



**Minutes of the Board Meeting Dated 3rd April, 2008 at Nandgir Guest House,
Near Air Port, Mumbai at 11.00 a.m.**

The third Board meeting of year 2008 was convened at 12.30 pm. On 3rd April 2008 at Nandgir Guest House, Near Air Port, Mumbai. The following Board members and officers etc. were present.

- 1) Honourable Tariq Anwar (Member of Parliament)
- 2) Honourable A. U. Pathan (Member Bar Council)
- 3) Shri A. R. Shaikh, Chief Executive Officer & Secretary Board.
- 4) Shri F. S. Daimi, Officer on Special Duty, Board.

As the quorum was available therefore a meeting began as per scheduled at 12.30 pm. Honourable Member Mr. Tariq Anwar presided over meeting.

Point No. 1. To grant leave of absence if any:-

There was no application received, hence no resolution.

Point No. 2. Confirmation of Minutes of Meeting held on 10.01.2008.

Proposal: Draft Minutes of the Board Meeting Dated 10.01.2008 has been circulated, same may be approved.

Resolution No. 16/2008.

The Board resolved and confirmed the Minutes of the Board meeting held on 10.01.2008 at Hotel Taj Lands End, Bandra (W), Mumbai.

Registration:-

Point No. 3. Cancellation of Resolution No. 3 dated 09.03.2005 regarding issuing Corrigendum of Gazette of Wakf properties of Mumbai and B.S.D. etc. published on dated 5-5-2005.

Proposal: The 5 member Committee was constituted under the Chairmanship of Charity Commissioner to classify the Trust and Wakf. Accordingly the list of bifurcated institutions was published for the Mumbai region. Since this list is defective and large number of complaints received, therefore, there is need to reconsider and cancel the Board Resolution No.3 Dated 9-3-2005 and the notification Dated 5-5-2005.

Resolution No. 17/2008.

Board discussed this issue in depth and reconsidered the resolution passed by the Board along with consequences and resolved that the corrigendum of gazette in respect of wakf properties of Mumbai and B.S.D. needs to be cancelled as the procedure adopted for corrections was not legal, and the constitution of five member committee has also been challenged. More over there are several mistakes and several complaints about the entries in the gazette. Therefore Board resolved that this resolution may be cancelled and the corrigendum issued accordingly may also be cancelled. This issue may be decided a fresh.

Point No. 4. Registration of Wakf properties of Mehdi Baugh Nagpur and framing of Scheme as per direction of Honourable High Court.

Proposal: Mehdi Baugh Wakf issue has been referred to the Wakf Board by Honourable High Court. This Wakf is to be registered and scheme is to be framed. 6 Months time limit was given by

Honourable High Court. Therefore, the Registration order is passed by Chief Executive Officer under the delegated powers; same is kept for the approval of the Board.

Resolution No. 18/2008.

Board discussed the order and resolved that the order passed by the Chief Executive Officer in respect of registration of Mehdi Baugh wakf properties in case No. 69/15/2007 dated 26.03.08 is confirmed by the Board. Board further resolved that the hearing in respect of framing the scheme shall be taken by the Board.

Point No. 5. Confirmation of Registration of Anjuman Hami-E-Islam, Sadar Nagpur.

Proposal: Anjuman Hami-E-Islam, Sadar Nagpur Trust is Registered by the Chief Executive Officer without being heard by the Board, therefore, this issue has gone to the Honourable High Court. Hence the Registration is required to be reconsidered by the Board, and the decision of the Chief Executive Officer may be approved.

Resolution No. 19/2008.

Board resolved that the powers of registration of wakf have been delegated to the Chief Executive Officer by the Board under section 27 of Wakf Act, 1995. Accordingly the Board reconsidered the registration done by Chief Executive Officer and resolved that the registration of wakf institution Anjuman Hami-E-Islam Nagpur done by the Chief Executive Officer is hereby confirmed. This matter may be brought to the notice of Honourable High Court and matter may be settled.

Siyanat:-

Point No. 6.1. Leasing rights in S.No. 508, 509 pertaining to Kali Masjid Jalna. Approval of Tender of Parking in S. No. 508 of Jalna.

