

MINORITY WELFARE SECRETARIAT

NOTIFICATION

No. MWD 114 WES 2008, Bangalore, dated: 10.05.2011

In exercise of the powers conferred under Section 110 of the Wakf Act, 1995, (Central Act, 43 of 1995), the Karnataka State Board of Wakfs, with the previous sanction of State Government hereby makes the following regulations, namely:

CHAPTER – I

1. TITLE AND COMMENCEMENT:

- (1) These regulations may be called the Karnataka Wakf Regulations 2010.
- (2) These regulations shall come into force at once.

2. DEFINITIONS:

(1) In these regulations unless the context otherwise requires:

- (a) "Act" means the Wakf Act, 1995 (Central Act 43 of 1995).
- (b) "Board" means the Karnataka State Board of Wakfs established under Sub-Section [2] of Section 13.
- (c) "Employees" means any persons in the employment of the Board.
- (d) "Form" means form appended to these regulations.
- (e) "Fund" means the Wakf Fund constituted under Section 77 of the Wakf Act\
- (f) "Government" means the Government of Karnataka.
- (g) "Rules" means The Karnataka Wakf Rules, 1997.

(2) All words and expressions used but not defined in these regulations and not defined herein shall have the same meanings assigned in the Act, and the Rules.

CHAPTER – II

3. MEETING OF THE BOARD:

The Board shall ordinarily meet for the transaction of business at the Head Office of the Board at Bangalore on the date and time decided by the Chairperson.

Provided that such meetings may also be held at such other place or places within the State of Karnataka as the Chairperson may decide.

Provided further that the meeting may be held at such other places within the State or Karnataka if not less than one of their members of the Board propose to hold the meeting at such other places and is agreed by the Chairperson.

4. QUORUM FOR A MEETING:

(1) Quorum for a meeting of the Board shall be half of the total members excluding the Chairperson.

(2) Every meeting of the Board shall be presided over by the Chairperson and in the absence of the Chairperson any person selected by the Members present at the meeting from amongst themselves.

CHAPTER – III PROCEDURE AND CONDUCT OF THE BUSINESS AT THE MEETING OF THE BOARD.

5. AGENDA:

(1) The Chief Executive Officer and Ex-officio Secretary of the Board shall prepare the Agenda of the business to be transacted at the meeting.

(2) The agenda shall set forth clearly full details of the business, to be transacted at the meeting, and no other business, other than that so set forth shall be transacted, except with the permission of the Chairperson.

(3) A copy of the agenda shall be forwarded to every member, at least seven (7) days before the date of the meeting.

(4) Any Member who desires to discuss a subject should send within three days of receipt of the Notice such subject to be placed / included in the Additional Agenda, to the Chief Executive Officer.

6. LANGUAGE OF CONDUCTING OF BUSINESS:

The language of business of the meeting of Board shall be in English, Urdu or in Kannada.

7. ORDER OF BUSINESS:

(1) At an ordinary meeting the business shall be conducted in the following order.

(a) The proceedings of the last regular or Special Meeting shall be read and considered. If any member present objects to the minutes as having been incorrectly or incompletely recorded, the Chairperson shall after taking the consensus of the members who are present at the meeting make such amendments as he thinks proper, and amended minutes shall then be confirmed, and signed by the Chairperson.

(b) Business postponed at the last meeting shall be considered.

(c) The business fixed for the meeting shall then be transacted.

(d) Subjects of which due notice has been given, shall be discussed in the order of the priority as received by the Chief Executive Officer and the Ex-officio Secretary.

(2) At any special meetings only the business for which the meeting is requisitioned shall be considered.

8. Inclusion of additional subjects and execution of Board's Resolutions:

(1) Notwithstanding anything contained in the foregoing regulations the Chief Executive Officer and Ex-officio Secretary may place before the Board any subject which he feels is of important and urgent nature, though not included in the list of subjects / agenda, by bringing to the notice of the Chairperson.

(2) All Resolutions of the Board shall be executed by the Chief Executive Officer of the Board, or any other officers/ officials / persona authorized by the C.E.O.

CHAPTER – IV

THE CONSTITUTION AND FUNCTIONS OF THE COMMITTEE OF THE BOARD, THE PROCEDURE FOR TRANSACTIONS OF BUSINESS AT THE MEETING OF SUCH COMMITTEES

9. COMMITTEES OF THE BOARD:

(1) The Board shall constitute the following committees under Sub-section (1) of Section 18 in addition to the following Committees of the Board to perform the functions allotted to the each Committee by a Resolution.

