MINUTES OF THE BOARD MEETING DATED 13-7-2013 AT SUBEDARI GUEST HOUSE, AURANGABAD

The Board meeting was convened at 11.00 A.M. as the two members of Nagpur are on the way so meeting is began at 11.00 a.m. at Subedari Guest House, Aurangabad, by recitation of Quran by Maulana Gulam Wastanvi. The following Members and Officers were present:-

1. Janab Mulana Gulam Wastanvi.
2. Advocate Asif Shaukat Qureshi,
3. Mr. Zainuddin Mohsinbhai Zaveri
4. Smt. Ainul Chand Attar
5. Mr. Durrani Abdulla Khan A. Latif Khan alias Baba Jani
6. Mr. Habeeb Fakih
7. Mr. Syed Jameel Ahmed Jani Miya
8. Mr. M. A. Syed Chief Executive Officer.

As the quorum was available therefore, Meeting began at 11.00 a.m. Mr. Abdullah Khan Durrani requested to preside over the meeting to Honourable Member Janab Maulana Gulam Wastanvi Saheb with consent of other Members, thus he presided over the meeting.

I, M. A. Syed, Ex-Officio Secretary & Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad heartily welcomes all Honourable Members in this Introductory Board Meeting. With Grace of Allah I have taken over charge on 5-7-2013, I assure you that Inshallah Tala I shall try my level best for working during the tenure of my additional charge for protection of Wakf properties as well as streamlining the working of the Maharashtra State Board of Wakfs. First of all I would like to submit that with a very limited Staff and very limited sources this Maharashtra State

Board of Wakfs is run and controlled at present. All Honourable Members are requested to move the Government of Maharashtra, for sanction of Regular Establishment Grants in aid as well as sanction of additional Staff to be appointed on all Regions and 35 Districts of the whole Maharashtra. Government of Maharashtra has provided Grants in aid for purchase of Office Equipments, but not sanctioned administration Grants from running those Equipments.

Agenda Point No. 1 :-

To Grant leave of absence if any members.

All Members were present.

Agenda Point No. 2 :-

Confirmation of Minutes Dated 31-12-2012.

In this regard it is submitted that the Minutes of the last meetings are with Mr. N. D. Pathan, previous Chief Executive Officer, on receipt of the same shall be submitted in the next meeting for its confirmation.

There was long discussion regarding previous minutes of the meeting dated 11-7-2011 and last meeting. Mr. Aziz Ahmed, Assistant Chief Executive Officer stated that last from the last 3 meetings Mr. N. D. Pathan has taken complete minutes of the meeting with him. Therefore same is not available. Mr. M. A. Majed Khan has asked regarding previous minutes of the meeting he stated that same is with the Chief Executive Officer. On receipt of the Minutes of the last meeting same shall be submitted for its confirmation. Copy of the Minutes Dated 31-12-2012 has been served to all Members, but copy of the Minutes Dated 11-7-2011 could not be made available.

All the Staff Members were called in the Meeting before members Mr. Gulam Wastanvi had stated that the incident happened recently of Mr. N. D. Pathan is very serious and all should take a lesson from this incident.

Resolution No. 1 /2013 :- It is unanimously resolved that the Minutes Dated 31-12-2012 has been confirmed.

Agenda Point No. 3 :-

Implementation report on resolutions/decisions taken in the last Board meeting.

In this connection also there has been a long discussion, Mr. Aziz Ahmed, Assistant Chief Executive Officer stated that he do not know regarding the decisions taken in the last meeting.

Resolution No. 2/2013 :- It is unanimously resolved that Mr. Aziz Ahmed, Assistant Chief Executive Officer should follow up for collection of Minutes of the Meeting from Mr. N. D. Pathan Ex-Chief Executive Officer and submit in the next meeting of the Board for necessary decision. On receipt of the Minutes dated 11-7-2011 same should be submitted before next Board Meeting. Register of Minutes should be maintained and all the Minutes of the Board meeting should be pasted on it after its confirmation.

Agenda Point No. 4:-

Report of working & recovery position of Regional Wakf Officers as well as District Wakf Offices for last 2 years.