Proposal: In order to combat with the continuing threat of encroachment on S. No. 508, 509, pertaining to Kali Masjid, Jalna, the Board has resolved to authorize Board member Adv. A.U.Pathan and Chief Executive Officer to develop the land on BOT basis or find the means of income generation by inviting tenders in news papers. Accordingly, sealed tenders were invited for allotment of 2 hectares of land for 11 months lease for providing facility of parking vehicles in survey No. 508. The expected upset value was fixed at Rs. 5 lakhs. This attempt yielded good response and a highest bid cost of Rs. 10,00,786.00. The successful bidder Mr. Shaikh Waseem Shaikh Sardar was issued work order to enter into a lease agreement with the Board. However the bidder failed to approach for depositing 50% of the bid cost. Therefore his deposit was freezed and subsequently the second highest bidder viz. Mrs. Parveen Begum was approached by issuing work order by this office whose bid offer was to the tune of Rs. 8,00,786.00. The second highest bidder expressed his unwillingness but agreed to accept the work order provided payment conditions are relaxed. He requested to deposit 50% of the total cost of the bid in the form of cash Rs. 2.00 lakhs and the rest by post dated cheques. It is proposed that the request of the bidder of the second highest rank may be accepted by the Board relaxing condition of payment and allowing to deposit the cost of the bid by posted cheques otherwise re tendering process may not even yield this much amount as the land is encroached.

Resolution No. 20.1/2008:

The Board resolved and approved the tender awarded to Mrs. Parveen Begum relaxing payment condition. She should be granted the facility to deposit Rs. 2.00 lakhs in cash and rest balance amount in the form of cheques as the land has been allotted on "as is where is" basis and the encroachment on the land is yet not finally cleared.

Proposal 6.2: Out of the total area of land admeasuring approximately 26 acres at survey No. 508, 509 only 5 acres of land has been utilized for the parking facility. For the rest of the land sealed tenders were invited for allotting the land on 11 months lease for the purpose of functions, party functions, temporary commercial use, exhibition & other entertainment program However it is observed that the response to this public advertisement proved to be poor and not appreciating and only two bids received with highest bid cost of Rs. 2 lakhs. It is proposed that if the remaining portion of the land is utilized for commercial/ residential/ social community services by inviting

offers through public advertisement, it has reasonable potential and will generate considerable income if leased out. It is therefore proposed that for the remaining portion of the land approximately 20 acres a lay out may be developed or lease for commercial/ residential/ social community services with the help of some technical experts and invite offers through advertisement. The powers to decide and accept rates may be delegated to Chief Executive Officer in order to take timely decision.

Resolution No. 20.2/2008: The Board resolved and authorize one of the Board members and Chief Executive Officer to draw up a plan of development for generating income on remaining portion of land at survey No. 508, 509. The Board also further authorize them to suitably negotiate the terms of development, lease etc. of land and the terms. They are hereby authorized to take appropriate decision for allotment of land for commercial/ residential/ social community services and fix the lease amount, rent, deposit premium etc. from developer or lease holders.

Point No. 7. Termination of lease executed during Marathwada Wakf Board and proposal to revise lease rent, where lease has expired or concluded due to Wakf Act 1995.

Proposal: There are several Institutions where lease was given by the Marathwada Wakf Board on long term basis. This include cases of Videocon, Nath paper mills, Kailash agencies etc. and many more. Now the lease beyond 3 years is void as per new Wakf Act 1995, therefore, all the old lease matters need to be ceased and parties to be called for fresh lease. The Notices have been issued to the parties. The powers to negotiate the rates may be delegated to the Chief Executive Officer and Chairman or Board Members.

Resolution No. 21/2008:

Board discussed this issue and resolved that all the lease holders who were given the wakf property on lease before 01.01.1996 should be given notices and since their lease stands ceased in view of the provisions of the Wakf Act, 1995, their lease and rent should be decided afresh. The lease rent to be charged should be decided as per the valuation report of the Government approved valuer considering the market value as well as the possession of the applicants. The power to negotiate and decide the rent / lease amount is hereby delegated to one of the Board members in absence of Chairman and Chief Executive Officer. The lease cases of Nath Paper Mill, Videocon, Kailash agencies and similar other properties should be decided in the similar fashion.

Point No. 8. Fixation of norms and one time service charges for issuing "No Objection Certificate" to individual Wakf for development of their properties.

Proposal: The Wakf Institutions especially in Mumbai have submitted proposals to the Board for issue of No Objection Certificate for development of their properties or to transfer properties for betterment. The Board has to take lot of pain in assessment and survey as well as Valuation and supervision of these properties. Board is already in shortage of staff and officers. The services of the Honourary engineers / architect have been hired. One Shri Shakeel Sharif, 62/B, IIIrd floor, New like building, Opp. Bank of Hyderabad, Kalina, Santa Cruz (East), Mumbai - 29, Mumbai has been appointed as honourary technical consultant for the Board, this appointment may please be approved. He is giving his honorary services for this job. However there are many expenses for survey of properties assessment, traveling etc. to be incurred by the Board. The Board further has a responsibility of proper valuation of the properties before issuing NOC. There are many proposals from wakfs for sale, exchange, mortgage and lease of their properties where they seek NOC of Board. In view of the poor financial position of the Board, and non payment of grants from Government as well as considering the services rendered by the Board and responsibility on the Board, there is a need to levy one time supervision / service charges for issuing No Objection Certificate for development or transfer of wakf properties. Board must get share when it increases the return. The Board has been levying certain service charges in order to generate income for meeting the expenses of the Board vide Board resolution No. 5/2007 dated 04.11.2007. Now it is proposed that this resolution may be further modified and this may be incorporated under the regulations of the Board. The propose rates for issuing NOC for development or transfer of properties may be approved as follows:

Sr. No.	Item	Proposed rates minimum	Proposed rates maximum	Remarks
1	Development of wakf properties	3% of total project cost	5% of total project cost	Rate may be levied depending on the size and marketability of project. Donation may be taken extra.
2	Sale of wakf properties	2% of total project cost	4% of total project cost	Rate may be decided considering the use of the sale proceeds and need and object of the wakf
3	Exchange of wakf properties	2% of total project cost	3% of total project cost	Rate may be decided considering the use of the sale proceeds and need and object of the wakf
4	Lease of wakf properties more than one year – up to three years	10% of total lease amount to be recovered in three years.	20% of total lease amount to be recovered in three years.	Rate may be decided considering the use of the proceeds and need of the wakf

Resolution No. 22.1/2008

Board discussed this issue in depth and resolved that the rates of special service charges for issuing NOC and granting approval for the development and transfer of wakf properties should be levied in view of the special services rendered by the Board. The rates of this special service charges may be taken as one time charges and same should be levied as follows:

Sr. No.	Item	Range of gross project cost	Proposed rate of one time development charges	Remarks
1	Development of wakf properties	Up to 5 crores	5%	The charges shall be recovered from developer. In the event of higher market value per square feet in metropolitan cities in the range 15 to 30 thousand and above, the Board may share the profit by taking amount in the form of donations.
		5 to 10 crores	4% of project cost	
		10 to 25 crores	3%	
2	Sale of wakf properties	Nil	2% of sale cost	This cost of service charges should be born by the purchaser for seeking NOC of the Board. Rate may be decided considering the use of the sale proceeds and need and object of the wakf.
3	Exchange of wakf properties	Nil	2 to 3% of the total cost	... do ...
4	Lease of wakf properties more than one year – up to three years	Nil	10 to 20% of total lease amount of 3 years.	The service charges shall be determined by the C.E.O. depending up on the nature and utility of the leased property.

Board further resolved that the Board resolution No. 05/2007 dated 04.11.2007 regarding service charges and this resolution should be incorporated in the regulations of the Board and same should become part of regulations as empowered under section 110 of Wakf Act, 1995.

Resolution No. 22.2/2008

Board further approves the appointment of MR. Shakeel Sharif of Mumbai as a honorary technical consultant for a period of one year. The appointment is purely temporary, honorary and can be terminated without notice also. He may be paid honourarium and actual expenses incurred by him as per the services rendered by him and at the rate to be decided by Chief Executive Officer in consultation with Board member.

Point No. 9. Transfer of Wakf properties belonging to Institution Ashoorkhan Maula Ali Ratnali of Dharmabad and Dargah Peer Rahimuddin Shah village Chhanje Tq. Uran District Raigadh.

Proposal 9.1: Land in survey No. 160/A, 160/B at Ratnali, Dharmabad district Nanded area 2H, 93R, 2H, 92R belonging to Ashoorkhana respectively has been encroached by hundreds of encroachers and out of only a part of about 18 acres out about 80 acres is now left open. There is continuing threat of encroachment on this property. This property is not useful for maintenance of Institution therefore, it is proposed that this land can be sold and money can be utilized for the development of this institution and other Wakf properties. If approved the necessary tender procedure can be adopted.

Resolution No. 23.1/2008:

Board principally agreed with the proposal of the sale of this land in view of the continuing threat of encroachment and 3/4th of the property having being grabbed by the encroachers and illegal occupants. Board therefore approves this proposal and authorize Chief Executive Officer to issue public tenders in news papers and necessary notification in Government Gazette.

Proposal 9.2: There is proposal to exchange land 11.92 acres belonging to Dargah Peer Rahimuddin Chhanje, Tq. Uran, District Raigadh and Masjid Satara District Aurangabad for development of Dargah and replacement of some acre of land located in the wakf will sale this land and will spend amount for development of Dargah and premises. The purchase of new productive land will generate income for wakf. There are similar proposals of Ashti (Wardha) etc.

Resolution No. 23.2/2008:

Board principally agreed to call public offer for sale and purchase of land by publishing in Government Gazette and news papers. The final proposal be kept before Board.

Point No. 10. Lease proposal of Badshahi Mulla Masjid Bhingar, Ahmednagar & Dargah Burhanpeer, Nandgaon, Latur.

