



Minutes Of The Special Board Meeting Dated 10th January 2008

The first Board Meeting of year 2008 was convened at 5:00 pm on 10th January 2008 at Hotel Taj Lands End, Bandra (w) Mumbai. The following Board 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 5.00 p.m. Honourable 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 12-12-07

Proposal: The minutes of the meeting dated 12-12-2007 were circulated to the Honourable Members, the Minutes were discussed in the meeting and same were confirmed unanimously

Resolution no. 01/2008.

The Board resolved and confirmed the Minutes of the Board Meeting held on 12-12-2008 at Sahyadri Guest House, Malabar Hill, Mumbai.

SIYANAT SECTION

Point No. 2. Development of properties regularization of encroachment in S. no. 508, 509, of Jalna.

Proposal 2.1: The land admeasuring 26 acres in Sr. No. 508, 509 in Jalna is wakf property Inam of Kali Masjid Jalna. It was under supervision of State Government. Now Collector has removed encroachments and handed over possession to Board as per directions of Honourable High Court. However complete encroachments are not removed. The High Court had directed Tahsildar to remove all encroachments and put the land on Eksala laoni. The Tahsildar removed part of encroachments and handed over that possession to Wakf Officer. When S.D.M. and Ad. D.S.P. contacted Chief Executive Officer on phone before removal process, he was requested by Chief Executive Officer to defer the action because we have to take protective and preventive measures after removal, but S.D.M. turned down the request and said that they have to remove encroachments otherwise there will be a contempt of High Court. Accordingly they removed about 87 encroachments leaving others. The police were requested to open police chowky for protection but they did not do so. When encroachments were removed and police left the site all the encroachers regained their illegal possession. They did not allow our men to do the work of fencing. They threatened our guards and forced them to leave the site. Thus the operation has been unsuccessful and illegal possessions are continued. The Revenue authorities and police have been informed. The police has started registering F.I.R. against them. Therefore it is necessary that further course of action in this issue may be decided.

Proposal 2.2: Since Board has no manpower to protect this land therefore it is proposed to give this land for development on BOT basis and to auction a part of it for income generation.

Proposal 2.3: There are about 87 encroachers on this land and 90% of them are Muslims, therefore there is a demand to rehabilitate them on one side of land. This may be decided.

Proposal 2.4: There is one order of lease for two years granted by Marathwada Wakf Board for 21 years to one Shahjahan Begum. She was not given possession. Now she is pressing for possession. This issue needs to be discussed and decided.

Resolution no. 02/2008: -

Board discussed this issue along with legal opinion and Court orders in detail and resolved that:

2.1. Board observed that the order of Honourable High Court has not been complied fully, as there is no measurement done by T.I.L.R., entire 26 acres land has not been properly demarcated and given possession and all the encroachments are not removed. The Tahsildar was asked by Court to put the land on Eksala Laoni, therefore the Tahsildar has to comply the entire order and then hand over possession to Board. Board therefore resolved that the Collector and Tahsildar should be informed accordingly and this matter may be brought to the notice of High Court so that the Board should not be held responsible for incomplete compliance. The legal opinion be taken and necessary action may be taken accordingly. Board has decided to request Collector to get the land properly demarcated by T.I.L.R., remove all encroachments and then hand over possession of entire land to Board. Board authorized Chief Executive Officer to take steps to make fencing or compound wall on this property through the available funds of Board. He may decide rates after following procedure of law.

2.2. Since the S. No. 508, 509 are open and there is a continuing threat of encroachment, therefore this property should be given on lease or for development to the builders or for income generation by inviting public offers through news papers. The bidder who will give highest value and return should be given lease or the rights to develop this land. The powers to negotiate, fix up rate and decide any issue in this connection are delegated to Honourable Board member Adv. A. U. Pathan and Chief Executive Officer. Matter may be kept for final sanction before Board.