Regional Wakf Officers & District Wakf Officers were given letter in this regard for submission of the working as well as recovery position for last two years. Further they have been called for attending the Board Meeting. The details received from them are submitted for kind perusal. They are also present they may be called for any further discussion.

Region-wise review has been taken and it is found that there is very limited Staff only on Regional Wakf Officer is handling Two Regions. If additional Staff is provided Mr. Pathan Munir Khan & Mr. Abdul Ateeque Khan stated the Recovery of Wakf Fund can be increased by double of the present recovery position. Further Mr. Abdul Ateeque Khan stated that in the last month a Group of Anti-Social Elements has attacked on him in the Office after Friday Prayer, when he was alone in the Office, against who F.I.R. has been registered with the concerned Police Station. As he felt insecure himself, because of which he is not sitting in the Office continuously. He is paying visit to Mumbai for Office work frequently and returning. Regarding Keys of the Office given to Mr. Shakeel Shareef & Mr. Asif Pathan he has been directed by Mr. Habib Fakih to collect the Office Keys from these persons.

<u>Resolution No. 3/2013</u> :- It is unanimously resolved that on Contract basis Staff may be appointed by the Chief Executive Officer at Regional places on fixed Salary of Assistant Rs. 10,000/- p.m., Clerk Rs. 7,000/-, Peon Rs. 5,000/- This process should be completed within on month by Chief Executive Officer and Assistant Chief Executive Officer by giving advertisement in News Paper. Further Landline

Telephone and Internet facility should be provided to all the Regional as well as District Offices and Biometric Attendance Machines should be installed in each Office. Pune, Mumbai & Amravati Offices should be established by taking suitable premises. All the expenses should be borne from the Fund received from the Government of Maharashtra. Senior Officer should be deputed at Regional places and they should control the Recovery through new Staff to be appointed.

Agenda Point No. 5:-

Discussion regarding constitution of 6 Regional Wakf Committees under Section 18 of the Act 1995.

It is proposed to form 5 (Revenue Divisions) Wakf Regional Committees, Kokan, Pune, Nashik, Amravati & Nagpur.

Aims & Objects of the Regional Wakf Committee :-

(i) To look after day to day administration of Wakf and to provide effective and efficient service.

(ii) To ensure that income from the wakf properties or by services of the Wakf is properly collected and applied to the object of the work or for which the Wakf is created.

(iii) To explore possibilities of developing of wakf properties and improve the source of income for the Wakf Institutions.

Working & Composition of Regional Wakf Committees:-

(i) The State Board shall appoint 2 State Wakf Board Members, one as President and one as Vice President on Regional Wakf Committee.

(ii) Regional Wakf Officer / Superintendent of Regional Wakf Officer shall be Member Secretary.

(iii) 5/6 Persons shall be nominated by Sate Wakf Board among prominent Muslims from different organizations from respective region.

(iv) The Regional Wakf Committee shall meet every fortnight.

(v) The President of the Regional Wakf Committee shall preside over all meetings, he shall be head of the Institution.

(vi) The Vice-President shall preside over any meetings in absence of the President and shall exercise all powers of President in the absence of the President.

(vii) The Secretary Regional Wakf Committee shall be the executive head of the Regional wakf Committee and shall be responsible for the day to day activities.

(viii) The proceedings of the Regional Wakf Committee meeting shall be recorded in the Minutes Book together with the Resolutions passed on each subject. The Minutes Book shall be signed by the President & Secretary of the Regional Wakf Committee.

(ix) Copy of the minutes of the each meeting shall be sent to Board for approval, only after approval it shall be executed.

(x) Regional Wakf Committee shall be responsible for day to day administration of the Wakf and exercise on behalf of the Wakf within the frame work of Wakf Act 1995, Rules and decisions

taken at Regional Committee Meeting and shall not act contrary to the Wakf Act 1995, Rules & Regulations.

(xi) It shall be the duty of Regional Wakf Committee to send every 6 months Financial Report highlighting the achievements made during the first 6 months in respect of protection of wakf properties, its development and steps taken to improve financial status of the Wakf.