- i) Committee on Finance, Administration and Recruitment.
- ii) Law Committee (the chairman should be a law graduate)
- iii) Development, Construction and Lease Committee.
- iv) Selection Committee.

(2) The Board may constitute additional committees to perform the functions of the Board by passing the Resolutions to this effect.

(3) The Chairperson of the Board may attend any meeting of any committee / sub committee and when he is so present he shall preside over the meeting;

Provided that all proceedings of the committees shall be subject to the confirmation by the Board.

10. PROCEDURE FOR CONDUCT OF BUSINESS BY THE COMMITTEES:

Save as otherwise provided in this Regulations the provisions applicable to the conduct of the business of a meeting of the Board shall mutatis mutandis apply to the conduct of business of these committees.

11. MEETING OF THE COMMITTEES:

The Committees shall meet as and when required.

12. CONVENER OF COMMITTEE:

The Chief Executive Officer may appoint any Officer or Official of the Board as Convener of one or all the committees.

13. AGENDA OF COMMITTEES:

The Chairman of the committees or the Convener under the instructions of the Chairperson shall prepare the agenda of the business to be transacted at each meeting and circulate it to each member at least 7 days before the date of the meeting.

14. MINUTES OF THE PROCEEDINGS OF COMMITTEES.

(1) The minutes of every meeting shall be placed at next immediate meeting of the committee, for confirmation and approval.

(2) The minutes shall also be laid before the next meeting of the Board for confirmation / approval.

15. CONSTITUTION OF DISTRICT WAKF ADVISORY COMMITTEE:

(1) The Board shall constitute for every district of the State, Committee under Sub-Section (1) of Section 18 of the Wakf Act, called District Wakf Advisory Committee consisting of Members including Chairman and Two Vice-Chairmen which shall not be less than 11 (eleven) and shall not be more than 21 (twenty one).

(2) The Board members residing in the district shall be the ex-officio member of the District Wakf Advisory Committee.

16. TERM OF THE DISTRICT WAKF ADVISORY COMMITTEE:

(1) The D.W.A.C. shall ordinarily have a term of three years.

(2) The Board shall have the discretion to dissolve any D.W.A.C. at any time, if the committee fails to perform its functions or any of its members misuses his office, or any of its members or the committee disobey the directions or orders of the Board or any of its members or the committee commits financial irregularities.

17. NOMINATION OF THE CHAIRMAN AND VICE-CHAIRMAN OF DISTRICT WAKF ADVISORY COMMITTEE:

(1) The Chairman and the Vice-chairman of D.W.A.C. shall be nominated by the Board for the period of the Committee as per Clause 1 of Regulation 16.

(2) The Board may remove a Chairman or V-Chairman or any Member of the D.W.A.C. in case of allegations of misuse of the office, misconduct / misappropriations or any other activities which is detrimental to the interest of any Wakf or the Community in general after giving an opportunity to defend the allegations against him.

18. JURISDICTION OF DISTRICT WAKF ADVISORY COMMITTEE:

The jurisdiction of District Wakf Advisory Committee shall extend to the whole of a Revenue District.

19. CONVENER OF DISTRICT WAKF ADVISORY COMMITTEE:

(1) The District Wakf Officer / Senior Wakf Inspector shall be the Convener for the District Wakf Advisory Committee and shall be responsible for convening and conducting the meeting and taking follow up action on the Resolutions of such meetings.

(2) The District Wakf Advisory Committee shall perform such functions and discharge such duties as are assigned to it by the Board from time to time and would include directions and orders issued by the Board.

20. MEETINGS OF DISTRICT WAKF ADVISORY COMMITTEE:

(1) District Wakf Advisory Committee shall ordinarily meet as and when required with atleast 7 days advance notice. But not more than once in a month.

(2) The Convener may convene a special meeting of the District Wakf Advisory Committee in consultation with the Chairman of the District Wakf Advisory Committee as and when required.

(3) The Convener shall prepare the agenda for the meeting of District Wakf Advisory Committee and send the same alongwith the meeting notice.