2.3. Board further resolved that in order to get land vacated the encroachers may be shifted to one side of property by giving them suitable plots making them tenants thereby regularizing their encroachments if they are ready to pay proper deposit and rent. The powers to decide the rates and other modalities are delegated to Honourable Member Adv. A. U. Pathan and Chief Executive Officer.

2.4. Board discussed the issue of lease to one Smt. Shahjahan Begum and decided that this issue should be got examined through legal experts and proposal be submitted in next meeting.

Point No. 3. Development of property in Idgah Kadim Nanded

Proposal: The developer has submitted proposal. This was discussed in presence of Hon. Board member Adv. A. U. Pathan. The developer is expected to spend Rs. 2.4 crores and share the 30% rent of building which may come up to Rs. 1 lakh per month. Presently the rent received is about Rs. 10000.00 p.m. This proposal may be accepted after getting technical guidance of engineer / approved architect and proper comparison. The Board member may be delegated powers with C.E.O. to decide this matter.

Resolution No. 03/2008

Board discussed the issue and decided that the proposal be got examined by suitable engineer / architect and public offers be invited through news papers. The offers received should be negotiated by Chief Executive Officer and Board member and final proposal be kept in Board meeting for approval.

Point No. 4. Revision of lease of Videocon Company and Nath Paper Mill.

Proposal: The Videocon company is possessing wakf land about 21 acres 31 Gunthas from 1965. the lease deed was executed by Marathwada Wakf Board. The company is paying Rs. 2000.00 lease amount annually. Now the company is given notice to revise lease and rent. The negotiations need to be approved by Board.

The Nath Paper Mill is possessing 87 acres of land on Paithan road. This company is also paying very meager amount of Rs. 17000.00 annually. The company is given notice. Matter is kept for decision of Board. There are similar other cases also.

Resolution NO. 04/2008

Board discussed the lease of Nath Paper Mills, Videocon and others and decided that the lease deed of Nath Paper Mills and others which has expired in view of new Wakf Act, 1995, therefore they should be asked to revise their lease deed as per new Wakf Act, 1995 and pay rent as per Government norms. They should also pay arrears of lease rent from the expiry of lease. The

powers to negotiate and fix rent below the prescribed rate is given to Adv. A. U. Pathan and Chief Executive Officer.

Point No. 5. Tenders of Dargah Hazrath Turabul Haq Rh. Parbhani.

Proposal: The urs of Dargah Hazrath Turabul Haq Rh. Parbhani is scheduled from 31st January 2008. The tenders for following items were called and comparative statement is enclosed in statement "A" for approval.

Proposal 5.1. Rates for erecting stalls: - The following tenders were received for erecting stalls at Numaish ground of Urs Dargah Haz. Turabul Haq Rh., Parbhani.

Sr. No.	Contractor	Rate
1	Maharaja Mandap Decorators	365.00
2	M. R. Mandap Decorators	344.50
3	Sakharam Narayanrao Dudhate	360.00
4	Shrikant Wagh Joglekar	450.00
5	Jaibhawani Decorators	390.00

Resolution No. 5.1./2008

The tender of Rs. 344.50 are lowest and most profitable for the Board. Therefore resolved to accept the rates of M. R. Mandap Decorators for erecting stalls at the rate of Rs. 344.50. The tenderer may be provided part payment for work.

Proposal 5.2: Rates for electrification in Urs: - The rates for electrification in Urs for providing bulb connections to stalls etc. were called from experienced electrical contractors. The following tenders were received.

Sr. No.	Contractor	Rate
1	Archana Electricals	6786.00
2	Ruby Electricals	51000.00
3	Rachna Electricals	25501.00
4	R. D. Magar Electricals	85000.00

The rates of Archana Electricals were lowest but he did not submit experience certificate and labour insurance, therefore fresh negotiable offers were taken from all tenderers. Accordingly following negotiable rates were received.