(xii) Tenure of the Regional Wakf Committee for maximum 3 years or as at discretion of Board. The Board alone is competent to cancel or modify this Regional Wakf Committee before or after it has come into force.

(xiii) Quorum of the Regional Wakf Committee shall be minimum 2/3rd members.

Mr. Habib Fakih, Member has stated that as there is no adequate Staff for controlling and protection of Wakf properties, it is necessary to appoint Regional Wakf Committees.

Smt. Ainul Attar, Joint Secretary & Member of Maharashtra State Board has recorded her oppose to the above proposal. Other members also then agreed for cancellation of above proposal.

Resolution No. 4-A/2013:- It is unanimously resolved to reject the proposal of constitute Regional Wakf Committees.

Agenda Point No. 6:-

Discussion regarding delegation of powers to Regional Wakf Committees under section 27 subject to certain conditions limitations.

Resolution No. 4-B/2013:- It is unanimously resolved that this subject is discussed in earlier point, hence rejected.

Agenda Point No. 7:-

Discussion regarding constitution of District Wakf Committees under Section 18 of the Act 1995.

This subject was discussed & decided in earlier meeting dated 31-12-2012. Mr. Habib Fakih & other Members favoured for this proposal. Smt. Ainul Attar, Joint Secretary & Member of Maharashtra State Board has recorded her oppose to the above proposal.

Resolution No. 5/2013 :- It is resolved that in Municipal Corporation Districts 11 Members & in other Districts 7 Members of good conduct of the District Wakf Committee should be appointed for a period of 2 years. The Committee shall help the District Wakf Officers for Recovery, Removal of Encroachments as well as measurement of Wakf properties and their protection honestly.

Agenda Point No. 8 :-

Review of the budget and functioning of Wakfs under direct management of Board.

Copy of Budget of Wakf Fund is submitted for kind perusal and necessary approval, so that same shall be submitted to the Government of Maharashtra as per Wakf Act 1995.

Mr. M. M. Siddiqui has showed the Budget for the current year.

Deferred to Next Meeting.

Agenda Point No. 9:-

Detail chart of Wakfs under direct management of Board and the charges collected by C.E.O. as Administrative Charges.

Copy of Budget of Wakf Institutions under direct control of Maharashtra State Board of Wakfs, Aurangabad is submitted for kind perusal and necessary approval.

Deferred to Next Meeting.

Agenda Point No. 10:-

Review in changes done under the direct management of Wakf Institutions and all such orders passed by Chief Executive Officers from the year 2010 till June 2013 for appropriate decision by the present Board Members for consideration/approval/rectification or reversion of such orders which are not done as per the provision of the Wakf Act and Rules.

Resolution No. 6/2013 :- It is unanimously resolved that copies of the orders in respect Development & No Objection Certificates issued by the Chief Executive Officer should be sent to all Members for study and necessary decision. Responsibility of sending is fixed on Mr. Aziz Ahmed, Assistant Chief Executive Officer.

Agenda Point No. 11:-

Review of reports submitted to the Government Under Section 65(3) of the Wakf Act 1995 for Financial Year 2010-11, 2011-12 and 2012-13.

In this regard it is submitted that from the period of Mr. S. S. Ali Quadri the then Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad, it was his presumption that Wakf Board is competent for

utilization of its income, therefore, there is no need to submit the Budget every year to the Government of Maharashtra for its approval. Further during his period Mr. Mohammed Mohibullah a Retired person appointed by said Chief Executive Officer it was his responsibility to submit in time.

Mr. Muzaffar Siddiqui Accounts Superintendent has explained that the Budget was prepared and submitted for its approval, but the then Chief Executive Officer has not taken any action for its submission to the Government of Maharashtra as per Rules.

***Resolution No. 7-A/2013* :- It is unanimously resolved to fix the responsibility for not sending Budget to the Government of Maharashtra and 2 Increments of Mr. Mohammed Muzaffar Siddiqui should be withhold.**

Agenda Point No. 12:-

Examination of report of Auditor of Wakf Institutions having gross income of Rs. 5 Lakhs and more. Discussion regarding appointment of Panel of Auditors.