Proposal 10.a: There is a Lease proposal from the trustees of Badshahi Mulla Masjid Bhingar dated 04.09.06 for lease of 36 acres of land belonging to their institution to be leased to Jamiya Islamiya Ishatul Uloom Akkal Kuwan belonging to Maulana Gulam Wastanwi for the establishment of Madrasa, Masjid and other educational institute. The property has already been given in possession by the said wakf to the said institution of Maulana Gulam Wastanwi and the buildings have been already constructed on it. There is an agreement between the trustees and the institution It is therefore proposed that the said transaction of lease may be principally agreed and the institution may be authorized to complete the legal formalities.

Resolution No. 24.1/2008:

Board discussed this issue and principally agreed to communicate the NOC of the Board for handing over the land in survey No. 60, 61 area 26 acres belonging to Badshahi Mulla Masjid Bhingar Tq. Dist. Ahmadnagar, to Jamiya Islamiya Ishatul Uloom Akkal Kuwan on annual rental basis as per the legal provisions of the Wakf Act, 1995. The amount of rent may be decided by the members of managing committee of the said Badshahi Masjid and the said institution as mutually agreed.

Proposal 10.b: Similarly there is a proposal from mutwalli / inamdar of wakf institution namely Dargah Burhanpeer, Nanded District Latur that 3 acres of land of this institution is proposed to be given to the Jamiya Islamiya Ishatul Uloom Akkal Kuwan on nominal rent or lease. It is proposed that the Madrasa, Masjid and others religious and educational institutions will be developed on this land. The proposal may be principally agreed and NOC of the Board may be given to this institution to hand over the possession of this land for development and establishment of religious and educational institution. The necessary legal formalities of agreement and rent etc. may be finalized by the concerned mutwalli / inamdar according to the legal provisions of Wakf Act, 1995.

Resolution No. 24.2/2008:

Board discussed this issue and principally agreed to communicate the NOC of the Board for handing over the land in survey No. 268 area 1 acre 20 gunthas belonging to Dargah Burhanpeer, Nandgaon District Latur, to Jamiya Islamiya Ishatul Uloom Akkal Kuwan on annual rental basis as per the legal provisions of the Wakf Act, 1995. The amount of rent may be decided by the members of managing committee of the said Jamiya Islamiya Ishatul Uloom and the said institution as mutually agreed.

Point No. 11. Proposal for development of Vazeerabad Masjid Nanded & at Aurangabad (At Chikalthana, Gulshan Mahel, Daultabad etc.)

Proposal 11.1: The land of wakf institution Masjid Vazeerabad Nanded has been acquired by Municipal Corporation for road widening on the condition that the institution will be compensated by corporation by handing over floor space on their building. The letter has been given in that respect subject to approval of General Body of Zilla Parishad. But The Corporation has not yet handed over this space for development and it is difficult to get the possession of that property for development unless there is a constant pressure and persuasion. Therefore one developer namely More associates and engineers, Nanded have submitted a proposal for development of this property. As per his proposal the responsibility to take possession on this property will be taken by him provided he is allowed to develop this property as per his proposal.

Proposal 11.2: The wakf Dargah Baba Shah Musafir Rh. has land at Chikalthana about 10 hector, 15 R in survey No. 596 which is in possession of encroachers. This land will be given in possession of the Board by S.D.M. in execution of order passed by the Chief Executive Officer under section 55 of Wakf Act, 1995. The possession will be taken in this month. It is proposed that this may be given on lease so that the property can be taken in possession and protected afterwards.

Proposal 11.3: The wakf Dargah Abdul Wahab & Graveyard, Opp. fort has land at Daultabad opposite fort about 300 x 320 Fts. which is in possession of encroachers. This land will be given in possession of the Board by S.D.M. in execution of order passed by the Chief Executive Officer under section 55 of Wakf Act, 1995. The possession will be taken in this month. It is proposed that this may be given on lease so that the property can be taken in possession and protected afterwards.

Proposal 11.4: The wakf Gulshan Mahel, Aurangabad has land about CTS. No. 11442 which was in possession of encroachers. This land has been given in possession of the Board by S.D.M. in execution of order passed by the Chief Executive Officer under section 55 of Wakf Act, 1995. The possession has been taken in last month. It is proposed that this may be given for development on BOT basis so that the property can be taken in possession and protected afterwards.

Resolution No. 25/2008:

Board discussed all the above issues and approved the proposals. Board decided that one of the Board members with Chief Executive Officer will decide all these issues and take necessary steps for development or leasing of these properties. The powers to execute the necessary documents and decide the rates and other terms and conditions have been delegated to the Chief Executive Officer along with one member of the Board.

Point No. 12. Issuing No Objection Certificate for development of Wakf properties.

