महाराष्ट्र राज्य वक्फ मंडळ

Agenda Points of Board Meeting Dated 12th December 2007

Point No. 1.	To grant Leave of absence if any to be decided.
Point No. 2.	Confirmation of Minutes of Meeting held on 4-11-2007:-
Point No. 3.	Sanction of Staff for Maharashtra State Wakf Board.
Point No. 4.	Transfer of Fund from Charity Commissioner:-
Point No. 5.	Subjects of Siyanat Section:-
Point No. 5.1	Restoration of Wakf Properties illegally alienated :-
Point No. 5.2 a)	Expenditure on installation of Generator / Inverter:-
b)	Computerization :-
Point No. 6	The proposal of removal of Mutawallies / Managing Committees Constitution of new Adhoc Committees:-
Point No. 7	Release of Staff Salary for 3 Days Strike period

(A. R. Shaikh)
Chief Executive Officer
Maharashtra State Board of Wakfs
Aurangabad

महाराष्ट्र राज्य वक्फ मंडळ

Minutes Of Board Meeting Dated 12th December 2007

The third Board Meeting of year 2007 was convened at 10 am on 12th December 2007 which was later on rescheduled at 5 pm on the request of Hon'ble Board members. This meeting was held at 5 pm sharp at Sahyadri Guest House, Malabar hill Mumbai. Following members were present.

1) Hon'ble Tariq Anwar (Member of Parliament)
2) Hon'ble A. U. Pathan (Member Bar Council)

As the quorum was available therefore a meeting began as per scheduled at 5 pm. Hon'ble Member Mr. Tariq Anwar presided over meeting with the consent of other Board Member

Point No. 1. **To grant leave of absence if any to be decided in meeting :-**

There was no application received, hence no resolution.

Point No. 2. **Confirmation of Minutes of Meeting held on 4-11-2007:-**
The minutes of the meeting dated 4-11-2007 were circulated to the Honourable Members, the Minutes were discussed in the meeting and same were confirmed unanimously

Resolution no. 22/2007 The Board resolved and confirmed the Minutes of the Board Meeting held on 4-11-2007 at Sahyadri Guest House Mumbai

Point No. 3. **Sanction of Staff for Maharashtra State Wakf Board.**

3.1:- Sanction of additional Staffing pattern:- The Staffing pattern of Maharashtra State Board of Wakfs with its Head Quarter at Aurangabad and Regional Offices and District Offices has been revised and submitted to the Government vide letter of Wakf Board dated 30/12/2006, same is kept for approval as per statement 'A' enclosed.

3.2 :- Sanction of Honorary Staff for Board :- Board is urgently in need of additional staff because the work load has been tremendously increased and no additional staff has been appointed since creation of Board the proposal for staffing pattern and sanction of additional staff is pending with Government. It is therefore proposed that Honorary Executive Officers (Judicial, Administrative) may be permitted to be appointed on Honorary basis from the retired Government Employees or from amongst the eligible and experience person. The Chief Executive Officer may be authorized to select and appoint these employees in consultation with Board Members/ Member

3.3:- There are few individuals who are working Honorary for Wakf Board. They have done appreciable work for Board. Therefore it is proposed that

the following persons may be appointed on Honorary basis as Wakf investigator/Executive.

1) Shri Asif Ayub Pathan, R/o Ambernath Dist Thane
2) Shri Rizwan T. Mirza, Ravi Nagar, Nagpur

Resolution no. 23/2007 **Board resolved and approve staffing pattern of Maharashtra State Wakf Board as per statement 'A' and submitted to Government vide the letter of Maharashtra State Wakf Board dated 30/12/2006 Board further resolved and authorise CEO to appoint two Executive Officers (Honorary Officers) as required for Judicial and Administrative work from the retired Government officers. Board Further resolved and approve the appointment of 1) Shri Asif Ayub Pathan R/o Ambernath Dist Thane 2) Shri Rizwan T. Mirza, Ravi Nagar Nagpur on Honorary basis to work as Honorary Wakf Investigator/ Executive.**

Point No. 4. Transfer of Fund from Charity Commissioner:-

The Maharashtra State Board of Wakfs has to take fund from Charity Commissioner, which was collected by the Offices throughout the State as 2% Service Charges after 1-1-1996. Since this amount was to be collected by the Board and has been wrongly collected by them, needs to be refunded to Wakf Board. It is estimated that the amount of minimum Rs. 5 Crores have been collected by them, out of which they have refunded Rs. 1 Crore. Rest of the amount is yet to be received. Therefore, Board may submit request to government to refund the entire amount as early as possible.