In this regard it is submitted that the advertisement for appointment of Auditors on Panel of Maharashtra State Board of Wakfs was given on 28-11-2007 in Urdu Times Mumbai at time only one application had been received and only Chartered Accountant Mr. R. T. Mirza was appointed. But on receipt of the so many complaints he was removed. Again the file was submitted on 30-1-2009, 19-3-2010 for appointment of Panel of Auditors, same has not been decided as yet. Hence submitted for consideration.

***Resolution No. 7-B/2013* :- It is unanimously resolved that 6 Regional Auditors should be appointed by giving a fresh**

advertisement in News Papers for appointment of Panel of Auditor on Wakf Board, Draft of the same should be submitted to the Board Members after confirmation same should also be uploaded on Website of Board.

Agenda Point No. 13:-

Review on the orders of recovery of amount certified by the auditor under Section 47, Sub-Section (2).

In this regard it is submitted that all the Accounts of the Wakfs are being submitted by the Trustees, Mutwallies & Managing Committees in shape of Audit Report audited by the Chartered Accounts, on receipt of the Audit Reports Wakf Fund is calculated on it and levied in the Office of Maharashtra State Board of Wakfs, Aurangabad.

Deferred to Next Meeting.

Agenda Point No. 14:-

Discussion on the appeals filed in Wakf Tribunal against the orders of C.E.O. – Maharashtra State Board of Wakfs as well as details of all cases pending before Honourable High Court against orders of Wakf Tribunal.

In this regard it is submitted that in most of the cases Appeal is filed before Honourable Wakf Tribunal against the orders passed by the Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad. A statement is submitted for kind perusal in respect of cases pending before all the Courts.

Deferred to Next Meeting.

Agenda Point No. 15:-

Discussion on the procedure of appointment of Advocates in the Tribunal, Name, Address and Contact No. of the Advocates on Panel.

Statement is submitted for kind perusal.

Deferred to Next Meeting.

Agenda Point No. 16:-

Discussion on procedure of appointment of Advocate/Counsel who defend Wakf Board in the High Courts Board to appoint Advocate/Counsel Panel for Wakf Tribunal/High Court Bench in Mumbai, Nagpur and Aurangabad & List of Advocates with Name, Address and Contact No. who have applied for their appointment on Panel of Maharashtra State Board of Wakfs.

Statement is submitted for kind perusal, there is no procedure as yet, necessary guidance may please be given in this regard.

Deferred to Next Meeting.

Agenda Point No. 17 :-

Discussion on details of payments and expenditures incurred on legal matters, name of the Advocate/Counsel/Solicitor and Fees/Professional Charges paid to them for the year 2012-13. Proper formulation of Fees of Advocates and proper guidelines in this regard.

Statement is submitted for kind perusal.

Deferred to Next Meeting.

Agenda Point No. 18:-

Review on powers delegated to C.E.O./Regional Officer and any other adhoc employee (Inquiry Officer) and take appropriate decision in the board meeting.

There has been long discussion regarding complaints against Mr. Asif Pathan and Mr. Shakeel Shareef of Mumbai Office. Smt. Ainul Attar stated that it has been informed the then Joint Secretary, M.D.D. that these persons had helped in the Supreme Court matter; therefore it will be better if enquiry in the matter is done.

Resolution No. 8/2013:- It is unanimously resolved that Mr. Asif Pathan and Mr. Shakeel Shareef should be removed from the service of Maharashtra State Board of Wakfs.

Agenda Point No. 19:-

Brief discussion on decisions taken by the C.E.O. from 2009 to 2013, which has been reverted by the Wakf Tribunal and status thereon.

In this regard it is submitted that the present available record has been collected and procedure for remaining record will be continued and submitted in due course.

Deferred to Next Meeting.

Agenda Point No. 20:-

Continuation of Services of Shaikh Faheem Assistant Developer Wakf Management System of India for Registration of Wakf Record, Scanning etc. & release of enhanced Salaries of Data Entry Operators of WAMSI as per Budget provided by the Central Government.

The work of Wakf Management System of India is in progress and it is essential to continue the services of above Staff. Application has been submitted by Data Entry Operators of payment of Salary as per the Budget provided by the Ministry of Minority Affairs Government of India. Hence submitted for approval.