Proposal 12.1: Following proposals of wakf property for development are received by this office:

1. Kausa Jama Masjid Trust, Kausa, Mumbra, Thane.
2. Cassum Ismail Mistry Trust, Mumbai.
3. Nawab Ayaz Ali Khan Masjid Trust, Mumbai.
4. Seth Alibhoy Amiruddin Wakf Estate, Mumbai.
5. Haji Ismail Allana Charity Trust, Mazgaon, Mumbai.
6. Mama Hajiani Dargah & Mosque & Mohammed Hasham Sanatorium Trust, Mumbai
7. Mohammed Ali Noorbhoy Bundukwala Trust

The last trust is referred by Honourable High Court which directed Board to decide this permission before end of April 08.

The Board consultant has examined these projects and has revised the costing. No Objection Certificate may be issued for development of properties on the condition of charging minimum service charges as decided by the Board. Estimates cost of these projects have been checked by Board consultant and have been revised wherever it was found less. If these proposals are approved the trust may be benefited with good amount of service charges. However there is a need to prescribe the norms for issuance of NOC for such development projects. Therefore same may be deliberated and decided.

Resolution 26.1/2008:

The Board had a detailed discussion with the officers and the technical consultant in the meeting and decided that the following practice may be followed before issuing NOC for development.

- a) The projects received should be in detailed along with item wise cost of the project, expenditures detail, the profit of developer and income to be received by the trust etc. These proposals should be got scrutinized by the office, whether they are as per the prescribed rules and regulations of the Board.
- b) The proposal if found proper should be given for technical scrutiny to the Board's consultant or approved architect to check the technical aspects and costing of the project. The necessary lacunae should be got removed and proposal be made ready for decision of Board.
- c) After the Board's initial approval the concerned wakf should be informed to advertise the project in appropriate news paper and competitive proposals should be invited.
- d) The cost may be negotiated by the trustees / members of the wakf and most beneficial project may be selected.
- e) The final proposal should be submitted to Board for deciding the issuance of the NOC.

Resolution 26.2/2008:

The Board had a detailed discussion with the officers and consultant regarding all these development projects and observed that mostly there seems to be no alienation of original wakf land / property in many of these development projects since developer will invest initially and reimburse the expenditure through constructed portion, hence Board decided that the development projects should be approved after ascertaining the competitive offers to be called by advertising these projects in news papers. The powers to issue NOC after following the due procedure as prescribed above is delegated to the Chief Executive Officer in consultation with one of the Board members.

Accounts:-

Point No. 13. Submission of Budget of Maharashtra State Board of Wakfs for the year 2008-09.

Proposal: The Budget of Maharashtra State Board of Wakfs for income Rs. 28762000.00 and expenditure Rs. 30495000.00 the deficit of Rs. 1733000.00 for the year 2008-09 is submitted for approval.

Resolution No. 27/2008:

The Board discussed the budget of Maharashtra State Board of Wakfs for the year 2008-09 and approved the same for income Rs. 28762000.00 and expenditure Rs. 30495000.00 the deficit of Rs. 1733000.00 for the year 2008-09

Point No. 14. Fixation of rates of Facilitation Centers at Nagpur, Mumbai & Others.

Proposal: The Board has opened Regional Wakf Offices at Nagpur, Mumbai, Pune and Nasik. The Offices at Nagpur is opened with the help of private participation. The work of last 2 months of Nagpur Centre is very encouraging; therefore, it is necessary to fix up the rates to be paid to these Centers. The Nagpur centre has collected an amount of about Rs. 1.7 lakhs in last 2 month and has taken camps at district level for distribution of registration certificate and collection of wakf fund. This centre has kept 3 employees of its own and made the premises, telephone, fax computers etc. available for the working of Board. This private centre has demanded Rs. 39000.00 as a

remuneration to the staff and rent + actual expenditure on telephone, contingencies and comp and they should be paid 40% of the collection charges as the remuneration. The Board has decided to open a regional office at Nagpur and to depute the staff of 3 persons for catering to the needs of area and to hire the premises for which Board will have to spend Rs. 40000.00 per month. The Board has posted 2 employees for Nagpur centre but one is absconding and another has proceeded on leave. Thus it is not possible that the Board employees will render the proper services. It is therefore proposed that this facilitation centre should be allowed to be operated through private participation on experimental basis for one or two years and they should be compensated by paying a lump sum amount of Rs. 15000.00 per month for expenses on staff, premises and 25% of the collection of the centre may be paid to them as an incentive for collection of wakf fund and as a remuneration for rendering the services.

Resolution NO. 28/2008:

Board resolved and approve the facilitation centre at Nagpur in the name of Mrs. S. Mirza, Parkash complex, Ravinagar, Nagpur to be run for giving the Board services to the people of Vidarbha region. Board further approve to pay the remuneration to the centre @ Rs. 15,000.00 per month to meet the expenses of salaries of two persons, rent of premises etc. plus 30% of the collection of the wakf fund and other income of the Board received at the centre and other places in the region, if there is no Board employee at centre. The expenses on travel and camps should be paid Rs. 5000.00 per month. The expenses on contingency like postage, stationary, telephone etc. shall be reimbursed extra. Board approves the centre for a period of five years on experimental basis. Agreement may be signed. This system may be followed in other regional centers.