Resolution no. 24/2007 :- **Board resolved and request State Government to refund the entire Wakf Fund collected by the offices of Charity Commissioner's from 1-1-1996 onwards**

Point No. 5. Subjects of Siyanat Section:-

Point No. 5.1 Restoration of Wakf Properties illegally alienated :-

It was found that the Wakf Properties were illegally alienated and the Board has resolved to restore 11 of these properties, now the proposals are ready for following 7 properties and same needs to be restored. The parties were send notices as required under Maharashtra Wakf Rule-2003 and their explanation were called. The parties were heard where ever there was request or need to hear them the explanation submitted by the parties and the legal position has been considered during enquiry. The proposal is hereby submitted to decide the restoration of the properties as required under section 52 and relevant provisions of the Act. The details are enclosed as per Performa AE & statement 'B'

Statement 'B'

Proposed cancellation of NOC's and orders issued in violation of section 51 & 56 of the Wakf Act, 1995

S. No.	Name of Institution	Land Area	Kind of Alienation	Approval issued by	Board Resolution no. & Date	Notice issue Date	Illegality/Irregularity	Proposal Board meeting
1	2	3	4	5	6	7	8	9
1	Jama Masjid Kaij Dist Beed	10 Acre	Exchange	CEO	44 Dated 20-8-2004	21-4-2007	No approval of Board with 2/3 majority	Cancellation

2	Darga Hazrat Turabul Haque Sahab Prabhani	104 X 12 Mtrs	Acquire for Road Construction	Chair man	Nil	11-7-2007	No approval of Board with 2/3 majority	Cancellation
3	Peer Inam Badshah v/o Parola Dist Jalagaon	1 Hector 29 R	Sale	Chair man	Nil	24-4-2007	No approval of Board with 2/3 majority	Cancellation
4	Masjid v/o Nalwandi Beed	5 Acre	Lease	CEO	32 Dt. 26-8-2005	24-4-2007	No approval of Board with 2/3 majority	Cancellation
5	Dargah Haz Bashiruddin Bhokar, Dist Nanded	3 Acre 30 Gunthas	Exchange	CEO	33 Dt. 26-8-2005	23-4-2007	No approval of Board with 2/3 majority	cancellation
6.	Dargah Yaqoob Sahab v/o Terkheda Osmanabad	1 Acre	Lease	CEO	48 Dt. 1-1-2005	26-4-2007	No approval of Board with 2/3 majority	Cancellation
7.	Juni Masjid Islampura Malegaon Dist Nashik	37.6 Sq. Mtrs & 15X 18 Fit	Sale	CEO	15 Dated 30-11-2005	3-5-2007	No approval of Board with 2/3 majority	Cancellation

Resolution no. 25/2007: - The Board discussed the above cases in detail as per statement 'B' along with information in form 'AE' as required in the Wakf Rules, and considered the explanation submitted by the concerned parties and decided that the explanation of the parties is not satisfactory and not acceptable. The lease or transfer of Wakf property as shown below have taken place in violation of section 51, 56 and 32 (2)(j) of Wakf Act, 1995. Therefore Board observed that all these transactions stands void and therefore need to be cancelled and land needs to be restored. The Board therefore resolved that all the following transactions should be treated as null and void and declared as cancelled. The Board authorizes the Chief Executive Officer to send requisition to the Collector or to pass appropriate orders to restore these Wakf properties under the relevant provisions of law.

25.1 Jama Masjid Kaij Dist Beed :-

The land of Jama Masjid Kaij Dist Beed admeasuring 10 Acres of Survey no. 13/1, 13/2 17/1,17/2, at proper Tq-Kaij Dist Beed in exchange of land Gut no. 117, 122/2 B, 122/kh 2 k 2, 122/A-1, 122/A,122/A-1, total admeasuring 10 acre land at village of Suni Jawla Tq. Kaij Dist Beed in caused due to not sufficient 2/3 majority available in the Board meeting of dated 20-8-2004 therefore this property should be restored by invoking necessary provision of the Act and Rules. Board further resolved that The Chief Executive Officer should take necessary action and send requisition to the Collector for restoration of this property, and also removing the mutation entries made in the revenue record.

25.2 Dargah Hazrat Turabul Haque Sahab Parbhani:-

The inam land belonging to Dargah Hazrat Turabul Haque Sahab Parbhani S. No. 593, 594 the land has been given to Gaffar Master r/o Parbhani for the purpose of approach road to his own property the area of land 104 X 12 Mtrs has been given to him by the then Chairman of the Board vide order no. mswb-ch-313 dated 21-4-2005 there is no resolution of the Board the notice to the transferee has been given by this office on dated 11-7-2007. Board further resolved that The Chief Executive Officer should take necessary action and send requisition to the Collector for restoration of this property, and also removing the mutation entries made in the revenue record.