Deferred to Next Meeting.

Agenda Point No. 21 :-

Sanction of 2 Advance Increments to Mr. Baig Ifteqarullah Stenographer & Nodal Officer, Maharashtra State Board of Wakfs, Aurangabad.

The workload of supervision of Wakf Management System of India as Nodal Officer has been increased on shoulders of Mr. Baig Ifteqarullah and his claim is pending since long, hence same may please be sanctioned.

Deferred to Next Meeting.

Agenda Point No. 22:-

Decision regarding Stay granted by Honourable Members of Maharashtra State Board of Wakfs, in respect of continuation of services of Mr. Shaikh Zafar, Regional Wakf Officer Amravati & Nagpur.

It is submitted that Mr. Shaikh Zafar has submitted application that he was appointed as per Wakf Regulations 1964 in which date of superannuation is 60 years. Maharashtra State Board of Wakfs has Resolved to adopt M.C.S.R. Rules in all respect i.e. age of superannuation as 58 years and well as Pension, Family Pension, Encashment of Leave, Gratuity & Medical Reimbursement etc. Honourable Members have granted Stay to the Retirement Notice. In the present Wakf Rules 2003 approved by the Maharashtra State Board of Wakfs, submitted to the Government of Maharashtra for approval where age of superannuation is 60 years.

Applications of Habeeb Ahmed, Qazi Ishaque Mohiuddin, Siraj Ahmed Khan Retired Employees has also been received for the continuation of Services. Hence submitted for necessary approval.

Smt. Ainul Attar stated that there are allegations against Mr. Shaikh Zafar and Enquiry is under process at Government level.

Resolution No. 9/2013:- ***It is unanimously resolved to reappoint Mr. Shaikh Zafar on Honorarium of Basic Salary till further orders. M.C.S.R. is applicable to the Board Employees, therefore, he has been retired as per orders issued by the Chief Executive Officer.***

Agenda Point No. 23 :-

Decision for cancellation of Orders of Maharashtra State Board of Wakfs Atiyat/3037/2013 Dated 14-5-2013 illegally allotted land to Shri Dayanand Ramchandra Bhakt for three years on nominal lease amount on recommendation of Mr. Mohammed Nazeer Ex-in-charge District Wakf Officer Jalna. Proposal for his suspension and Registration of F.I.R. against him & Enquiry of concerned involved persons as per Letter No.MSBM 17/2/2013 Dated 8-7-2013 of Member of Board.

Orders of Maharashtra State Board of Wakfs Atiyat/3037/2013 Dated 14-5-2013 needs to be cancelled forthwith and action proposed for disciplinary action against Mr. Mohammed Nazeer may be taken after calling his explanation.

Resolution No. 10/2013:- ***It is unanimously resolved that orders of 3 years Laoni illegally given by the then Chief Executive Officer should be cancelled and Service Inam Land should be taken under direct supervision of Board and fresh Laoni auction should be done for one year after filing Caveat before proper Court. Further explanation of Mr.***

Mohammed Nazeer should be called and action should be proposed against him for losses caused.

Agenda Point No. 24:-

Confirmation of Stay granted to the Election proceeding of Masjid Ambernath Trust Taluka Kalyan, District Thane.

As directions of the Government of Maharashtra, Stay has been granted till the further directions of the Government, same may please be confirmed.

Deferred to Next Meeting.

Agenda Point No. 25:-

Decision in respect of the Police Enquiry of Dargah Bhandari Shah, Budhwarpeth, Pune.

This matter is pending before the Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad under section 40 of the Wakf Act 1995, but the concerned parties are filing complaints against each other in Police Station. Hence interim reply to the Police Department, permission may please be granted.

Deferred to Next Meeting.

Agenda Point No. 26:-

Decision regarding Leased Land of Masjid Dharoor, District Beed.

Land is allotted to the Anjuman-E-Ishat-E-Taleem, Beed for 51 years by the then Marathwada Wakf Board in the year 1971-72. Now Managing Committee has filed complaint for cancellation of the said lease. Hence submitted for necessary decision.

