointment to posts under the Board shall be made by the authorities specified below :—

1. Secretary—All posts having minimum salary below Rs. 60 per mensem.
2. Secretary with the approval of the Chairman—All posts having minimum salary below Rs. 100 per mensem.
3. Board—All other posts.

(2) All appointments shall be made in the manner prescribed by the Board by a resolution.

(3) The appointing authority shall be the disciplinary authority and the Board shall be the appellate authority.

(4) All orders of posting and transfer of employees appointed by the Board and with the approval of the Chairman shall be made by the Chairman and that of others by the Secretary.

38. **Probation.**—Every appointment to the post shall be subject to probation or trial for a period of one year which is liable to be extended further by the appointing authority at his discretion. A person who has successfully completed his period of probation may be confirmed at the earliest opportunity.

39. **Termination of probation.**—The appointing authority may before the expiry of the period of probation or trial for reasons to be recorded in writing terminate the probation of any person and revert him to his permanent post under the Board or discharge him from service of the Board if he is a direct recruit. In the latter case, a notice of one month shall be given before discharge or the employee shall be paid one month's emoluments in lieu thereof. If any leave is granted, the period of notice and leave should run concurrently and for this purpose "emoluments" shall include leave allowances.

40. **Disqualification for appointment.**—Any person who has been convicted of an offence involving moral turpitude or who has been dismissed from the service of any Government or of any local authority or any person who has been declared medically unfit, shall be disqualified for appointment under the Board.

41. **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 to the amount of cash likely to be handled by the employee.

(2) The rule laid down in the State General Financial Rules, in this behalf shall be followed *mutatis mutandis* in matters relating to security deposit. For this purpose the expression "State Government" or "Head of the Department" wherever it occurs shall mean the "Board" and the expression "Government servant" wherever it occurs shall mean "employee of the Board".

42. **Service Book.**—(1) A service book shall be maintained in the form prescribed by the Board by a resolution for every employee of the Board. The service book will be a record of service and shall contain no remarks on work or conduct.

(2) The Secretary shall be responsible for the correct and up to 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.

43. **Character Roll.**—In addition to a service book, a character roll shall be maintained by the Secretary. A character roll shall be maintained in such form as may be determined by the Board in which shall be entered censures, punishment and commendations, adverse remarks against the employee, if any, and shall be communicated to him. It shall be treated as a confidential record. It shall contain a yearly report on the work of the employees concerned. Every year in the month of December Secretary shall enter his report on the work of each employee under him in respect to the preceding year. The reports shall be forwarded to the Chairman who will record his comments with his signatures and date. The reports of all employees with the comments of the Chairman shall then be deposited with the Secretary for safe custody.

44. **Promotions.**—(1) All promotions to the posts carrying minimum salary of Rs. 150 or more shall be on the basis of merit, ~~and~~ seniority and to the best on the basis of seniority ~~and merit~~.

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

(3) Efficiency bars in the time scale of pay shall be rigorously applied and none shall be allowed to cross a bar unless the Secretary is satisfied that he has attained a reasonable standard of efficiency.

(4) Annual or periodical increments in pay 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 increment until he earns a good report.

45. **Seniority.**—The relative seniority of employees in any grade shall be determined according to the date of continuous appointment to that grade, employees promoted on the same date shall keep the position *inter se* which they held in the lower grade from which they were promoted. Seniority of persons appointed from outside at the same time shall be determined according to the order of merit or preference indicated at the time of selection for appointment.

46. **Abolition of posts.**—An order for abolition of posts or for reduction of emoluments of an appointment 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 the notice.

(2) 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 should run concurrently.

47. **Resignation.**—No officer or servant of the Board shall unless he is authorised in that behalf by the terms of his contract, resign his appointment or quit his employment without giving written notice of not less than one month previously to the Secretary of his intention to do so.

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Provided that no resignation shall be permitted while the conduct of an employee of the Board is under investigation or all claims against him have been settled.

48. Absence from duty or neglect of duty.—No officer or servant of the Board shall,—

- (i) withdraw or absent himself from duty otherwise than on leave duly granted and not subsequently cancelled; or
- (ii) neglect or refuse to perform any of the duties assigned to him or wilfully perform them in an inefficient manner.