Point No. 15. Amnesty Scheme regarding charging of Wakf Fund @ 2% & revision of Wakf Fund on Agriculture land in Marathwada.

Proposal: The Board is charging 7% Wakf Fund, but Wakfs are not ready to pay 7% rate, as they were paying to Charity Commissioner @ 2%, therefore, the collection of wakf fund in this year for the region out of Marathwada is only Rs. 24 lakhs as against the expected revenue of about Rs. 1.5 crores. It is therefore necessary to bring more numbers of wakf under the control of Board by approaching them and by reducing the rate of wakf fund and bringing at par with rate of Charity Commissioner. It is therefore proposed that the amnesty scheme should be launched for a period of 6 months. Wakf Fund may be charged @ 2% as an amnesty scheme, which may be declared initially for the period of at least 6 months for a region out of marathwada, so that maximum Wakfs can enroll with Wakf Board and collection can be increased.

Resolution NO. 29/2008:

Board resolved and approve the special scheme of charging wakf fund @ 2% from wakf institutions. This scheme may be advertised so that maximum collection can be done within a period of 6 months. This scheme may be launched from 01.04.2008 to 30.09.2008 for initial period.

Enquiry:-

Point No. 16.A. Scheme of Dargah Bhandari Shah Takiya Pune, and others.

- B) Formation of schemes under section 69 of Wakf Act, 1995, (1) Madina Masjid, (2) Marakal Masjid Pune, (3) Haji Cassum Trust Mumbai, (4) Bhandari Shah Takiya Pune, (5) Dargah Gaiban Shah "Tape Dargah" Andheri, (6) Nagina Masjid Melegaon (7) Dargah Meetha Neem Nagpur, (8) Takiya Diwanshah Nagpur and other Institutions.
- C) Formation of supervisory Committees under section 18 of the Wakf Act 1995 for 1) Masjid Bilal Jalna, 2) Masjid Palsi, 3) Masjid HUDCO Corner, Aurangabad, 4) Masjid Nageshwarwadi Aurangabad, 5) Hingoli Masjid, 6) Gaiban Shah Mumbai, (7) Shirpur Malegaon Washim.
- D) Enquiry under section 64, 67, 70, 71 against Committee Khuldabad Dargah Haddekalan & Khurd and others.

Proposal: The above proposals where framing schemes under section 69, election of Institutions, formation of management committee under section 18, removal of the Mutawallies under section 64, Enquiry under section 64, 67, 70, 71 are under consideration of Board. There are about 20 proposals pending where hearings on behalf of Board are complete. The cases of Malegaon,

Shirpur (district Washim), Hingoli are referred to Board by Honourable High Court and hearings in these cases are taken by Chief Executive Officer and cases are required to be decided therefore, the proposal is therefore submitted before Board may to take appropriate decisions in all these pending cases (detail enclosed).

Resolution NO. 30/2008:

Board resolved that the proposed cases shall be individually studied and proposed action may be taken by Chief Executive Officer in consultation with one of the Board members. The powers under section 18, 38, 41, 65, 67, 69, 70 & 71 are delegated to the Chief Executive Officer together with one of the Board member jointly. This delegation is under section 27 of Wakf Act, 1995 for deciding the pending cases in Maharashtra State Board of Wakfs.

Cases:-

Point No. 17.1. Filing of SLP in Supreme Court in Writ Petition No. 3026/05 in respect of Currimbhoy Ibrahim Khoja Orphanage Trust Mumbai, as well as in Writ Petition No. 6003/07 and 3163/07 and other clubbed matters.

Proposal: The Board had initiated proceedings under section 52 of Wakf Act, 1995 against the trustees of Currimbhoy Khoja orphanage trust and Antilia company pvt. Ltd. (Reliance Group) for restoration of property alienated illegally as decided by Board and earlier directed by Government. However the trust approached High Court by Special notice of motion in W.P. No. 3026/05 and the Honourable High Court has granted Ad-interim relief against restoration of properties sold to Antilia Commercial Pvt. Ltd. in October 2007 and clubbed all wakf matters for final hearing but no progress made thereafter. The construction of Antilia Company is going in full speed. It is therefore necessary to discuss and decide whether to move Supreme Court in S.L.P. for directing Honourable High Court to hear the matters expeditiously or to vacate stay granted to Antilia Company.

Resolution NO. 31.1/2008:

Board resolved that SLP should be filed in Supreme Court in WP 3026/05 against stay granted by Honourable High Court, the senior counsel may be engaged to fight the cases in High Court and Supreme Court in the Writ Petitions. Board further approves the expenditure to be incurred on senior counsel and the other expenses on journey, air fare, etc. The Board authorize Chief Executive Officer to decide the fees and expenses in consultation with Board member Adv. A.U.Pathan (member Bar Council).

