

Modified by Director & Final Copy

Board of Wakfs, West Bengal

THE WEST BENGAL WAKFS REGULATIONS, 2008.

MINORITIES AFFAIRS & MADRASAH EDUCATION DEPARTMENT
GOVT. OF WEST BENGAL

THE



Kolkata

Gazette

Extraordinary

FALGUNA 11

MONDAY, MARCH 2, 2009

SAKA 1930

PART-I- Orders and Notification by the Governor of West Bengal, The High Court, Govt. Treasury etc.

**BOARD OF WAKFS, WEST BENGAL
MINORITY AFFAIRS & MADRASAH EDUCATION DEPTT. WEST BENGAL**

No: 1604

Dated: 05.11.08

NOTIFICATION

In exercise of the power conferred by section 110 of the Wakf Act, 1995(43 of 1995), the Board of Wakfs, West Bengal, with the approval of the State Government, hereby makes the following Regulations with the prior sanction of the State Government vide no- 1067-MD/0/4W-18/01 dated 23.07.08 with the concurrence of the Law Department vide their U.O No- 44/08 and Finance Department vide their U.O No-2121 Gr.P (Service) dated 18.06.08.

REGULATIONS

1. SHORT TITLE AND COMMENCEMENT:-

- (1) These Regulations may be called The West Bengal Wakfs Regulations, 2008.
- (2) These regulations shall come into force from the date of their publication in the Official Gazette.

2. DEFINITIONS:-

- (1) In these Regulations, unless the context otherwise requires:-
 - (a) "**Act**" means the Wakf Act, 1995 (Act 43 of 1995);
 - (b) "**Accounts Officer**" means an Officer of the State Govt. in the West Bengal Audit & Accounts Service Cadre appointed under sub-section (1) of Section 24 of the Act and designated as Accounts Officer;
 - (c) "**Board**" means "Board of Wakfs, West Bengal", established under section 13 of the Act. means a body corporate constituted under
 - (d) "**Chairperson**" means the Chairperson of the Board elected under sub-section (8)of section 14;
 - (e) "**Deputy Chief Executive Officer**" means an Officer of the State Government in the West Bengal Civil Service (Executive) Cadre appointed under Sub-section (1) of Section 24 of the Act by the State Government and designated as Deputy Chief Executive Officer;

- (f) **"Employees"** means the employees of the Board appointed in consultation with the State Government under Section 24 of the Act.
 - (g) **"Fund"** means the Wakf fund constituted under sub-section (1) of Section 77 of the Act.
 - (h) **"Form"** means a form appended to these Regulations;
 - (i) **"Government"** means the Government of West Bengal;
 - (j) **"Joint Mutawallis"** means two or more Mutawallis as defined in clause (i) of Section 3 of the Act and/or appointed to act as Mutawallis under Section 63 of the Wakf Act;
 - (k) **"Officer"** means the Officers of the Board appointed in consultation with the State Government under section 24 of the Act.
 - (l) **"President"** means a Member of the Board or a Committee, chosen, nominated and/or elected to preside over any meeting of the Board or such Committee as the case may be;
 - (m) **"Rules"** means the West Bengal Wakf Rules, 2001.
 - (n) **"Section"** means a section of the Act.
 - (o) **"Secretary"** means the Chief Executive Officer of the Board of Wakfs, West Bengal who shall be ex-officio Secretary of the Board as defined in sub-section (3) of Section 23 the Act;
- (2) Words and expressions used in these Regulations and not defined, but defined in the Act or in the Rules shall have the meanings respectively assigned to them in the Act or in the Rules.

3. THE TIME AND PLACES OF THE MEETINGS OF THE BOARD.

(1) Ordinarily, the Board shall hold its meeting in its office in Kolkata:

Provided that in exceptional circumstances if the Board so considers expedient may hold its meeting at such other place within the territory of West Bengal, as two third of its existing members may decide.

(2) The Board shall hold at least six; meetings in each completed year of constitution or reconstitution of the Board on such date and at such hour as the Board may fix at the immediately preceding meeting and the intervening period between two consecutive meetings shall not be more than three months:

Provided that the meeting for the purpose of the election of the Chairperson in terms of sub-section (8) of section 14 of the Act, shall be convened by the Chief Executive Officer of the Board in such manner and in such way as prescribed in sub-rule (12) of rule 5 of the West Bengal Wakf Rules, 2001:

Provided further that the first meeting of the Board, after election of the Chairperson shall be held on such day and at such hour as the Chairperson shall fix:

Provided also that if the Board does not fix at any meeting the date and hour of its next meeting or if any meeting is not held on the date and hour fixed at the immediately preceding meeting, the Chairperson shall fix such date and hour of the meeting as he thinks fit:

Provided also that the Chairperson when considers it necessary to hold a special meeting or when required in writing by at least one-half of Members of the Board to call a special meeting shall do so fixing the date and hour of the special meeting within 10 days after giving three days' notice to the Members of the Board.

(3) The Chief Executive Officer of the Board or in his absence the Dy. Chief Executive Officer will attend the meeting of the Board and participate in the proceedings.

(4) Such other officers and employees of the Board as may be considered necessary by the Secretary or in his absence by the Deputy Chief Executive Officer will remain present during the meeting of the Board to assist the Secretary or Deputy Chief Executive Officer as the case may be.

4. PREPARATION OF LIST OF BUSINESS OF A MEETING

(1) A list of business to be transacted at every meeting of the Board except at an adjourned meeting, shall be prepared by the Secretary or in his absence by the Deputy Chief Executive Officer under instruction of the Chairperson and shall be entered in the Book of Agenda to be maintained for the purpose and countersigned by the Chairperson.

(2) Notices received from the members of the Board at least 7 days' ahead of the date of meeting proposing inclusion of matters for discussion in the Board meeting, will be included in the agenda in consultation with the Chairperson. Such notices from the members in the office of the Board received thereafter will be included in the agenda of business of the next succeeding meeting.

(3) All matters received from the members of the Board for inclusion in the agenda of the meeting of the Board shall be entered in a separate register to be maintained in the office of the Board.

(4) A list of business/Agenda along with short notes to be transacted at every meeting of the Board except at an adjourned meeting shall be sent to each member of the Board at least 7 clear days before the date fixed for such meeting and no business shall be brought before or transacted at any meeting other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting.

Provided that if the Chairperson thinks that a situation has arisen for which an emergent meeting should be called, he may call such meeting after giving 3 (three) days notice to the members

Provided further that not more than one matter shall be included in the list of business transacted at such emergent meeting.

(5) A copy of the agenda to be displayed in the Notice Board of the Office at least 48 hours or two working days whichever is greater before the day of meeting.

5. SERVICE OF NOTICE TO MEMBERS AND ITS DISPLAY:-

The notice of the list of business to be transacted at a meeting or an emergent meeting of the Board shall be sent to each member of the Board by a messenger where ever possible and in other cases by post or under certificate of posting:

Provided that in the absence of the member residing in Kolkata Municipal area or an adult member of his family, such notice may be sent to him by registered post or under certificate of posting; Provided further that a copy of the budget of the Board, required to be considered at a meeting of the Board specially called for the purpose, shall be enclosed with the list of business for such meeting.