49. Notice of termination of service.—If an officer or servant of the Board—

- (i) has been engaged on a written contract he shall be entitled to a notice or salary in lieu of notice in accordance with the terms of the contract.
- (ii) has not been engaged on written contract, he shall be entitled to one month's notice of the termination of his service or one month's salary in lieu of notice.

50. Suspension.—(1) The appointing authority or any other authority empowered in that behalf by the Board may place an employee of the Board under suspension—

- (a) where disciplinary proceeding against him is contemplated or is pending;
- (b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) An employee of the Board who is detained in custody whether on a criminal charge or otherwise for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

(3) During suspension an employee shall be entitled to a subsistence allowance at one half of the average monthly pay earned by him during the twelve months preceding the month in which he was suspended.

51. Punishments.—Subject to the provisions of these regulations, the following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on an employee of the Board, namely:—

- (i) Censure; ~~is hereby~~
- (ii) fine;
- (iii) withholding of increments or promotion;
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to the Board by negligence or breach of orders;
- (v) reduction to a lower grade or post or to a lower time scale or to a lower stage in a time scale.

- (vi) compulsory retirement for an employee in permanent service;
- (vii) removal from service of the Board which shall not be a disqualification for future employment;
- (viii) dismissal from the service of the Board which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this rules:—

- (i) non-promotion of an employee of the Board after consideration of his case to a grade or post for promotion to which he is eligible;
- (ii) reversion to all lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered after trial to be unsuitable for such higher grade or post on administrative grounds unconnected with his conduct;
- (iii) The reversion to his permanent grade or post of an employee appointed on probation or trial to another grade or post during or at the end of the period of probation or trial in accordance with the terms of his appointment;
- (iv) termination of the services of an employee appointed on probation or trial during or at the end of period of probation or trial or of a person employed under an agreement in accordance with the terms of such agreement.

52. Procedure for imposing major penalties.—(1) Without prejudice to the provision of the Public Servants (Enquiry) Act, 1850 (31 of 1850), no order imposing any of the penalties specified in clauses (v) to (vii) of Regulation 43 shall be passed against an employee of the Board (other than an order based on facts which have led his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged together with a statement of the allegation on which each charge is based and any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires, or if the authority concerned so directs, an enquiry 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 the witnesses to give evidence in person and to have such witnesses called as he may wish, provided that the inquiring officer, may for special and sufficient reasons to be recorded in writing refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof. The disciplinary authority shall, if it is not the inquiry authority, consider the record of the inquiry, record its findings on each charge and pass appropriate orders on the case.

(2) These regulations shall not apply where the person concerned has absconded, or where for other reasons it is impracticable to communicate with him

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All or any of the provisions of this regulation may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the regulations and those requirements can be waived without injustice to the person charged.

53. Procedure for imposing minor penalties.—No order imposing any of the penalties specified in clauses (i) to (iv) of regulation 49 shall be passed except after the employee is informed in writing of the proposal to take action against him and of the allegations on which action is proposed to be taken and given an opportunity to make a representation, if any, to be taken into consideration by Disciplinary Authority.

54. Pay and allowances Reinstatement.—(1) When an employee who has been dismissed, removed or suspended is reinstated, he shall be allowed the difference between the full pay with allowance and the subsistence grant if the authority competent to order reinstatement or to revoke the suspension order, in the case of suspension certificates that it was wholly unjustified. In such a case of suspension, the period of absence from duty shall be treated as a period spent on duty for all purposes.

(2) The pay and allowance of an employee who is removed or dismissed from service shall cease from 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.

55. Appeal and review.—(1) An employee of the Board may appeal, against an order of suspension or an order imposing any penalties specified in regulation 52 to the Board within one month from the date of such order. The decision of the Board shall be final.

(2) No appeal shall lie against an original or appellate order passed by the Board. In such cases, the aggrieved servant may submit an application for review and the Board may pass such orders as it thinks fit. Copy of the last orders against which the review or appeal is submitted shall be attached to the application.

56. Form and contents of appeal.—(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom appeal lies, shall contain all material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language and shall be complete in itself.

57. Submission of appeal.—An appeal shall be submitted through the Secretary and shall be accompanied by a copy of the order appealed against.