(4) In the absence of the Chairman, the Vice-Chairman shall preside over the meeting and in the absence of both Chairman and Vice-chairman the Members present may elect from among themselves to preside over the meeting.

(5) In the meeting the subjects will be taken as per the agenda. If there are subjects for which, common decision needs to be taken, then such subjects shall be grouped together by the Chairman and decision by consensus shall be taken. Any dissent opinion shall be recorded in the proceedings.

(6) The minute of every meeting shall be recorded by the Convener in the minute book kept for this purpose and shall be signed by the Chairman or the person presiding over the meeting after confirmation by the members in the next meeting.

(7) Disqualification for being appointed as member of D.W.A.C.

The Board may be issue due notice to remove any member or members from the Committee if it is satisfied that his or their continuation is determinantal to the interest of the Wakf Institution or obstructs the discharge of functions and duties by the Committee.

(8) Quorum of the meeting.

The Quorum for the meeting shall be not less that one third of the members including the Chairman.

CHAPTER – V

ALLOWANCE OR FEES TO BE PAID TO THE CHAIRPERSON OR MEMBERS OF THE BOARD OR MEMBERS OF THE COMMITTEE

21. PAYMENT OF FEES AND ALLOWANCE TO MEMBERS:

(1) Payment of travelling allowance to non-official members of the committees etc. shall be as determined by the Government.

(2) The Chairman of D.W.A.C. shall be entitled for monthly remuneration of Rs.2000-00 and Rs.200-00 per day on the date on which the business of the meeting of the committee is transacted.

(3) The Members of the D.W.A.C. shall be entitled for sitting fees of Rs.100-00 per day on the day on which the meeting is held.

CHAPTER – VI

TERMS AND CONDITIONS OF THE OFFICERS AND OTHER EMPLOYEES OF THE BOARD

22. SERVICES OF THE BOARD:

(1) The classification of the post in Group-A, B, C and D under Rule 5 of the Karnataka Civil Service (classification, control and appeal) Rules, 1957 are applicable to the posts under the Board.

(2) The various posts in the service of the Board are listed in Schedule to these Regulations shall be governed by the Cadre and Recruitment Rules of the Board. The various Rules applicable to the State Civil Servants relating to recruitment probation, conduct etc., are applicable to the employees of the Board.

23. RULES APPLICABLE TO EMPLOYEES OF THE BOARD:

(1) The Karnataka Civil Service Rules as amended from time to time shall be applicable to all matters covering services of the employees of the Board either on depositions or to persons who are appointed by the Board.

(2) The provisions of the Karnataka Civil Service (probations) Rules, 1977 as amended from time to time shall apply to all appointments made by the Board through direct recruitment.

(3) Subject to the provisions contained in these Regulations the provisions of the K.C.S.R. and Karnataka Civil Service (classification, control and appeal) Rules, 1957 shall be applicable to the Board Officers and Employees.

(4) The provisions contained in the Karnataka Financial Code, Karnataka Treasury Code, the manual of contingent expenditure shall apply in respect of exercise of financial powers.

24. APPOINTING AUTHORITY:

(1) Appointment to the posts under the Board shall be made by the authority specified below.

Category of posts	Appointing authority	Disciplinary authority.	Appellate authority
Group A and B Gazetted Officers	Government	Government	Government
Group C	C.E.O.	C.E.O.	Board
Group D	C.E.O.	C.E.O.	Board

(2) All orders of transfer and posting of Group B and C employees shall be made by the C.E.O. as far as possible in consultation with the Chairman and that of Group-D employees shall be made by the Chief Executive Officer.

(3) In case of deputationists, their respective department will be disciplinary authority.

25. (a) APPEAL BEFORE APPELLATE AUTHORITY:

The concerned authorities may impose any penalty as follows for the charges proved against the accused Board employees:

- i) Censure.
- ii) Withholding of increments and promotions.
- iii) Recovery of pay of the whole or paid of any pensionary loss assessed to the Board by negligence or breach of orders.
- iv) An order reverting to a lower services, and or post, an employees officiating in a higher services or post otherwise than as a penalty.

(b) FORMS AND CONTENTS OF APPEAL:

An appeal shall be preferred within one month of the date on which the Appellant was informed of the order appealed against and shall obtain all material statement and arguments called on by the Appellant and shall contain no dis-respectful improper language and shall be submitted through the C.E.O. or through the Authority from whose order the Appeal is preferred.