Point No. 17.2: Filing SLP in WP 3163/07 and 6003/07 in Supreme Court against the orders of High Court.

Proposal: The matter of appointment of Chief Executive Officer in under judicial scrutiny in Mumbai High Court. The High Court has passed few orders about clubbing, amendment etc; and may decide matter in future. It is necessary that Board may decide next course of action.

Resolution NO. 31.2/2008:

Board resolved that SLP may be filed in Supreme Court whenever needed and appointment of Chief Executive Officer should be protected as the interest of Board will suffer adversely if he is transferred, board member Adv. A.U. Pathan is empowered to take necessary decision.

Establishment:-

Point No. 18: Promotion of employees, recruitment of officers, staffs, sanction of D.A., sanction of leave and disciplinary action.

Proposal 18.1: There is a proposal for promotion of Board employees as Assistant Chief Executive Officer at the Divisional Places and the Head Office as per Seniority amongst the Wakf Officers on adhoc basis. This issue is kept for decision of Board

Resolution No. 32.1/2008:

Board directed Chief Executive Officer to prepare seniority list of Board employees for last five years and collect the Confidential Reports of the employees who are in the list of promotion. Board further directed Chief Executive Officer to investigate the cases of illegal promotions, (pay scales) in past, take corrective measures and submit report in next meeting.

Proposal 18.2: Recruitment of officers and staff –

A) Board is in shortage of the officers and staff. There is a proposal to recruit 60 employees in different categories. The Board had called applications from the candidates and exam was conducted. However the papers were sealed and the process was kept in abeyance due to the complaints and the directions of the Government in the year 2006. The Government has not yet cleared this issue. The candidates who have paid examination fees are now constantly enquiring about the result. There is a criticism in news papers for not declaring the result of the exam. Therefore the Chief Executive Officer has requested the State Government vide its letter No. EST/7186/2006 Dated 30.12.2006 to clear the proposal, as the consultation part is already completed by the Board. It is further requested that, presuming the Government has been consulted the Board can go ahead with the process for recruiting the required staff out of the candidates who appeared for the exam by taking their re examination. The Government has not yet replied the letter. The Board has send a proposal to the Government to sanction a staffing pattern but this issue is still not replied by the Government. In view of pressing need of employees for the working of the Board, it is proposed that the Board may go ahead with the selection of the required candidates (at lease 20) by taking the reexamination of the same candidates. The Board may go ahead with the framing of recruitment rules presuming the staffing pattern is approved by the Government.

Resolution No. 32.2/2008:

Board resolved that Chief Executive Officer should go ahead with the process of taking reexamination of the candidates whose applications were called and pending with the office. The required number of employees may be recruited on contractual basis on the condition that their appointment shall be subject to the confirmation of staffing pattern and approval by the State Government. The salaries of these employees may be decided as per the previous proposal. These employees may be posted at head quarter and at regional or district places as required. This may be done in consultation with one of the Board member in absence of Chairman.

B) Appointment of Mr. F. S. Daimi and Mr. Aziz as O.S.D. – These retired Government officials have been appointed in the service of Board on the contractual payment basis for six months. Since they are working from last three months and their performance is satisfactory, therefore it is proposed that they may be given duty as a executive officer for the institutions and their salaries may be charged to the institution account.

Resolution No. 32.3/2008:

Board resolved that the retired officers Mr. F. S. Daimi and Mr. Aziz may be appointed as executive officers for the institutions and their salaries may be charged to the institution 1) Panchakki and (2) Dargah Shahnoor Hamvi Rh. respectively. Their services may be terminated by Board any time before expiry of this period.

Proposal 18.3: The Board employees are not being paid the increased D.A. @ of State Government. Therefore there is a constant demand from their union to release the increased D.A. This matter is submitted to Board for decision.

Resolution No. 32.4/2008:

Board principally agreed to pay part of the increased D.A. to the employees provided the Board has sufficient income generated in proportion to the monthly and annual expenditure of the Board. Therefore Board directs Chief Executive Officer to prepare monthly income and expenditure statement of the Wakf Fund for the year 2007-08 and put up in the next meeting for taking decision.

Proposal 18.4: Leave – The Board employees Mr. Shaikh Zafar, Office Suptd. And Mr. Shaikh Ismail, Wakf Officer were absent for a period w.e.f. 07.03.07 to 15.08.07 and 03.02.07 to 27.03.07, 10.08.07 to 20.08.07 respectively. They did not get their leave sanctioned before proceeding on leave and the period of their absence is more than 60 days, which is beyond the powers of Chief Executive Officer. Therefore this is kept for the approval of the Board.