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

- (i) it is an appeal against an order for which no appeal lies; or
- (ii) it does not comply with any of the provisions or regulation 56 or

- (iii) it is submitted within the period specified in regulation 55 and no cause is shown for the delay, or
- (iv) 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 only that it does not comply with the provisions of regulation 56 shall be returned to the appellant and if resubmitted within fifteen days thereof after compliance with the said provision shall not be withheld.

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

59. **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 58 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission do it of any appeal withheld under regulation 58 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

60. **Consideration of appeal.**—(1) In the case of an appeal against the order of suspension the appellate authority shall consider whether in the light of the provision of regulation 51 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of other appeals, the appellate authority shall consider—

- (a) Whether the procedure prescribed in these regulations has been complied with, and if not, whether such compliance has resulted in failure of justice;
- (b) Whether the findings are justified ; and
- (c) Whether the penalty imposed is excessive, adequate or inadequate : and after such consideration pass such orders as it thinks proper.

61. **Implementation of orders and appeal.**—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

62. **Leave.**—(1) The officers and servants of the Board may be entitled to the leave scheduled below :—

- (a) Casual leave—10 days in the calendar year.
- (b) Leave with full pay—15 days in a year.
- (c) Sick leave on certificates from a qualified medical practitioner—15 days in a year.
- (d) Extraordinary leave with or without pay up to six months may be granted once during the period of service :

Provided that no employee of the Board shall claim leave with full pay as of right.

(2) All kinds of leave shall be granted by the Secretary except the leave with full pay and the extraordinary leave which shall be granted with the prior approval of the Chairman.

(3) It will be absolutely at the discretion of the sanctioning authority to grant leave or not.

63. Travelling Allowance and Daily Allowance.—The employees of the Board shall be eligible for travelling and daily allowances for journeys on tour at such rates and according to such conditions as may be prescribed by the Board through a resolution.

64. Advances for travelling and daily allowance.—The advances for travelling and daily allowances may be drawn with the approval of the Chairman and subject to the subsequent confirmation of the Board for journeys which are to be performed by the employees of the Board in connection with their official duties.

65. Controlling Officer.—(1) The Chairman shall be the Controlling Officer in respect of his own travelling and daily allowance bills.

(2) The Chairman shall be the Controlling Officer in respect of the travelling allowance and daily allowance bills of the Secretary and members of the Board.

(3) The Secretary shall be the Controlling Officer in respect of the travelling allowance and daily allowance bills of the employees of the Board and non-officials other than the members of the Board.

66. Conduct of services.—(1) No officer or servant of the Board shall be a member or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of or assist in any other manner, in political movement or activity.

(2) No servant or officer of the Board shall own wholly or in part, or conduct or participate in editing or managing of any news paper or other periodical publication.

(3) No servant or officer of the Board shall in any radio broadcast or in any documents published anonymously or in his own name, or in the name of any other person or in any communication to the press, or in any public utterance make any statement of fact, or opinion which has the effect of adverse criticism of any current or recent policy or action of the Board.

(4) No officer or servant of the Board shall bring or attempt to bring any political or outside influence to bear upon any superior authority or member or Chairman of the Board to further his interests in respect of matters pertaining to his service.

67. Form of application for registration of wakf.—(1) The application of registration of wakf referred to in section 25 of the Act shall be in the Form II hereto annexed and shall contain the particulars specified therein.

(2) All applications for registration of wakfs may be presented either personally at the office of Board or at the office of any authority or committee competent to receive such applications or may be sent by registered post at the office of the Board.

(3) If the application is presented at the office of the authority or committee empowered to receive it, the said authority or committee shall forward it with its report to the office of the Board, immediately.

(4) There shall be filed along with the application as many copies thereof as there are parties to it, together with sufficient registered postage stamps to cover the cost of notices to the parties.

(5) All such applications shall be entered into a register provided for this purpose.