There had been long discussion on this point, Maulana Wastanvi stated that alternate plot should be given for construction of the School to avoid complications and maintain peace and harmony in the locality.

Resolution No. 11/2013:- *It is unanimously resolved that Mr. Abdullah Khan Durrani, Mr. Syed Jameel & Chief Executive Officer will visit the spot and try to the solve the problem by taking into consideration for increasing Rent fresh Agreement Andjuman-E-Ishat-E-Taleem, Beed.*

Any other point with the permission of the Chair.

Resolution No. 12/2013:- *It is unanimously resolved that Mr. M. A. Majed and he may be transferred to Amravati, if he fails to join duty, disciplinary action may be taken against him. There are so many complaints against him therefore Show Cause Notice should be issued to him and Chief Executive Officer is authorized to take disciplinary action against him.*

Resolution No. 13/2013:- *It is unanimously resolved that Election of Jama Masjid Mul of File No. 99/2011, 4591/2630/2011 proceeding should be initiated.*

Resolution No. 14/2013 :- *It is unanimously resolved that Honorarium of Imam should be paid Rs. 5000/- per month and Moazin should be paid Rs. 3000/- per month of the Masjids under control of the Maharashtra State Board of Wakfs.*

Resolution No. 15/2013:- *It is unanimously resolved that Recruitment Rules & Regulations of Maharashtra State*

Board of Wakfs 2012 submitted to the Government of Maharashtra confirmed.

Resolution No. 16/2013:- The Maharashtra Civil Services (Conduct) Rules, 1979 and The Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 be made applicable in all respect to all employees on the establishment of the Maharashtra State Board of Wakf, Aurangabad.

Resolution No. 17/2013:- It is unanimously resolved that, the consent of the Maharashtra State Board of Wakf, be accorded to the appointment of Shri. Ejaz Hussain Syed, 6th Judicial Magistrate (Higher Grade) and Additional Chief Judicial Magistrate, Aurangabad as Chief Executive Officer of the Maharashtra State Board of Wakf, Aurangabad.

Resolution No. 18/2013:- It is unanimously resolved that, in addition to the present post of Chief Executive Officer of the Maharashtra State Board of Wakf, Aurangabad, one Additional Chief Executive Officer for the purpose of looking after administrative matters of the Board, be appointed. Board will decide the powers to be given to above Chief Executive Officers.

Resolution No. 19/2013:- It is unanimously resolved that Mr. A. R. Shaikh Ex-Chief Executive Officer shall be appointed as Consultant on Honorarium with the consult of Government

of Maharashtra. Mr. Aziz Ahmed Assistant Chief Executive Officer will work together for increasing the income of the Maharashtra State Board of Wakfs of the lands allotted to Maulana Azad College, Nath Paper Mills, Videocon, Municipal Corporation Aurangabad, Government & Local Bodies encroached properties and other properties leased & rented by the Maharashtra State Board of Wakfs.

Resolution No. 20/2013:- *It is unanimously resolved that all the powers delegated to the Chief Executive Officer earlier on 10-6-2011 or any other Resolutions are hereby withdrawn, due to such blanket delegation of powers Chief Executive Officer has misused it, even the Wakf Tribunal has passed structure on exercise of powers. In view of this Board has unanimously decided to withdraw all powers given to Chief Executive Officer.*

Janab Mulana Gulam Wastanvi
Presided Chairman
Maharashtra State Board of Wakfs

Janab Asif Shaukat Qureshi
Member
Maharashtra State Board of Wakfs

Janab Zainuddin Mohsinbhai Zaveri
Member
Maharashtra State Board of Wakfs

Janaba Ainul Chand Attar
Member
Maharashtra State Board of Wakfs

Janab Durrani Abdulla Khan (Baba Jani)
Member
Maharashtra State Board of Wakfs

Janab Habib A. Fakih
Member
Maharashtra State Board of Wakfs

Janab Syed Jameel Ahmed Jani Miya
Member
Maharashtra State Board of Wakfs

Janab M. A. Syed
Ex-Officio Secretary
Chief Executive Officer,
Maharashtra State Board of Wakfs,
Aurangabad