(c) CONSIDERATION OF APPEAL:

In the case of an appeal against an order of suspension, the Appellate Authority shall consider whether in the light of the provisions of Regulations and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(d) IN THE CASE OF OTHER APPEALS THE APPELLATE AUTHORITY SHALL CONSIDER.

i) Whether the procedure prescribed in these Regulations has been complied with, and if not, whether such noncompliance has resulted in failure of justice;

ii) Whether the penalty imposed is excessive, adequate or inadequate or and after such consideration, pass such orders as it thinks proper.

26. IMPLEMENTATION OF ORDER IN APPEAL:

The Authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

27. OFFICERS EMPOWERED TO BE DRAWING OFFICER:

(1) In respect of financial powers the provisions of the Karnataka Financial Code, Karnataka Treasury Code the manual of contingent expenditure and other related rules / regulations / orders of the Government of Karnataka shall apply.

(2) The C.E.O. shall also exercise the powers of the major head of the department for purpose of the common delegations of financial powers as framed by the Government of Karnataka and amended from time to time.

(3) The deputation allowance to be paid to the C.E.O. under Sub-Rule (3) of Rule 34 shall be as determined by the Government from time to time.

(4) The terms and conditions of the Executive Officer, appointed if any under Section 38 shall be regulated by Rule 36 and general condition of employment applicable to the employees of the Board.

CHAPTER – VII

FEES PAYABLE FOR INSPECTION OF PROCEEDINGS OF THE BOARD OR FOR ISSUE OF CERTIFIED COPIES

27. FEES FOR INSPECTIONS OF RECORDS:

(1) Application for inspection of proceedings of the Board meeting shall be made in Form-1.

(2) The fees shall be Rs.100-00 per proceedings.

(2) Application under the provisions of Right to Information Act, 2005 seeking inspections of records the fees for such inspection will be charged in accordance with the said Act and Rules.

28. FEES FOR ISSUE OF COPIES OF PROCEEDINGS AND RECORDS:

(1) Applications under Sec. 29 and 30 of the Wakf Act, 95 for issue of certified copies of proceedings and other documents shall be made in Form-2.

(2) The copying fee for certified copies required under Sec. 29 & 30 of the Wakf Act, 95 to be issued in the manner provided in Section 76 of the Indian Evidence Act, 1872 (1 of 1872) shall be as prescribed under the right to information Act, 2005.

CHAPTER – VIII

AUTHENTICATION OF BOARDS DECISIONS AND ORDERS

29. Persons by whom any order or decisions of the Board may be authenticated the following persons are authorized to authenticate any order or decisions of the Board.

- (a) Chief Executive Officer.
- (b) Additional Chief Executive Officer OR
- (c) Any other officer authorized by the C.E.O.

CHAPTER – IX

MISCELLANEOUS

30. SEAL OF THE BOARD:

The Board shall have a common seal which shall be in the custody of the C.E.O. or any other person duly authorized by him in this behalf.

31. NOTICE OF SUITE ETC., AGAINST THE BOARD:

The C.E.O. or any other person duly authorized in this behalf shall receive notice and sign pleading on behalf of the Board in respect of all litigations and Sub-Section 3 of Section 13 of the Act.

32. CORRESPONDENCE TO BE MADE IN THE NAME OF C.E.O:

All correspondence by or with the Board shall be in the name of C.E.O.

33. FINANCIAL YEAR:

The Financial Year of the Board shall be from 1st April to 31st March.

34. SECRECY BY CHAIRPERSON, MEMBERS AND C.E.O. ETC.:

The Chairperson, Member, C.E.O. and other officials of the Board shall maintain secrecy in matters whose disclosure may be prejudicial to the interest of the Board or any Wakf.

35. REPEAL AND SAVINGS:

(1) The Wakf Regulations made under Section 68 of Wakf Act, 1954 are hereby repealed.

(2) Notwithstanding such repealed any thing done or any action taken under the said Regulations shall deem to have been done or taken under the corresponding provision of these Regulations.

Provided that such repealed shall not affect the previous operation of that corresponding clause and subject thereto, any thing done or any action taken in the exercise of any power conferred by or under the corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under these regulations as if this regulations was in-force on the day on which such things were done or actions was taken.

ABBAS SHARIEFF

Under Secretary to Government
Minority Welfare Department