68. Registration of Wakf.—On receipt of an application for registration, the Secretary or any authority empowered in this behalf may before the registration of the wakf make such enquiries as it considers necessary in respect of the genuineness and validity of the application and the correctness of any particulars mentioned therein, and when the application is made by any person other than the person administering the wakf property the Secretary or the authority concerned shall before registering the wakf give or cause to give notice of the application to the person administering the wakf properties and shall hear him if he desires to be heard. When the Secretary or authority concerned finds that there are serious discrepancies between the submission of the persons administering the wakf property and those of any other person regarding the validity of the application for registering and the correctness of any particulars mentioned therein shall place the matter before the Board and obtain their orders as to the particulars that will be registered.

69. Particulars to be contained in the register of wakf.—The register of wakf referred to in section 26 shall be in the Form III hereto annexed and shall contain the particulars specified therein.

70. Form IV of Budget to be prepared by mutawallis.—(1) The budget referred to in section 31 of the Act shall be in the Form IV hereto annexed and shall contain the particulars mentioned therein.

(2) Every budget referred to in section 31 of the Act shall be submitted to the Board by the mutawallis of a wakf in the month of December of the previous year or at such time as may be fixed by the Board from time to time.

(3) The Secretary shall on receipt of the budget scrutinize the same and shall, along with his report thereon place the same before the Finance Committee for its approval of submission to the Board alongwith its comments as the case may be.

(4) The Board may pass such orders as it may deem fit in connection with a budget.

(5) Until a budget is sanctioned a Mutawalli may incur expenses according to the approved previous budget provisions.

- (6) Every such budgets shall make adequate provisions for—
- (a) the scale of expenditure for the time being in force in the wakf;
 - (b) the due discharge of all liabilities binding on the wakf;
 - (c) expenditure on religious charitable and other purposes directed by the wakf or according to custom or usage; and
 - (d) the maintenance of working balance.

71. Maintenance and audit of accounts of wakf—(1) Every Mutawalli of a wakf shall maintain the following books of account:—

- (a) A cash book recording all receipts and expenditure on daily basis.
- (b) A ledger classifying all receipts and all expenses under different heads.
- (c) A stock book showing the list of movable properties owned and purchased or received as grant with the value thereof the date of such purchase or grant and particulars of these articles together with the manner of their disposal, if any, alongwith the authority therefor and the consideration for which disposed of.
- (d) A register of immovable property, its location, revenue or rent or other taxes payable and encumbrances, if any, together with manner of their disposal if any, alongwith the authority therefor and the consideration for which disposed of.
- (e) A register of demand and collection in Form VI.
- (f) An Inspection Book.
- (g) Any other book as may be directed by the Board or deemed essential by mutawalli.

Provided that the Board may by an order in writing containing reasons dispence with the maintenance of such books out of the books mentioned above in the light of the particular nature of a wakf.

(2) The mutawallis shall, before the 1st day of May every year, submit a full and true statement of accounts in Form VI as required under section 32 of the Act.

(3) The Board shall appoint a qualified auditor or auditors to audit the accounts of wakfs.

(4) The auditor shall go into the accounts of the wakfs, verify the wakf properties and note losses and gains giving the causes thereof. He shall ascertain and note—

- (i) the total demand;
- (ii) actual income;
- (iii) amount in arrears;
- (iv) Land revenue, cess rates and taxes payable to Government or any local authority in respect of the wakfs property.

- (v) rent actually paid;
- (vi) rent in arrears;
- (vii) why not paid with respect to each property and entire State;
- (viii) the cost of collection as per mutawalli's accounts;
- (ix) the net available income.

He shall comment on the realization of dues, neglect or Laches of the mutawalli and suggest means for better collection or management.

(5) He shall then proceed to examine the expenditure, check them item by item against vouchers where necessary and note irregularities, and improper expenditure, if any, pointing at the same time, the person or persons responsible for them.

(6) He will then clarify the expenditure under each separate head, as recorded in the accounts and work out the totals under each head, and compare them with the directions of the wakf in the wakf deed or according to usage and custom and report in what manner the wishes of the wakf have been complied with.

(7) He shall note whether there is any surplus income, and whether any provision of the wakf deed has become inoperative or impossible of execution on account of charges of conditions and if so, in what manner such surplus and lapsed accounts may be spent in the best interest of wakf.