6. PROCEDURE AND CONDUCT OF BUSINESS OF MEETING OF THE BOARD:-

(1) Every meeting of the Board shall be presided over by the Chairperson or in his absence by a member so chosen by the members present in the meeting from amongst themselves.

(2) One-third of the total members of the Board shall form a quorum for meeting of the Board. Provided that no quorum shall be necessary for an adjourned meeting with the same agenda:

Provided further that before taking up the agenda for discussion in a meeting the Chairperson or the presiding member should satisfy himself that the notice of the meeting has duly been served on all the members of the Board.

(3) If all the business included in the agenda can not be transacted on the same day at that meeting, the meeting to be continued/deferred to the following working day where remaining agenda may be taken up for consideration:

Provided that for such deferred/continued meeting, no separate notice will be required.

7. ATTENDANCE REGISTER OF THE MEETING:-

An attendance Register shall be maintained by the Secretary of the Board. The Register shall be kept in the meeting place at a time fixed for each meeting. Every member shall sign his name in the register and record his arrival as soon as he enters the meeting place.

8. ADJOURNED MEETING FOR WANT OF QUORUM:-

(1) If, within one hour from the time appointed for holding a meeting of the Board, quorum is not formed the meeting may be adjourned and may be held on another date to be fixed by the Chairpersons or the presiding member. The members shall be informed of the date, place and time of adjourned meeting by a fresh seven days' notice in Form-II. No business other than that included in the list of business for transaction at the original meeting shall be brought before or transacted at an adjourned meeting.

(2) No quorum is required for the adjourned meeting.

9. NOTE TO BE KEPT OF THE FAILURES TO HOLD MEETING FOR WANT OF QUORUM :-

When a meeting of the Board is not held for want of quorum, the Chairperson or the presiding member shall make a note to that effect in the Attendance Register referred to in regulation 7.

10. MINUTE BOOK OF THE MEETING:-

(1) The business at the meetings of the Board shall be conducted either in English or in Bengali and Urdu. If any member present in the meeting, do not understand the language in which the business of the meeting is conducted, it shall be duty of the Chairperson or the person presiding in the meeting to have the subject matter explained to him.

(2) Minutes of all the proceedings of the Board's meeting, together with the names of members present, shall be recorded in English by the Secretary, or in his absence Deputy C.E.O. and such minute book, after it is duly signed & Sealed on every page by the Chairperson or President of the meeting on the day of the said meeting and duly confirmed by the Board in its next meeting shall be authentic record of its proceedings.

(3) The proceeding will be pasted in the Minute Book and, the Secretary shall attest the proceedings pasted on the Minute/Resolution Book for authentication.

(4) An authenticated copy of the proceeding including agenda, short notes and resolution shall also be kept in a separate file along with Annexure, if any. The same is to be scanned and stored electronically on single used Compact Disk.

(5) At ordinary meeting, unless otherwise decided by the Chairperson or the President of the meeting, the business shall be conducted in the following orders:-

(a) the minutes of the last Ordinary meeting and of any Emergency meeting held thereafter, shall be read, and if approved as correctly recorded, shall be immediately signed by the Chairperson or the President of the meeting, as the case may be;

(b) Matters arising out of the previous meeting, if any, may be considered,

(c) Recommendation/report of the Committee meeting held in between the last meeting and the present meeting shall be considered by the Board,

(d) Business postponed/deferred in the last meeting, shall be considered;

(e) Other business fixed for the meeting be transacted serially.

(f) Matters not mentioned in the agenda may be discussed under Misc. item, unless the Hon'ble Board's members so decide during discussion that the matter requires immediate action under exigency of the situation. But no matter involving financial implication shall be discussed and decided as a Misc. Agendum.

10.6 Copies of proceedings of the previous meeting of the Board along with action taken report shall be supplied to members with the Agenda of the meeting.

10.7 Save as provided under Section 26 of the Act, all resolutions of the Board shall be implemented by the C.E.O. or in his absence by the Deputy C.E.O. immediately after the same has been signed by the Chairperson or the President of the meeting.

11. DECISION BY MAJORITY OF VOTES:-

All question at any meeting shall be determined by majority of votes of the members present and voting.

Provided that in case of equality of votes, the Chairperson or the presiding member shall have a second or casting vote.

Provided further that the members holding divergent opinion shall be entitled to record their note of dissent and such note of dissent shall be incorporated in the proceedings of the meeting;

Provided also that a member of the Board who himself or a near relation of whom is involved as a Party to any transfer/transaction in respect of any Wakf property will not participate in the discussion or cast his vote in the discussion in a meeting of the Board or the Sub-committee on the issue in which the proposal for such transfer/transaction relating to the particular Wakf property is discussed or to be discussed.

12. CONSTITUTION AND FUNCTION OF COMMITTEES OF THE BOARD, AND THE PROCEDURE FOR TRANSACTION OF BUSINESS AT THE MEETING OF SUCH COMMITTEES:-

12.(1) The Board may, whenever it considers necessary, establish either generally or for a particular purpose the following Committees, namely:

- a) Finance Committee;
- b) Education & Hostel Committee;
- c) Development Committee;
- d) Mutawalliship & Enrolment Committee;
- e) Judicial Committee;
- f) Direct Management and Tenancy Committee;
- g) Such other Committee or Committees as it may think necessary.

- (2)** Each of the Committees referred to in sub-clauses (a) to (f) of sub-regulation (1) of this regulation will consist of not less than 5(five) or not more than 7 (seven) members of the Board excepting Development Committee which will consist of all members of the Board. The Secretary of the Board shall be ex-officio Member-Convener to each of such Committee.
- (3)** Committee referred to in sub-clauses (g) and (h) of sub-regulation (1) of this regulation may consist of members of the Board along with other private members or may consist of private members only. For those committees the Member-Convener may be nominated by the Board or may be chosen by the members of the Committee.
- (4)** The Convener shall prepare the agenda of the business to be transacted at each meeting and circulate it to each member at least 7 (seven) days before the date of the meeting along with the notice of the meeting.
- (5)** Provided that Chairperson of the Board may attend any meeting of any Committee and whenever he is so present he shall preside over the meeting.
- (6)** The function of the committees will be as follows:-
- a)** It shall be the duty of the Finance Committee to review the financial matters of the Board including the Financial matter of the Wakf Estates regarding the preparation and submission of Budget, Annual Accounts, Wakf Contribution, Audit, Donations, grant-in-aid to be received by the Board and such other matters relating to Financial management of the Board and the Wakfs.
 - b)** It shall be the duty of the Education & Hostel Committee to recommend to the Board in all matters pertaining to (i) Education and Hostels (ii) regarding Scholarships, Stipend and (iii) other awards which the Board may like to disburse from time to time to the Muslim poor & meritorious students.
 - c)** It shall be the duty of the Development Committee to advise/recommend in respect of all matters concerning development and other allied matters concerning the development of the Wakf Estates.
 - d)** It shall be the duty of the Mutawalliship & Enrolment Committee to recommend in the matters concerning enrolment of Wakfs and appointment of Mutawallis of Wakf Estates.
 - e)** The Judicial Committee shall advise/recommend the Board in all legal matters pertaining to Court cases and Lawyers of the Board and also monitor court cases, as and when it may deem fit and necessary and/or as and when it may be requested by the Board/Secretary.
 - f)** Direct Management and Tenancy Committee shall advise/recommend to the Board regarding administration and management of all the Wakf Estates which will remain directly under the control of the Board at that time. The Committee will deal with all issues related to tenancy and illegal occupation on Wakf Property in respect of all Wakf Estates under Direct Management of the Board.