Resolution No. 32.5/2008:

Board directed the Chief Executive Officer to submit the reasons of their absence along with their explanation in the next meeting for taking decision.

Proposal 18.5: Disciplinary action and other service matter – The employees presently working for the Maharashtra State Board of Wakfs are the employees of Ex Marathwada Wakf Board. Although they have not yet been absorbed in the regular staffing pattern as employees of Maharashtra State Board of Wakfs, they are being controlled and paid by the Maharashtra State Board of Wakfs and the Maharashtra Civil Service Rules have been made applicable to them as per the Board regulations presuming that they have been taken in the Board on adhoc basis. Since the employees are being paid and controlled by the Maharashtra State Board of Wakfs and their services are regulated under the provision of Maharashtra Civil Service Rules, therefore there is a need to delegate proper powers to the Chief Executive Officer in respect of disciplinary action, leave, etc.

Since many employees are found to be involved in gross indiscipline, gross misconduct and misappropriation of wakf fund, therefore the departmental enquiries have been started against many of them. The enquiries of employees namely Mr. Aziz Ahmed, Mr. Siraj Ahmed, Mr. Shaikh Ismail, Mr. Mustafa Khan, etc. is completed. Therefore there is a need to take action against the delinquent employees. Hence it is proposed that the powers to impose minor penalties and to place the delinquent employee under suspension under MCSR and other powers of head of office as specified in various MCSR may be delegated to the Chief Executive Officer.

Resolution No. 32.6/2008:

Board resolved that the powers to impose minor penalties (as amended up to date) on the employees working with the Maharashtra State Board of Wakfs and place them under suspension, under the provisions of Maharashtra Civil Service (discipline & appeal) rules are hereby delegated to the Chief Executive Officer. The powers of imposing of major penalties shall remain with the Board.

The Board further resolved that the powers given to **Head of office** under various provisions of Maharashtra Civil Service Rules is hereby delegated to the Chief Executive Officer.

Proposal 18.6: Increase of payment to Mr. Riyazuddin Gayasuddin, Dy. Superintendent Dargah Turabul Haque Rh. Parbhani --- Mr. Riyazuddin Gayasuddin has been working as a Muntazim cum Clerk, Dargah Turabul Haque Parbhani. He has been paid Hon. @ Rs. 2500.00 per month since last 10 years. His contemporary employees are getting regular scales and promotion, hence he is constantly requesting to grant regular pay scale. Considering his length of service he should be brought on regular pay scale.

Resolution No. 32.7/2008:

Board resolved that the pay of Mr. Riyazuddin Gayasuddin Should be sanctioned in the pay scale of Junior clerk with effect from 01.04.08 and he may be taken on contract basis.

Point No. 19. Change and confirmation of new Logo and Seal of Board.

Proposal: The Maharashtra State Board of Wakfs has no Seal and the Logo needs to be changed, therefore, New Logo and Seal, both with the image of national emblem, is kept for approval of the Board.

Resolution No. 33/2008:

Board resolved and approve the new logo and seal of the Maharashtra State Board of Wakfs with national emblem in the centre of the logo and seal.

Qazat:-

Point No. 20. Extension of Qazat at State Level and appointment of Quari-Un-Nikah and preparation of model of Siyahnama.

Proposal: Wakf Board is presently doing the work of Qazat in Marathwada Region; Kazies are given Forms to solemnize Marriages in Marathwada Region and accordingly registered with the Board. There is demand that this system should be made applicable throughout the State because the passport office and other Government organizations are asking for the marriage certificates certified by the Maharashtra State Board of Wakfs, therefore people face lot of difficulties in seeking the marriage certificates from Maharashtra State Board of Wakfs if there is no entry of marriages in the

register of marriages maintained by the Maharashtra State Board of Wakfs. Since the marriages solemnized by the Imams of the major Masjids or the wakf institutions, therefore record is maintained by them, and since the wakf institutions are registered with the Maharashtra State Board of Wakfs the proper administration of marriages can be regulated by the Maharashtra State Board of Wakfs. Proposal is submitted for approval.

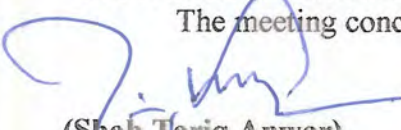
Resolution No. 34/2008:


The Board resolved that the system of issuing the Qazat forms and registering the marriages prevailing in Marathwada should be extended to the entire State and the Quari-Un-Nikah may be appointed by the Chief Executive Officer after completion of due procedure and checking all the required information.

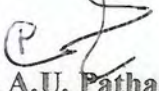
Confirmation of Resolutions: -

The Board discussed all the urgent items of meeting and confirmed the above resolutions from No. 16/2008 to 34/2008 for their immediate implementation without waiting for confirmation and the detailed minutes may be circulated to the Board Members for confirmation in next meeting.

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)