(8) The auditor shall particularly investigate and report on the following facts:—

- (i) Whether all information and explanation required for purposes of audit were furnished to the auditor.
- (ii) Whether in the opinion of the auditor, the balance sheet has been drawn up in conformity with the provisions of the Act.
- (iii) Whether balance sheet represented a true and correct view of the financial state of the wakf property according to the information and explanation furnished to him by the mutawalli as shown in the accounts.
- (iv) Whether the objects of the wakf have been carried out and payments made.
- (v) Whether income of wakf property has been applied in a manner not authorised by the wakfnama and if so, who authorised any such application of the income of wakf properties.
- (vi) Whether all statutory dues have been paid; if not, what dues are still outstanding and how do they affect the property of the wakf.
- (vii) The names of the beneficiaries, the dues of each, to what extent they have been paid, and whether arrears, if any, were justified by the circumstances of the Estate, Mosques, Schools, sarais, Takias, graveyard, Musafir Khanas, orphanage and such other institutions for which there is an allotment are to be treated as beneficiaries.

(viii) Whether the wakf is indebted, and if so, the names of the creditors, the dates of each loan, the amounts of each loan, the rates of interest and the present position should be noted. If necessary, a scheme of repayment within a reasonable time should be prepared in consultation with the mutawalli and enclosed with his report.

72. Receipts of expenditure.—Every Mutawalli shall obtain and produce a receipt for every item of expenditure.

73. Counterfoils of receipts.—Every Mutawalli shall also maintain counterfoils of all receipts in respect of sums received on account of any income.

74. The method of calculating the income for the purposes of contribution—(1) For the purpose of levying contributions under section 10 of the Act, the net annual income of wakf shall be determined by deducting from the total annual income of a wakf the amount of any revenue cess rates and taxes payable to the Government or any local authority.

(2) When the net available income of a wakf has been determined by the above method, the secretary or the accountant shall assess the contributions payable by Mutawalli at the rates prescribed by the Board with the sanction of the State Government in respect of the wakf concerned.

(3) The Secretary shall then proceed to issue a notice of demand in Form No. VII annexed hereto to the Mutawalli of the wakf concerned specifying the amount payable and the time by which payment is to be made.

(4) The Mutawalli on whom a demand notice has been served may within fifteen days of the date of his receipt of demand notice may file an objection to the amount or rate of contribution.

(5) No objection shall be entertained unless amount of demand has been deposited, and receipt therefor attached with the objection filed.

(6) On receipt of the objection it shall be entered in a register to kept for this purpose in Form VIII and order shall not be passed until opportunity to be heard has been given to the parties concerned.

(7) The objection petition shall be heard and decided by the Board or a committee or a person appointed by the Board for this purpose. The decision of the Board in this behalf shall be final, unless it is set aside by a competent court of law.

75. Inspection of record.—(1) Proceedings and other records of the Board shall be open to inspection to the parties thereto or their counsel or agent and the persons interested in or affected thereby. Any other person desiring any inspection may be allowed to do so on showing sufficient reasons.

(2) Application for inspection shall be made in writing in Form IX and shall distinctly specify the record which is desired to be inspected and shall be presented to the Secretary who shall be competent to pass orders on the said application.

(3) A single application shall be made and a single inspection fee shall be paid for the inspection of all papers relating to each single record or file.

(4) Such application may be made either for an ordinary inspection that is 24 hours after the date of presentation of application or for urgent inspection that is on the date of presentation of application.

(5) The ordinary inspection fee shall be one rupee in all cases for a single application. In urgent cases double the ordinary fee shall be charged.

(6) The prescribed fee shall be paid in cash and the Board shall grant a receipt therefor to the applicant.

(7) A register known as Inspection Register shall be kept in the office of the Board in Form X hereto annexed.

(8) If a person does not inspect the proceeding or record concerned within seven days of the application he shall have to make a fresh application and fees deposited by him shall lapse to the Board.

(9) No fee shall be charged for inspection of records from the members of the Board or member of any committee appointed by the Board or any officer or officers specially authorised by the Government for inspection of the records.

(10) Every inspection shall be made under the supervision of the Secretary or clerk in-charge of record.

(11) The copying of any document or paper of a record during inspection and the use of pen and ink is strictly prohibited.

(12) Infringment of the above provisions shall deprive the applicant of the right of inspection.

(13) The Secretary may reject any application for reasons given in writing and the party aggrieved may submit revision application to the Board against such order, within fifteen days of the date of the order.