- g)** If the Board of Wakf is in the opinion that any particular matter which may arise during the regular transaction of the Board, that there is necessity to constitute such other Committee, it will constitute such Committee to deal with that particular matter.
- (7)** All such committees shall function under the direct control and supervision of the Board and abide by such directions as the Board may issue from time to time.
- (8)** All proceedings of the committees shall be subject to approval by the Board.
- (9)** Save as otherwise provided in these regulations the provision applicable to the conduct of the business of the meeting of the Board shall mutates mutandis apply to the conduct of business of these committees.

13. ALLOWANCES & FEES OF CHAIRPERSON/MEMBERS OF THE BOARD/MEMBERS OF COMMITTEES UNDER SECTION 110(2)(d) OF THE ACT 1995.

(1) The Members of the Board shall undertake tour outside headquarter with the prior approval of the chairperson. The tour program should specify, in details, the propose of the visit and on return from official tours the member will submit report to the chairman on work done during the tour and the Chairman will send it to the C.E.O. for placing it before the Board at its next meeting.

(2) Chairperson of the Board will draw T.A. and other Allowances at such rate as admissible to the State Government Officers drawing pay of Rs.16,400/- and above. Other members will draw T.A. and other allowances as admissible to officers of the State Government drawing pay of Rs.8,000/- and above but less than Rs.16,400/-. The Officer of the State Government functioning as ex-officio Members of the Board shall be entitled to T.A. and other allowances in terms of the existing provisions of T.A. Rules according to their grade.

(3) Members of the Board or of any Committee constituted under the Rules and these Regulations shall be paid an allowance of Rs.150/- (Rupees one hundred and fifty) only per day for attending such meeting of the Board or Committees which may be revised by the Board from time to time.

(4) A member appointed under Section **14(1)(d)**, having residence out of Kolkata and its suburbs shall also be entitled to Traveling Allowances for the purpose of attending meeting equivalent to that of Officer of the State Government drawing pay Rs.8,000/- and above but less than Rs.16,400/-. The Officer of the State Government shall be entitled to T.A. as per his entitlement as such officer of the State Government.

(5) All expenditure on account of T.A. and D.A. and other allowances will be met out of Wakf Fund.

14. INFORMATION TO PRESS:

(1) The Chairperson of the Board should be the only spokesman for the purpose of the press briefing on behalf of the Board.

(2) No information will be given to the press on matters which is sub-judice or still under consideration of the Board.

15. PARLIAMENTARY/ASSEMBLY QUESTIONS:-

Replies and notes submitted to the State Government in connection with the proceedings of the Parliament or the State Legislature including Parliamentary/Assembly Questions will be approved by the **Chairperson of** the Board.

16. THE SECRETARIAT OF THE BOARD:-

- (1) The secretariat of the Board will assist the Board in carrying out its functions. The Chief Executive Officer or in his absence the Deputy Chief Executive Officer as the head of the Secretariat will be responsible for the day -to -day functioning of the Secretariat of the Board.'
- (2) Orders and decisions of the Board will be authenticated and communicated to all concerned by the Chief Executive Officer or in his absence Deputy Chief Executive Officer.
- (3) All expenditure of the Board will be made with the approval of the C.E.O or in his absence by the Deputy C.E.O, after observing existing norms and rules.

17 THE TERMS AND CONDITIONS OF SERVICE OF THE OFFICERS AND OTHER EMPLOYEES OF THE BOARD:-

Notwithstanding anything contained anywhere in these regulations, all the Officers and employees of the Board shall have profound knowledge of Islamic Laws & Culture, Muslim personal law (Shariat).

(2) The Classification of Officers and employees of the Board will be as follows:-

Sl. No.	Name of the posts
1.	Chief Executive Officer
2.	Deputy Chief Executive Officer.
3.	Executive Engineer,
4.	Accounts officer
5.	Law Officer
6.	Asstt. Engineer,
7.	Assistant Chief Executive Officer,
8.	Section Officer,
9.	Revenue Officer,
10.	Sub-Assistant Engineer,
11.	Office Superintendent
12.	Head Clerk,
13.	Accountant
14.	System Analyst,
15.	Law Inspector,
16.	Inspector
17.	Auditor

(3) The staff of the Board of Wakf other than the officers as mentioned in sub-regulation(2) shall be employees of the Board.

Provided that the number of such Officers and Employees as may be necessary, shall be determined by the Board of Wakfs, West Bengal in consultation with the State Govt. from time to time.

Provided further that the Officers and Employees of the Board of Wakf other than the Officers and Employees deputed by the State Govt in the Board shall be liable to be transferred throughout the State in the interest of better service for protection of Wakf properties.

Executive Engineer- He will be the Overall-in-Charge of engineering matter of the Board.

Account Officer:- He will be the overall in-charge of account matter of the board under general supervision of the Chief Executive Officer.

Law Officer:- He will be the overall in-charge of all legal matters of the Board including some hearing as assigned by the Board through C.E.O

Assistant Engineer :- He will do day to day Engineering works under the guidance of the Executive Engineer.

Asstt. Chief Executive Officer:- He will supervise day to day work of all subordinate staff of the Board excepting the Officers as to be specified.

Office Superintendent: - He will supervise day to day work of all subordinate staff of the Board excepting the Officers as to be specified.

Section Officer: - He will supervise day to day work of the different sections as to be assigned.

Revenue Officer: - He will supervise the audit and Land, Land Revenue, Rent etc. matters.

Sub-Asstt. Engineer: - He will work under the guidance of the Executive Engineer/Asstt.Engineer,

Law inspector :-He will monitor the cases in different court and report to the Law Officer & work under his direction. He will file a complain Case U/S 52A 55A as amended of the Act with the authorization of the Board through C.E.O.

Accountant: He will deal with all account matters.

Inspector:- He will enquire about the affairs of the Wakf Estate as & when so directed by the C.E.O.

System Analyst: - He will be the over all in-charge of Hardware/ Software, Website, Computer, Data entry, other accessories.