Sr. No.	Contractor	Rate
1	Archana Electricals	6786.00
2	Ruby Electricals	Without charges
3	Rachna Electricals	25501.00

The rates of Ruby Electricals were lowest after negotiations as he offered to provide electrical connection without charges to Board. Moreover he has offered to charge lowest rates to the shopkeepers for providing extra lights and also offered to provide free lights to the search tower. This contractor is an experienced one and has a highest solvency of 1.5 crore fulfill all other conditions of labour insurance etc.

Resolution No. 05.2/2008

Board observed that the electrification to the exhibition and urs premises is a very delicate matter and any failure may lead to untoward incident, therefore Board after considering the experience, capacity and lowest rates of Ruby electricals has decided and resolved to accept his tender.

Proposal 5.3: Tenders of Show land: - Tenders for allotment of plots for show land exhibition for installing entertainment items were invited. The following tenders were received.

Plot No.	Name of tender holder				
	Kazi Md. Asifuddin	Kazi Akhil Jaleel	S. Samee	Md. Isa	Unique Samaj Vikas Sanstha, A'bad.
1	X	X	15000	20000	X
2	X	X	15000	20000	X
3	X	35000	20000	9000	29000

4	X	31000	20000	1000	30000
5	X	39000	15000	30000	31000
6	X	30000	15000	30000	X
7	73786	X	51000	X	X
8	61756	X	51000	X	X
9	55000	X	16000	51000	X
10	71786	X	52000	X	X
11	55786	X	17000	45000	X
12	55501	X	45000	X	30000
13	45786	X	15000	30000	30000
14	X	X	20000	X	X
15	X	X	20000	X	X

The Collector in his letter has written to Board to ensure that the tenders pay entertainment tax to Government, therefore new conditions of clearance of entertainment tax along with experience was added to this year's tender. But later on it was found that the tenderers are required to take the permission of Collector before installation and therefore it was not necessary to adhere to that condition.

Relaxing the above conditions, the highest rates for plots Nos. 3, 4, 5 by Kazi Aquil Jaleel and for plot Nos. 7, 8, 9, 10, 11, 12, 13 by Kazi Md. Asifuddin, therefore Board will be benefited by Rs. 1.92 lakhs and there would be no loss of any kind if condition is relaxed.

Resolution No. 5.3/2008

Board discussed this issue in detailed and observed that by relaxing the conditions of entertainment tax and experience, Board will be benefited by Rs. 1.92 lakh and there would be no loss or risk of any kind as the necessary permission is later on required to be taken from Collector. The Board therefore resolved that the highest rates for all the plots are accepted and Board resolved to relax condition No. 7 in case of plots No. 3, 4, 5, 7, 8, 9, 10, 11, 12, 13.

Point No. 5.4. Selection of conveners of events etc.

Proposal: Every year the Board select the conveners of different events and pay for it from receipts. The powers to select them and decide payments as well as other related items may be given to Board members.

Resolution No. 5.4/2008

Board resolved and delegated powers to select conveners to manage events in Urs, to Board Member Adv. A. U. Pathan and Chief Executive Officer.

ESTABLISHMENT SECTION:

Point No. 6. Appointment of retired Government officers in Wakf Board.

Proposal: The Board is need of officers and the proposal to appoint new officers is held up due to Government order. Therefore following persons are proposed to be taken in Board service. Their Bio data and experience is enclosed.

1. Mr. S. F. Daimi Retired Account Officer from Collector office, Aurangabad.
2. Mr. Md. Abdul Aziz Retired Naib Tahsildar.
3. Mr. Abdul Kalam, Mumbai Honorary Wakf Executive for Mumbai Office

The above and similar other officers / employees are proposed to be appointed on temporary basis on negotiating their honorarium.

Resolution No. 06/2008

Board discussed the issue and resolved to appoint (1) Mr. S. F. Daimi and (2) Mr. Mohammed Abdul Aziz retired Government Officers in Board initially for six months and Mr. Abdul Kalam for one year. Board further authorized Honourable Member Adv. A. U. Pathan and Chief Executive Officer to appoint similar cases on honorarium etc.