25.3 Peer Inam Badsha village of Parola Dist Jalgaon

The land admeasuring 1 Hector 29 R. has been sold out without prior sanction of the Board. The then Chairman has given order vide no. ch-279 dated 31-3-2005 to the then Chief Executive Officer to issue the order in this regard as per the order of the then Chairman the then CEO has issued the order vide no. 914 dated 8-4-2005. The Board resolved that the said transaction is totally void and therefore this property should be restored and Chief Executive Officer should take necessary action and send requisition to the Collector for restoration of this property.

25.4 Masjid Nalwandi village of Nalwandi Tq. Dist Beed.

The Inam land belonging to Masjid Nalwandi Tq. Dist Beed Gut no. 583 admeasuring 5 Acres land has been lease out to Manish Bali Ram for established the ginning factory for the period of 3 years as per the resolution no. 32 of dated 28-6-2005 vide order no. 2167 dated 19-04-2006 caused due to not sufficient 2/3 majority available in the Board meeting the said resolution was not according to the law therefore this order needs to be cancelled and property should be restored by invoking necessary provision of the Act and rules. Board further resolved that Chief Executive Officer should take necessary action and send requisition to the Collector for restoration of this property.

25.5 Dargah Hazrat Bashiruddin Bhokar Tq. Bhokar Dist Nanded

The inam land of Dargah Bashiruddin Bhokar Tq. Bhokar Dist Nanded survey no. 196, admeasuring 3 Acre 30 Gunthas in exchange of 1 Hector 81 R. land in Gut no. 202 at village of Bhokar Tq. Bhokar Dist Nanded.in caused due to illegal order issued by the Ex-Chief Executive Officer of Wakf Board stands void in view of Section 51, 32(2) (j) of Wakf Act, as there is no 2/3 majority of the Board meeting of dated 30-11-2005 vide resolution no. 33. Therefore this transaction is hereby declared as null and void.

It is resolved that the said transaction stands cancelled and therefore this property should be restored by invoking necessary provisions of the Act and Rules. Board further resolved that Chief Executive officer should take necessary action and send requisition to the Collector for restoration of this property, and also for removing the mutation entries made in the Revenue Record.

25.6 Dargah Yaqoob Sahab, Terkheda Tq. Osmanabad Dist Osmanabad

The land of Dargah Yaqoob sahib village of Terkheda Dist Osmanabad admeasuring 1 Acre from Gut no. 482 was illegally lease out for 3years to Dr. Rajesh Bhagwat for construction of Homeopathy Hospital & Medical store by the Board vide resolution no. 84 dated 1-1-2005 therefore this

transaction is null void, because there was no 2/3 majority in the Board meeting.

Hence the said resolution is not in accordance with law the said order needs to be cancelled and property required to be restored by invoking necessary provision of the Wakf Act and rules. Board further resolved that the CEO should take necessary action & send requisition to Collector for restoration of this property.

25.7 Juni Masjid Islampura Malegaon Dist Nashik

The property Juni Masjid Islampura Malegaon Dist Nashik, CTS no. 307 admeasuring 37.6 sq. Mtrs & CTS no. 1248, admeasuring 15X18 fit at proper Malegaon Dist Nashik has been sold out for utilization of amount for the object of Wakf as per the Board resolution no. 15 dated 30-11-2005. This resolution was also passed without 2/3 majority of Board members.

Therefore, the above resolution is not in accordance with law. Hence the property should be restored by invoking necessary provision of the Act and rules.

Point No. 5.2 a) Expenditure on installation of Generator / Inverter:-

The expenditure for installation Generator / Inverter of 3.5 KVA will come near about Rs. 67,000/- to Rs. 70,000/-, since Electricity power cut has been increased because of which it is very difficult to carryout office work. Therefore, expenditure for installation of Generator / Inverter may be approved.

b) Computerization:-

The record of Wakf Board is in very bad condition, Accounts and other Court cases matters & Scanning of Record etc. needs to be computerized and link to the District Wakf Offices. It is therefore, required the Office Record etc. may be computerized and entire record and work may be done on the Computer after scanning files etc. The Board has launched its Website, now there is a need of Software and Hardware. It is estimated that expenditure of Rs. 2 Lakhs will be required, same may please be sanctioned.