56. Application for copies.—(1) Application for obtaining the copies of the proceeding and records of the Board shall be in writing and shall be addressed to the Secretary of the Board and shall contain the following particulars :—

- (i) Name and address of the applicant.
- (ii) Whether or not the person applying for copies is a party to the proceeding in the record of which the copy applied for is to be found. If the applicant is not a party to such proceedings, the objects for which such copy is required shall be stated.
- (iii) The name and date of the document or paper of which a copy is applied for and the full description of records in which such paper or document is placed.
- (iv) Whether or not the application is urgent.
- (v) Whether the applicant desires the copy to be sent by post.

(2) Every application for copy shall be accompanied with a sum of rupee one per copy applied for. A date will be fixed for deposit of the balance and after receiving the full amount the copy shall be ordered to be prepared. Receipts of all deposits of money paid shall be given immediately

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(3) The following shall be charged for copies including comparing and stationery charges:—

(i) In case of ordinary copies for each hundred words or less—50 P.

(ii) In the case of urgent copies double the ordinary charges shall be charged.

(iii) If the required copy is a map, plan or a register a charge shall be fixed by the Secretary with reference to the nature of the work to be done, but in no case it shall be less than rupee two. If service from outside is necessary for preparing such copy, the Secretary shall fix the charge in such a manner that two-third shall be paid to the person preparing the copy and one-third shall be credited to the Board for comparing and certification.

(4) The fee payable for certification of a document as true copy shall be 50 P.

(5) No deposit shall be refunded if the applicant withdraws his application or fails to deposit the balance within the prescribed time.

(6) A record of the application for supply of copies shall be kept in Form XI.

77. Searching fee.—A searching fee of rupee one shall also be charged if the number and proper description of the proceeding or record is not given in application for obtaining copy or inspection of record.

78. Endorsement on the copy.—(1) The following particulars shall be endorse after a copy is prepared :—

(i) Serial No. of application.

(ii) Date of application.

(iii) Number of words.

(iv) Amount charged.

(v) Date of preparation of copy.

(vi) Date of delivery of copy.

(2) Where a copy is found to be correct and ready for delivery the Secretary shall endorse thereupon the following words :—

(Certified to be a True copy).

and sign it and cause the seal to be affixed to the copy.

(3) If the required copy is desired to be sent by post the postal charges shall be paid in advance.

79. Authentication of orders.—(1) The Secretary shall authenticate the orders and decisions of the Board.

(2) The common seal shall remain in the custody of the Secretary.

(3) All correspondence from the Board shall be in the name of the Secretary and all correspondence with the Board shall be addressed to the Secretary.

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80. **Matters to be kept Secret.**—The Chairman, Member, Secretary and other officers and servants of the Board are bound to observe secrecy in matter whose disclosure may be prejudicial to the interest of the Board or any wakf.

81. **Maintenance of record.**—(1) The registers and books, in addition to those mentioned in various provision of these Regulations to be kept in the office of the Board, shall be as provided in the List attached to these regulations.

(2) All records and minutes of proceedings of the Board and its committees and all registers shall be kept in the office of the Board under custody and supervision of the Secretary and on no account shall be removed to any other place without express permission of the Board. If however any record of ordinary routine nature is required to be produced before any court it may be so produced under the written permission of the Chairman of the Board.

82. **Inspection of record by members.**—A member wishing to have any information concerning any wakf in the State of Madhya Pradesh or any subject connected with the management or administration of any wakf may in writing demand such information from the Secretary and may have access to any record of the Board with the permission of the Chairman.

83. **Repeal.**—These regulations repeal all other corresponding regulations in force in any region or part of the State of Madhya Pradesh immediately before the enforcement of these regulations.

BADRE ALAM,
Secretary,

Madhya Pradesh Wakf Board, Bhopal.

FORM I

Form of Ballot Paper

(See Regulation 29)

MADHYA PRADESH WAKF BOARD, BHOPAL.

Names of candidates for the members of the.....Committee.

- 1.
- 2.
- 3.
- 4.
- 5.

etc.,

Signature of the Chairman

Seal of the Madhya Pradesh
Wakf Board, Bhopal