Auditor: - He will audit the Accounts of different Wakf Estates and do such other duties as will be entrusted by the C.E.O. as and when necessary under the provision of the Act.

(4) The posts of Officers and other employees of the Board of Wakfs West Bengal, the scale of pay, method of recruitment, the appointing authority and minimum qualification for each such posts shall be as follows:-

I. Chief Executive Officer:-

(a). Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible

under orders of the State Government from time to time. Provision of the Wakf Act, 1995 Followed,

- (b). Method of recruitment : To be appointed, on deputation, by the State Government on terms and conditions as prescribed in rules made by the State Government.
- (c). Appointing authority : Govt. of West Bengal in consultation with the Board.

II. Deputy Chief Executive Officer :-

- (a). Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible under orders of the State Government from time to time.
- (b). Method of recruitment : To be appointed, on deputation, by the State Government from P & AR Department amongst the Officers of the West Bengal Civil Service (Executive) having at least 10 (ten) years' seniority in service.
- (c). Appointing authority : Govt. of West Bengal in consultation with the Board of Wakfs,W.B.

III. Executive Engineer :-

- (a) Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible under orders of the State Government from time to time.
- (b) Method of recruitment : To be appointed, on deputation, by the State Government from P.W. Department amongst the Officers of the same status having at least 8 (eight) years' seniority in service. Provided also that if the Board thinks to fill up the post on promotion from the eligible Assistant Engineers.
- (c) Appointing authority : In case of deputation, Govt. of West Bengal in consultation with the Board of Wakfs,W.B. and in case of promotion ,Chief Executive Officer, Board of Wakfs,W.B.

IV. Accounts Officer :-

- (a) Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible under orders of

the State Government from time to time.

- (b) Method of recruitment : To be appointed, on deputation, by the State Government from amongst the officers of the West Bengal Audit and Account Service having at least six (6) years' seniority in service
- (c) Appointing authority : Govt. of West Bengal in consultation with the Board of Wakfs, W.B.

V. Law Officer :-

- (a) Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible under orders of the State Government from time to time.
- (b) Method of recruitment : To be appointed, on deputation, by the State Government from amongst the officers of the West Bengal legal Service having at least six (6) years' Seniority in service.
- (c) Appointing authority : Govt. of West Bengal in consultation the Board of Wakfs,W.B.

VI. Asstt. Engineer:-

- (a). Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible under orders of the State Government from time to time.
- (b) Method of recruitment : 50% of the post to be appointed, on deputation, by the State Government from P.W. Department amongst the Officers of the same status and 50% on the recruitment by the Board, provided if no candidate on deputation will be available the 50% deputation post be converted into promotion post from eligible Sub Assistant Engineer of the Board with 8 (eight) years of Service.
- (c) Appointing authority/ In case of deputation : Govt. of West Bengal in consultation with the Board of Wakfs,W.B. and in case of direct recruitment and promotion Chief Executive Officer

VII. Revenue Officer :-

- (a) Scale of Pay : Grade Pay plus special allowance or deputation allowance as may be admissible under orders of the State Government

from time to time.

- (b) Method of recruitment : To be appointed, on deputation, by the State Government from amongst the Officers of the West Bengal Revenue Service having at least six (6) years' seniority in service
- (c) Appointing authority : Govt. of West Bengal in consultation with the Board of Wakfs,W.B.

VIII. Sub-Asstt. Engineer:-

- (a). Scale of Pay : Rs 4500-150-5250-175-7000-200-8800-225-9700
- (b). Method of recruitment : Direct recruitment as per existing norms.
(c) Age : The age limit will be as per the existing norms of the State Government in case of direct recruitment.
- (d) Qualification : Diploma in Civil Engineer from any Govt. aided/ recognized Institution.
- (c). Appointing authority : Chief Executive Officer, Board of Wakfs, W.B.

IX. Asstt. Chief Executive Officer:-

- (a). Scale of Pay : Rs.5500-200-6300-225-8325-250-11325/-
- (b). Method of recruitment : By promotion from amongst the Office Superintendent and Section Officer, with at least 20(twenty) years Service from the date of appointment in the Group- C posting and on being confirmed in the post to be selected on the basis of seniority-cum-merit.
- (c) Age : No age limit.
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

X. Office Superintendent.:-

- (a) Scale of Pay : Rs.4800-175-5850-200-6650-225-8675-250- 10925.
- (b) Method of recruitment : By promotion from amongst the Head Clerk & Accountant
- (c) Age : No age limit.
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs,West Bengal.

XI. Section Officer.:-

- (a) Scale of Pay : Rs.4800-175-5850-200-6650-225-8675-250- 10925.
- (b) Method of recruitment : By promotion from amongst the Head Clerk, Accountant.

- (c) Age : No age limit.
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

XII. Head Clerk :-

- (a) Scale of Pay : Rs 4500-150-5250-175-7000-200-8800-225-9700
- (b) Method of recruitment : By promotion from amongst the Inspector, Accountant, Cashier, Law Inspector and Upper Division Assistant
- (c) Age : No age limit.
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal

XIII. System Analyst :-

- (a) Scale of Pay : Rs 4500-150-5250-175-7000-200-8800-225-9700
- (b) Method of Recruitment : (i) Direct recruitment/ Promotion from DEO with 15 years of service on seniority-cum –merit basis.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
(ii) There shall be no upper age limit in the case of promotion
- (d) Qualifications : B.Sc. Hon's in computer Science/M.C.A./B.Tech in computer/IT.
- (e) Appointing authority- : Chief Executive Officer, Board of Wakfs West Bengal

XIV. Accountant.:-

- (a) Scale of Pay : Rs 4000-125-4250-150-7000-5300-175-7050-200-8850/
- (b) Method of recruitment : By promotion from amongst the candidates in the gradation list as per sub-regulation(8)of this Regulation.
- (c) Age : No age limit.
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

XV. Law Inspector:

- (a) Scale of Pay : (i) Rs. 4000-125-4250-150-5300-175-7050-200-8850
- (b) Method of Recruitment : i) By promotion from amongst the candidate in the gradation list as per sub-regulation(8)of this regulation having a degree in Law from recognized university.

(ii) Otherwise by direct recruitment as per existing norms of the State Government.