Resolution no. 26/2007 :- Board resolved and approved the purchase of Generator or inverter for the office of Wakf Board and sanction the expenditure upto Rs. 70,000/- for it. Board further approve the proposal of Computerization for the office/ offices of Wakf Board and sanction the expenditure upto Rs. 200000/- (Rupees Two lacs) for hardware software and required material etc. Board authorized to CEO to take necessary action of procurement by following procedure of law.

Point No. 6 The proposal of removal of Mutawallies / Managing Committees Constitution of new Ad-hoc Committees:-

The proposal of removal of Mutawalli of Masjid Jamiatul Quresh Pune and Anjuman-e-Khadeemul Masoomin Aurangabad are under consideration. The parties had filed their applications with the Wakf Board under relevant provision of the Act and requested to take urgent action. The parties were heard by the CEO and matter has been inquired. Accordingly the following proposals are kept for the consideration of Board.

6.1:- Application of Mr. Anis Ahmed Qureshi & others against Masjid Jamiatul Quresh, Pune under section 63, 64 of the Wakf Act, 1995 was filed with the Board. The applicant had alleged that the non applicant trustees had misused their position and sold the Wakf properties without getting proper approval. The trustees have been holding charge since last 15 years without conducting elections. Therefore, it was requested to remove these trustees and to appoint new trustees through election or nomination. This matter was heard and both the parties were given chance to represent their case. The replies filed by them and the matter of inquiry is hereby submitted for the decision of the Board.

Resolution no. 27/2007 :- Board discussed this matter in detailed and resolved that the present trustees may be directed to hold election within a period of three months, they should submit their election program within 15 days. If they fail to conduct or hold elections CEO shall nominate the Adhoc Committee for this Wakf which shall hold and conduct the election and also carryout the necessary duties of Wakf. Board further resolved and delegate powers under section 18 of the Wakf Act, to the Board member Adv. A. U. Pathan and the CEO to select and appoint the committee required for this purpose.

6.2:- Application of Mr. Qasim Raza Moosvi against Anjuman Khadimul Masomin of Ashorkhana Diwan Deodi Aurangabad under section 63, 64 of the Wakf Act, 1995 was filed with the Board . The applicant had alleged that the non applicant trustees had misused their position. The trustees have been holding charge since last 15 years without conducting elections. Therefore, it was requested to remove these trustees and to appoint new trustees through election or nomination. This matter was heard and both the parties were given chance to represent their case. The replies filed by them and the matter of inquiry is hereby submitted for the decision of the Board.

Resolution no. 28/2007: - Board discussed this matter in detailed and resolved that the new Board of Trustees or committees should be constituted by holding election. Since election cannot be hold impartially by the present trustees therefore CEO should appoint Temporary an Adhoc committee which shall hold election and carryout essential duties of the Wakf till the new body is constituted. The CEO shall nominate the Adhoc Committee for this Wakf which shall hold and conduct the election and also carryout the necessary duties of Wakf. Board further resolved and delegate powers under section 18 of the Wakf Act, to the Board member Adv. A. U. Pathan and the CEO to select and appoint the committee required for this purpose

6.3:- There are above 35 proposals of Wakf institutions pending for formation of committees. The enquiries have been completed, therefore it is proposal that the Board members Adv. A. U. Pathan and Chief Executive Officer should be delegated power to finalize and appoint committee u/s 18 of the Wakf Act, 1995

Resolution no. 29/2007:- Board approved the proposals of Wakf institutions pending for formation of committees should be finalized by Chief Executive Officer in consultation with the Board member Adv. A. U. Pathan they are delegated power u/s 18 of the Wakf Act, 1995

Point No. 7 **Release of Staff Salary for 3 Days Strike period:-**

Employees of the Board were constrained to proceed on strike by giving notice, because previously at Government level there was negative

submissions on Staffing pattern & transfer of 2% administrative charges from Charity Commissioner as well as Grants in aid. The said process converted in positive and transfer of amount Rs. 1 crore due to their Strike which was done in the interest of Wakf. Hence their 3 Days salary may please be released.

Resolution no. 30/2007 :- Board discussed this issue and did not approve the strike of employees however, in view of the non payment of salaries of the employees for longer period has approved to release the salary of 3 days of Board employees for strike period with the warning that in future no such approval shall be granted to them.

Confirmation of Resolutions: -

The Board discussed all the urgent items of meeting and confirmed the above resolutions for their immediate implementation, the detailed minutes may be circulated to the Board Members for confirmation.

The meeting concluded with the vote of thanks by the CEO.

(Shah Tariq Anwar)
Presiding Chairman
Maharashtra State Board of Wakfs.

Chief Executive Office
Maharashtra State Board of Wakfs
Aurangabad

(Adv. A.U. Pathan)
Member
(Maharashtra State Board of Wakfs)