Point No. 7. Appointment of Advocates on panel of High Court advocates / Tribunal.

Proposal: Wakf Board has no approved panel of Advocates therefore the cases were randomly distributed amongst advocates. This practice has resulted into loss to Wakf Board. Hence it was required to be discontinued. Therefore the cases of Wakf Board are now given to the following selected advocates. Their result is now satisfactory, hence they are proposed to be appointed on panel.

1. Adv. Javed Shaikh, Aurangabad High Court / Tribunal
2. Adv. Nisar Ahmed Khan, Aurangabad Tribunal.
3. Adv. S. S. Kazi, Aurangabad High Court / Tribunal.
4. Adv. R. M. Momin, Mumbai High Court.
5. Adv. Saeed Akhtar, Mumbai High Court.
6. Adv. Bukhari, Mumbai High Court.
7. Adv. Firdos Mirza, High Court Nagpur
8. Adv. Phiroz Khan, Nagpur. (Wakf Tribunal)

The advocate Saeed Akhtar and Advocate Bukhari may be engaged as senior counsels for clubbed matters in Mumbai. Their honorarium may be negotiated and fixed by Honble Adv. A. U. Pathan and C.E.O.

Resolution No. 07/2008

Board resolved to appoint following advocates or panel on the prescribed rates

1. Adv. Javed Shaikh, Aurangabad High Court / Tribunal
2. Adv. R. M. Momin, Mumbai High Court.
3. Adv. Saeed Akhtar, Mumbai High Court.
4. Adv. Bukhari, Mumbai High Court.
5. Adv. Firdos Mirza, High Court Nagpur
6. Adv. Phiroz Khan, Nagpur. (Wakf Tribunal)

Board further authorized Honourable Member Adv. A. U. Pathan and Chief Executive Officer to negotiate the rates of fees to be given to Sr. Counsels, they may be paid advance fees as part payment for clubbed matter, and to add or delete the proposed panel.

Point No. 8. Fixation of Wakf Fund of 2%

Proposal: The wakfs which were registered by Charity Commissioner are now transferred to Wakf Board and Board is charging 7% wakf fund. Due to big difference no body is ready to register their wakf with Wakf Board. Which is causing great financial loss. It is therefore proposed that the wakf fund may be initially charged at the rate of 2% of gross income similar to Charity Commissioner.

Resolution No. 08/2008

Board considered this issue in detailed and decided that the rate of wakf fund may be reduced to the extent of 2% of gross annual income of wakf, similar to Charity Commissioner. Those who pay within 6 months should be given this benefit on priority. The institutions which can pay more can be charged more depending on their source. The powers to decide the rate is delegated to Chief Executive Officer.

Point No. 9. Appointment of Panel of Auditors

Proposal: The Wakf Act, 1995 requires that the Board should have their panel of auditors to carry out audit of wakf institutions. Therefore the advertisement was published in news papers. Only one application from Nagpur is received. He is fit and competent auditor for Vidarbha. So he may given audit of Vidarbha and fresh advertisement may be given for other regions.

Resolution No. 09/2008

Board resolved to appoint Mr. R. T. Mirza and Company on the panel of auditors and approve that the audit of Vidarbha be given to him as the approval of Government will take time. Board further resolved that the rates of audit should be limited as follows:

1. Audit of income up to Rs. 100000.00 2%
2. Audit of income more than 100000.00 1.5%

This approval will be subject to the final sanction of State Government.

Point No. 10. Office automation / Computerization tenders.

Proposal: The Board has launched website and the rates were called for development of software, as Board has made provision of Rs. 2 lakhs. Four tenders are received. Lowest one has been tested and he is competent to carry out work. Therefore the rates may be approved as per statement, and budget may be increased accordingly.

The office of wakf Board has 10 different sections. All these sections needs to be linked up by intercom so that there will be a faster communication. An expenditure of about Rs. 30000.00 may be incurred, which may be sanctioned.