- (c) Age : (i) There shall be no upper age limit on the case of promotion.
(ii) In case of direct recruitment the age limit will be as per the existing rule of the State Government.
- (d) Qualification : Bachelor in Law degree from any recognized University;
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal

XVI. Inspector:-

- (a) Scale of Pay : Rs. 4000-125-4250-150-5300-175- 7050-200- 8850.
- (b) Method of recruitment : By promotion from amongst the candidate in the gradation list as per sub-regulation(8) of this Regulation.
- (c) Age : i) There shall be no upper age limit in the case of Promotion
- (d) Qualification : Graduate on any subject from any recognized University.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal

(XVII) Upper Division Clerk:-

- (a) Scale of Pay : Rs.4000-125-4250-150-5300-175-7050-200-8850.
- (b) Method of recruitment : By promotion from amongst the candidate in the gradation list as per sub-regulation(8) of this Regulation
- (c) Age : No age limit
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal

XVIII. Cashier -cum- Store Keeper :-

1. Scale of Pay : Rs.4000-125-4250-150-5300-175-7050-200-8850
2. Method of recruitment : By promotion from amongst the candidates in the gradation list as per sub-regulation(8) of this Regulation.
3. Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

XIX. Stenographer .:-

- (a) Scale of Pay : Rs.4000-125-4250-150-5300- 175-7050-200-8850/-
- (b) Method of Recruitment : (i) 50% of the total number of sanctioned posts in Board of Wakfs, by direct recruitment as per existing norms by the State Government, as applicable to the posts of similar categories
(ii) 50% of the total number of sanctioned by promotion, on selection on the basis of merit-cum-seniority, from amongst the eligible Typist of the Board of Wakfs having put in not less than 10 years' service,
- (c) Age : (i) There shall be no upper age limit in the case of promotion.
(ii) The age limit will be as per the existing rule of the State Government.
- (d) Qualifications : Bachelor degree from a recognized University and ability to take dictation at a speed of at least eighty words per minute, and typing speed of at least forty words per minute in English or ability to take dictation at a speed of at least seventy words per minute, and typing speed of at least thirty words per minute in Bengali as the case may be. The basic computer knowledge will be treated as the additional qualification and will get preference .
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

XX) Auditor:-

- (a) Scale of Pay : Rs.3350-90-3800-100-4700-125-6325
- (b) Method of Recruitment : 90% posts (Ninety per cent) of the total number of sanctioned posts in Board of Wakfs, by direct recruitment as per existing norms of the State Government
(ii) Remaining ten per cent (10%) by promotion, on selection, from amongst the Record Supplier & group 'D' employees of the Board of Wakfs having 8 (eight) years service and on being confirmed in the post and with the eligibility as per norms of the State Govt.
- (c) Age : i) There will be no age limit in case of promotion.
ii) The age limit will be as per the existing rule of the State Government in case of direct recruitment.

- (d) Qualification : Graduate from any recognized University.
(e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXI) Lower division Clerk:-

- (a) Scale of Pay : Rs. 3350-90—3800-100-4700-125-6325
- (b) Method of recruitment : (i) Ninety percent (90%) of the total number of sanctioned posts in board of Wakfs, by direct recruitment as per existing norms of the State Govt.
(ii) Remaining ten percent (10%) by Promotion, on selection from amongst the record supplier & group D employees of the Board of Wakfs having 8 (eight years) service and on being confirmed in the post and eligibility as per norms of the State Govt.
- (c) Age : (i) The age limit will be as per the existing norms of the State Govt in case of direct recruitment.
(ii) There shall be no upper age limit in the case of promotion.
- (d) Qualification :- Passed Madhyamik or equivalent examination, having secured at least fifty per cent (50%) marks in aggregate, of any recognized Board or Council, the basic computer knowledge will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXII). Law Assistant:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Direct recruitment as per existing norms of the State Government.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent (50%) marks in aggregate, of any recognized Board or Council,
(ii) A degree in Law will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXIII). Assistant Cashier:

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Direct recruitment as per existing norms of the State Government.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent(50%) marks in aggregate, of any recognized Board or Council, (ii) A degree in Commerce will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXIV) Assistant Accountant:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Direct recruitment as per existing norms of the State Government.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent(50%) marks in aggregate, of any recognized Board or Council, (ii) A degree in Commerce will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXV). Typist:-

- (a) Scale of pay : -Rs. 3350-90-3800-100-4700-125-6325
- (b) Method of recruitment :- By direct recruitment as per the existing norms of the State Government.
- (c) Age :- The age limit will be as per the existing rule of the State Government.
- (d) Qualifications :- Passed Madhyamik or equivalent examination, having secured at least fifty per cent (50%) marks in aggregate of any recognized Board or Council, and have typing speed of forty (40) words per minute in English in case of English typist or typing speed of thirty words per minute in Bengali

in case of Bengali typist. The basic Computer knowledge including the speed in computer typing shall be the additional qualification and shall get preference .

(e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXVI) Data Entry Operator:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Direct recruitment as per existing norms of the State Government.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent(50%) marks in aggregate, of any recognized Board or Council, (ii) A Diploma in Computer Application / 'O' level of DOECC
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXVII) Record Keeper:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Ninety per cent(90%) of the total number of sanctioned posts by direct recruitment as per existing norms of the State Government
- (ii) Remaining ten per cent(10%) by promotion, on selection from amongst the eligible Record Supplier & group 'D' employees of the Board of Wakfs having 8 (eight) years service and on being confirmed in the post and with the eligibility as per norms of the State Govt.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment. (ii) There shall be no age limit in the case of promotion.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent(50%) marks in aggregate, of any recognized Board or Council, (ii) A degree in Graduate will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXVIII). Rent Collector:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Ninety per cent(90%) of the total number of

- sanctioned posts by direct recruitment as per existing norms of the State Government
- (ii) Remaining ten per cent(10%) by promotion, on selection from amongst the eligible Record Supplier & group 'D' employees of the Board of Wakfs having 8 (eight) years service and on being confirmed in the post and with the eligibility as per norms of the State Govt.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
(ii) There shall be no age limit in the case of promotion.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty percent(50%) marks in aggregate, of any recognized Board or Council,
(ii) A degree in Graduate will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXIX). Copier:-

- (a) Scale of Pay :- Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Ninety per cent(90%) of the total number of sanctioned posts by direct recruitment as per existing norms of the State Government .
(ii) Remaining ten per cent(10%) by promotion, on selection from amongst the eligible Record Supplier & group 'D' employees of the Board of Wakfs having 8 (eight) years service and on being confirmed in the post and with the eligibility as per norms of the State Govt.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
(ii) There shall be no age limit in the case of promotion
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty percent(50%) marks in aggregate, of any recognized Board or Council,
(ii) A degree in Graduate will be treated as the additional qualification and will get preference.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXX). Amin/Surveyor:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Direct recruitment as per existing norms of the State Government
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent(50%) marks in aggregate, of any recognized Board or Council,
(ii) Diploma /Certificate course in survey

(e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXXI). Telephone Operator-Cum-Receptionist:-

- (a) Scale of Pay : Rs. 3350-90-3800-100-4700-125-6325.
- (b) Method of Recruitment : (i) Ninety per cent (90%) of the total number of sanctioned posts by direct recruitment as per existing norms of the State Government.
(ii) Remaining ten percent(10%) by promotion, on selection from amongst the eligible Record Supplier & group 'D' employees of the Board of Wakfs having 8 (eight) years service and on being confirmed in the post and with the eligibility as per norms of the State Govt.
- (c) Age : (i) The age limit will be as per the existing norms of the State Government in case of direct recruitment.
(ii) There shall be no age limit in the case of promotion.
- (d) Qualifications : (i) Passed Madhyamik or equivalent examination, having secured at least fifty per cent(50%) marks in aggregate of any recognized Board or Council with a certificate in Telephone Operator Training Course.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXXII). Record Supplier :-

- (a) Scale of pay : Rs.2850-65-3305-70-4005-75-4680.
- (b) Method of recruitment : By promotion on selection from amongst the eligible group 'D' employees of the Board of Wakfs having 5 (five) years service and on being confirmed in the post.
- (c) Age : No age limit.
- (d) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXXIII) Group D Employees.:

- (a) Scale of pay : Rs. 2600-55-2985-60-3525-65-4175.
- (b) Method of recruitment : By direct recruitment as per existing norms of the State Government
- (c) Age : The age limit will be as per the existing rule of the State Government.
- (d) Qualifications : Passed eight class from any Institution recognized by a Board or a Council.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal .

(XXXIV) Liftman .:

- (a) Scale of pay : Rs. 2600-55-2985-60-3525-65-4175.
- (b) Method of recruitment : By direct recruitment as per existing norms of the State Government
- (c) Age : The age limit will be as per the existing rule of the State Government.
- (d) Qualifications : Passed eight class from any Institution recognized by a Board or a Council & Lift operating certificate from any Govt. recognized Institute.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal.

(XXXV). Sweeper:-

- (a) Scale of pay : Rs. 2600-55-2985-60-3525-65-4175.
- (b) Method of recruitment : By direct recruitment as per existing norms of the State Government
- (c) Age : The age limit will be as per the existing rule of the State Government.
- (d) Qualifications : Passed eight class from any Institution recognized by a Board or a Council.
- (e) Appointing authority : Chief Executive Officer, Board of Wakfs, West Bengal .

Provided that enhancement of pay etc if any shall be made by the Board in consultation with the State Government,

Provided further that the enhancement of number vacancy in the existing posts if any or creation of further posts if any the method of recruitment / promotion shall be determined by the Board in consultation with the State Government,

Provided also that in case of existing posts and in case of creation of further posts if any and in case of recruitment thereof thorough knowledge on Islamic theology, religious rites, usage and custom etc. as required under Muslim Laws will be the added qualification and will get preference.

(4) APPOINTMENT ON CONTRACT

Notwithstanding anything to the contrary contained in these regulations and subject to the provision of sub-regulations 1 in case of non-availability for the time being of any suitable candidate for filling the vacant post or any expediency to fill up the posts urgently for discharging statutory and time bound functions, the Board may, with the approval of the State Government fill up such vacancies by appointment on contract as a temporary measure.

(5) BOARD OF WAKFS, WEST BENGAL RECRUITMENT COMMITTEE-

For the purpose of recruitment, promotion and appointment on contract of the Officers and the Employees as provided in the Regulation 18.3 & 18.4 there shall be a Recruitment Committee. The Committee shall consist of 5(five) members with the following :-

- (a) Chairman, Board of Wakfs, West Bengal or his nominee Board member - President.
- (b) 3 (three) members of the Board of Wakfs, West Bengal, comprising one member under section 14 (1) (e) nominated by Board of Wakfs, West Bengal. — Member
- (c) Chief Executive Officer, Board of Wakfs, West Bengal / Deputy Chief Executive Officer, Board of Wakf — Member-Convener

Provided that any 3 (three) members comprising the - Member-Convener shall form a quorum.

(6) GENERAL PROCEDURE FOR RECRUITMENT:.

- (i) On determination of the vacancy the Recruitment Committee shall send requisition to the appropriate District Employment Exchange within the state or and make Advertisement for the names of the Candidates and take such other steps as per existing norms of the Government in respect of recruitment.
- (ii) On receiving the names of the candidates, the Recruitment Committee shall decide the following:-
 - a) Subject/ Syllabus for the written examination
 - b) Marks to be distributed against the subject and the marks of the written, oral test and /or type speed if any. .
 - c) Setting up of the question paper and evaluation of the answer sheet
 - d) And such other matter relating to the recruitment if any.
- (iii) After completion of the of the written examination and oral if any and the evolution of the answer sheet Chief Executive Officer, Board of Wakfs, W.B. , shall prepare, a panel of not more than three(3) candidates arranged in order of merit for each vacancy and place it before the Recruitment Committee/ Board.
Provided further that there will be no panel in respect of recruitment on promotion.
- (iv) On approval of the Board, the Chief executive officer, Board of Wakfs, West Bengal will take steps for appointment of the 1st candidates of the panel and arrange for verification of the antecedents Intelligence Branch of Police. On receiving a satisfactory report the candidates shall be advised to appear for a medical examination before the Medical Officer / Medical board as may be constituted for the purpose. If the candidate is found fit on medical examination, letter of appointment will be issued.
- (v) If the 1st candidate in the panel is found not suitable as per the report of the Intelligence of the Police or is found un fit on medical examination, the 2nd candidate in the panel will get a chance and the process will continue until the panel is exhausted . In case of any rejection on the ground of antecedents or medical such candidate shall be informed accordingly.

Provided that the panel so prepared shall remain valid for a period of one year from the date of according approval of the panel by the Board.

- (7)** (i) In case of promotion to Group A, Group B, & Group C post Finance department Memo No-9135-F, Dated 10.9.2002 shall be followed. Attendance, performance, efficiency as well as accountability and integrity shall be the criteria for promotion in this Memo. Promotion will be given in term of seniority from amongst those who have obtained minimum qualifying marks (60%).

(ii) For promotion post of Executive Engineer and Assistant Chief Executive officer, the candidate within consideration zone shall be considered on the basis of seniority and merit. Merit shall be assessed on the basis of Annual Confidential Report to be maintained for these employees. Additionally, the candidate shall have to be scored 70% Attendance to become eligible for promotion. In this regard Finance Department Memo No-9135 - F dated 10.9.2002 shall be followed.

(8) There shall be maintained a single gradation list comprising of posts of Assistant Cashier, Lower Division Clerk, Auditor, Law Assistant, Assistant Account, Amin/Surveyor, Record Keeper, Rent Collector(L.D.C), Telephone Operator-cum-Receptionist for promotion to the posts in the Scale of pay Rs 4000-125-4250-150-5300—175—7050-200-8850/- except the post of stenographer.

(9) APPOINTMENT OF AN EMPLOYEE IN ANOTHER POST:-

Notwithstanding anything contrary contained in these Regulations, an employee of Board of Wakfs, West Bengal eligible for recruitment to any post may, on his option, be considered, along with other Candidates sponsored by Employment Exchange and through advertisement, for appointment to such post if he has the requisite qualification, Provided that his matter in case of such recruitment shall be made strictly on the basis of merit only with other candidates.

18. DUTIES , RIGHTS AND OBLIGATIONS OF THE OFFICERS AND EMPLOYEES:-

The duties, rights and obligations of the officers and employees shall be governed by West Bengal Services (Duties, Rights & Obligations of Govt. Employees) Rules 1980. The officers and employees of the Board shall submit Declaration of Asset in West Bengal Form No 34A as prescribed under Annexure-1 of West Bengal Service Rule Part-I mutatis mutandis.

19. WORKING HOURS AND HOLIDAYS:-

(1) Working hours of the Board shall be same with that of the State Government.

(2) Office of the Board shall remain closed on all the days declared by the State Government as holidays.

(3) Notwithstanding anything contained in sub-regulation Para 21(1) & 21(2), the Chief Executive Officer or in his absence the Deputy Chief Executive Officer may, subject to overall control and guidance of the Chairperson, detail any Officer or an employee of the Board for duty beyond working hours or on a holiday in the interest of the Board.

20. LEAVE OF EMPLOYEE :-

The leave of officers and employees of the Board shall be as per provision of the West Bengal Service Rule (Pt. I & Pt. II) applicable to the State Govt. employees.

21. PROVIDENT FUND

The General Provident Fund or Contributory Provident Fund, as the case may be, of officers and employees of the Board other than the officers and employees on deputation in the Board shall be guided by the General Provident Fund Rules or Contributory Provident Fund Rules framed by the state Govt. under notification no 1408- Misc dated 20.12.1939 as amended from time to time read with Board of Wakfs West Bengal Employees (Death cum Retirement benefit) Regulation 2008.

22. GRATUITY

The gratuity of officers and employees of the Board other than the officers and employees on deputation in the Board shall be guided by the Board of Wakfs West Bengal Employees (Death-cum- Retirement Benefit) Regulation 2008.

23. CONDUCT, DISCIPLINE AND APPEAL

The provisions and procedure as laid down in the West Bengal service (classification, Control and Appeal) Rules, 1971 will be applied mutatis mutandis in all cases of disciplinary control including imposition of penalties upon the employees.

24. DEATH-CUM-RETIREMENT BENEFIT:

As admissible by the Board of Wakfs, West Bengal employee (Death-Cum-Retirement benefit) Regulation, 2008.

25. CAS (Career Advancement scheme).

Benefit in the sanctioned scale of pay, as will declare by the State Govt. from time to time as admissible Mutatis Mutandis extended to the Officers/Employees of the Board of Wakfs, West Bengal.

26. MEDICAL ALLOWANCES:

Benefit of allowances or advances shall be extended to the Officers/Employees of the Board of Wakfs, West Bengal on treatment, as per the Medical Allowance Rule 1964 in force.

27. DEARNESS ALLOWANCES:

Dearness Allowances in the sanctioned Scale of Pay, as will declare by the State Govt. time to time admissible Mutatis Mutandis to be extended to the Officers/employees of the Board of Wakfs, West Bengal.

28. ANNUAL INCREMENT

Increment in the sanctioned Scale of Pay annually as per West Bengal Service Rule admissible as 'Mutatis-Mutandis' extended to the Officers/employees the Board of Wakfs, West Bengal.

29. APPOINTMENT OF EXECUTIVE OFFICER AS PROVIDED UNDER SECTION 38.

1) The Board may, if it is of the opinion that it is necessary so to do in the interests of the Wakf, appoint on whole time or on part time basis or in an honorary capacity, and Executive officer purely on contract basis for a term not exceeding 4 (four) years at a time, which may be renewed subsequently by the Board for one year at a time in consideration of satisfactory performance of the incumbent concerned in the previous term.

2) The Board shall select a person for appointment as Executive Officer, after inviting applications through advertisement in local news papers and the remuneration will be fixed by the Board in consultation with the State Govt.

3) A candidate shall not be eligible for appointment as Executive Officer, unless:

- i) He is citizen of India
- ii) He is 25 years of age above,
- iii) He is at least a graduate of a recognized University

- iv) He produces along with the application, certificate of his physical and mental fitness from a registered medical practitioner.
- v) He must profess Islam.
- 4)** No person shall continue in the post of Executive Officer after he has completed 65 years of age.
- 5)** The appointment of the Executive officer to a Wakf Estate shall be on the contract basis and such contractual appointment shall not entitle him for any post under the Board.
- 6)** The Board may permit an Executive Officer to resign from his post after giving three months notice, subject to compliance with such directions as the Board may give. The Board shall have also discretion to terminate the service of an Executive Officer with three month's notice or pay of three month's in lieu of notice showing a valid reason for such termination prior to expiry. On the basis of enquiry report into any allegation against him substantial in nature and after giving an opportunity of being heard such termination may be proceeded or due to incapacitation.

30. REGISTRATION OF WAKFS U/S 36 .`

(1) Application for registration of Wakfs whether created by express dedication or otherwise shall be sent to the Board in Form 1 and shall be accompanied by a copy or copies of supporting documents related to such wakf, together with a statement containing the particulars mentioned in sub-section (3) of section 36 of the Act.

(2) (I) The particulars in Form 1 in terms of sub-section(3) of section 36 of the Act. shall also contain the following:

- a)** Name of waqf
- b)** Date and Particulars of Deed of Dedication, if any;
- c)** Object of dedication;
- d)** Class and nature of Wakf i.e whether-
 - i) Wakf or Wakf-al-aulad
 - ii) Wakf by user,
 - iii) Grants, such as Mushrat-UI-Khidmat,
 - iv) Sunni Wakf/ Shia Wakf,
- e)** Gross and Net annual income
- f)** Name with particulars of the beneficiaries,
- g)** Annual expenditures,

(II) On receipt of an application for registration of a Wakf, if it is properly filled in and contains all the necessary particulars required, after verification of Deeds and corresponding settlement records/ Municipal record, a General Notice shall be issued.

(III) The Chief Executive Officer, on authorization by the Board of Wakf, West Bengal, before registering the Wakf shall give notice of the application to the person whose names appear in the Record of Rights or their heirs and / or to the persons said to be in possession of the Wakf property and shall hear him, if he wishes to be heard.

(IV) If no objection is received, or on hearing it is satisfied that the said property is a wakf, the Cheif Executive Officer shall recommend to the Board for registration. After such approval of the Board the property be registered as wakf and entry to that effect shall be made in the Register of the Wakfs along with the name of Wakif, stating Sunni or Shia Wakf, Gross income, Net Income and the rate of Wakf Contribution, area of the properties and other assets A certificate of registration in Form-2 shall be sent to the applicant in token of the registration. Such certificate shall be under the signature of the Secretary/ Chief Executive Officer and bear the official seal of the Board and shall be conclusive proof of the registration of the Wakf. A copy of such registration shall also be sent to the local B.L & L.R.O & D.L. & L.R.O for information and necessary entry in the Record of Rights.

31. FURTHER PARTICULARS TO BE MAINTAINED IN THE REGISTER OF WAKF U/S 37 FURTHER PARTICULAR TO BE UNOBTAINED BY REGISTER OF WAKF UNDER SECTION 33 OF THE ACT SHALL AS FOLLOWS.