Fifteen Board employees are being paid Rs. 400.00 each per month for mobile telephones as per earlier orders of Board. If the Tata telephones / mobiles are given to them on prepaid cards there will be time expenditure of Rs. 3000.00 it will save Rs. 42000.00 per year. Therefore it is proposed to adopt new scheme.

Resolution No. 10/2008

Board discussed the tenders and resolved to accept the tender of M/s. Infosys for Rs. 2.62 lakh. Board further approve to increase the limit of computerization to Rs. 3 lakhs.

Board further resolved to install intercom system and to adopt Tata mobile plan for the Board officers / employees. Chief Executive Officer may decide rates.

Point No. 11. Delegation of power of Board to C.E.O. for conducting hearing, enquiries and to give directions u/s 32.

Proposal: The Wakf Act, 1995 empowers Board to conduct enquiries or decide matters or give directions to wakf under various provisions of law. Since it is not practically possible for Board do conduct large number of hearings or enquiry, therefore these powers need to be delegated to C.E.O. or other officers of Board. In many emergency matters, C.E.O. has to issue directions to Wakfs u/s. 32, therefore it is proposed to delegate these powers to C.E.O. and other officer.

Resolution No. 11/2008

Board resolved that the powers of Board to conduct hearing or enquiries under various provisions of Wakf Act, 1995 are delegated to C.E.O. or other officers of Board as decided by C.E.O. C.E.O. is also given powers to issue suitable directions to Wakfs u/s. 32 of Act.

Point No. 12. Opening offices at Nasik and Amrawati.

Proposal: The offices at Mumbai, Pune and Nagpur have been approved by Board. There is a urgent need to open offices at Nasik and Amrawati also and to open bank accounts at all regional places. The local officers may be deputed temporarily. It may be approved.

Resolution No. 12/2008

Board resolved to open regional offices at Nasik and Amrawati along with other regional places with their bank accounts and authorized Chief Executive Officer to depute or appoint staff accordingly on contractual or honorary basis.

Point No. 13. Approval to the format of registration of Wakf.

Proposal: The format of registration is required to be approved by Board. The copy is enclosed. Same may be approved.

Resolution No. 13/2008

Board resolved to approve the format of registration of wakfs, as per enclosed one.

Point No. 14. Reimbursement of Actual Traveling expenses.

Proposal: The Traveling expenses of Chief Executive Officer is generally reimbursed from the Government grants but due to shortage of Government grants, the bills of more than 50000.00 are pending in which the expenses of plane travel are also included. Therefore it has become difficult for Chief Executive Officer to make tours and to do important work of Board. The Chief Executive Officer as well as Board members have to travel in emergency. Therefore the actual expenses incurred on the traveling and emergency air travel of Chief Executive Officer and Board members may be reimbursed from the wakf fund.

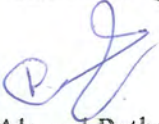
Resolution No. 14/2008

Board resolved to grant approval to the reimbursement of actual expenditure incurred by Chief Executive Officer or Board members due to touring and emergency air travel for work of Board. The amount may be refunded to Board after it is claimed from Government.

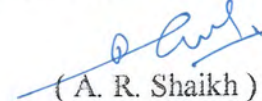
Resolution No. 15/2008

Board resolved that all the above resolutions may be immediately taken up for implementation and details of minutes be kept for confirmation in next meeting.

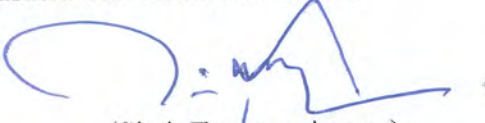
The meeting was concluded with vote of thanks by Chief Executive Officer.



(Adv. Ahmed Pathan)
Hon'be Member
Maharashtra State Board of Wakfs



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



(Shah Tareque Anwar)
Presiding Chairman.