- (a) Particulars on Permission for development of the wakf by the Board.
- (b) Particulars on assessment of the income of the wakf from time to time .
- (c) Particulars on the assumption of the Direct Management of the Wakf by the Board if any.
- (d) Particulars of the acquisition of the property of the wakf by the Govt./ any other authority
- (e) Particulars on the loss or illegal alienation of any property of the wakf .
- (f) Particulars on sale /lease/mortgage of any property of the wakf with approval of the Board.
- (g) Particulars on sale /lease/mortgage of any property of the wakf without approval of the Board.
- (h) Any other information which may come up later on may be entered in the register if the particular is found required by CEO/Board.

32. THE BOOKS OF ACCOUNTS AND OTHER BOOKS TO BE MAINTAINED BY THE BOARD UNDER SECTION 79 OF THE ACT.

The following registers shall be maintained at the Office of the Board.

- (i) A register of the particulars of Wakf called the Register of Wakfs, as required by Section 37 of the Act which shall contain the information supplied by the mutawallis under section 36 of the Act after due verification of the particulars by Board. Besides such other particulars the Board may direct, to be inserted in the column of remarks based on such information as the Board may have collected from time to time in regard to the income, object, management and application of funds of wakfs.
- (ii) There shall be register called the Register of Demands and Recovery showing the net annual income of the Wakfs under the Board together with the name of the Mutawalli and contribution leviable on such Wakf under sub-section (1) of section 72 of the Act, the amount realized during the year, the date and particulars of the steps taken for realization and the balance, if any left unrealized. The entries in the register shall be revised and if necessary corrected in accordance with the Board's direction after receipt of Auditors report each year. The Board's order thereon in regard to the net annual income under sub-section(1) of section72 of the Act. shall be final.
- (iii) A register of application for enquiry under section 70 of the Act. against the mutawallis preferred before the Board showing the action taken and the date and manner of disposal of every such application.
- (iv) A register of application for inspection of documents showing the amount of fee levied, number of files, date of inspection and a reference to the counterfoil receipts showing the deposit of charges for inspection.
- (v) A register of application for copies of documents showing the amount of fee levied, the nature and number of documents the total (total pages) of the copy, the date of issue of such copy and a reference to the counterfoil receipts showing the deposit of charges for copying.
- (vi) A register of files kept in the Record Room showing the movement of files from and to the Record Room from time to time.
- (vii) A register of daily receipt of letters in which all letters received by the office in the name of the Board of the Chairperson or Secretary or any other, official of the Board in his official capacity shall be entered just after their receipt with a brief note showing the subject with which they deal the name of the sender and the date of receipt.
- (viii) A register of letters dispatched by the Board's office showing the date and number of dispatch letter, name and address, subject matter of the letter and the postage and other expenses incurred in their dispatch.
- (ix)

- (x) A register of stamps showing accounts thereof.
- (xi) A register of stock and other movables held by the Board giving their description and price and also showing their custody.
- (xii) A register of suits and legal proceedings filed by or against the Board showing the nature of suits of proceedings, the date of their institution and judgment and decision made by the Court.
- (xiii) A register of securities, title deeds and other valuable documents.
- (xiv) A cash book showing all receipts of money and expenditure (giving reference to vouchers and payment orders) in which entries shall be made regularly made from day to day and be checked, verified and signed by the Secretary/ Chief Executive Officer daily.
- (xv) A ledger of accounts of the Wakf with the Board.

- (xv) A petty Cash Book for sundry and petty accounts.
- (xvi) A daily attendance register of the staff,
- (xvii) A register of advances,
- (xviii) An Acquaintance Roll showing the salary for of employee of the Board, the pay due to him for the month and receipt by him of the salary for the month, duly signed by him and countersigned by the Secretary entered after their pages have been counted and noted under the signature of the Secretary.
- (xix) A register of stock of receipt books in which all receipt books for sums received by the Board shall be duly entered after their pages have been counted and noted under the signature of the Secretary or any officer authorized by him.
- (xx) A Guard Book for keeping Government Orders.
- (xxi) A Register with the entries of mutawalli(s) recorded as per provisions of Wakf Deed or appointed under Section 63 of the Act.
- (xxii) An inspection Book of the office
- (xxiii) A register of surplus income and valuables belonging to the Wakfs with Trustees of Wakfs under the Act.
- (xxiv) A stock register of the articles used by the office and disbursement thereof
- (xxv) A register of casual/other leave of the Board's staff
- (xxvi) Character Rolls of the officers and employees of the Board appointed by the Board showing also entries about service
- (xxvii) Tour programme of the officers on tour. The officers will note their daily work in these programme and thus turn them into diaries of work done
- (xxviii) A list of holidays to be observed in the Board's office
- (xxix) A register of registers to be maintained by the Record Keeper showing the opening /deposit of all the registers in the Record Room,
- (xxx) A register of pending files of miscellaneous case to maintained in the office
- (xxxi) Order Book

33. FEES PAYABLE FOR INSPECTION OF PROCEEDING AND RECORDS OF THE BOARD OR FOR ISSUE OF COPIES OF THE SAM.

Fees payable for inspection of proceeding and records of the Board or for issue of copies of the same shall be as provided in the West Bengal Wakf Rules, 2001.

34. AUTHENTICATION OF BOARD'S DECISIONS AND ORDERS.

The following persons are authorized to authenticate any order or decision of the Board-

- a) Chief Executive Officer or Deputy Chief Executive Officer,
- b) Any other officer authorized by the Chief Executive Officer.

35. CONSTITUTION AND FUNCTION OF MUTAWALLI / COMMITTEE MUTAWALLI / WAKF COMMITTEES AND THE PROCEDURE FOR TRANSACTION OF BUSINESS AT THE MEETINGS OF SUCH COMMITTEES .

(1) Where the Board is satisfied that there is no suitable person available for appointment as Mutawalli from the descendants of the Wakif, or there is no Deed of Wakf, or there is no rules of succession for the office of Mutawalli in the Deed of Wakf, the Board may for the supervision and administration of a Wakf Estate, on its own notion or on the application of person interested in such wakf may by an order under section 63 the Act.

- i) Appoint a Mutawalli or Joint Mutawallis;
- ii) Form a committee with Office Bearers of the said Committee as Joint Mutawallis.

(2) That Mutawalli Committee/Joint Mutawallis shall function under the control and supervision of the Board and its Secretary and shall abide by the direction which may be issued from time to time.

(3) The Office of such Committee/ Joint Mutawalli shall be situated at such place as may be decided upon by the Committee/Joint Mutawallis by resolution passed by it subject to approval of the Board.

(4) The office bearers of such committee shall be deemed to be joint Mutawallis of the Wakf Estate.

(5) (i) The Committee shall have as office bearers a President, Treasurer, General Secretary and Asst. Secretary to be elected by the Committee by a majority decision.

(ii) In case of management by Joint Mutawallis a Convener shall be selected by the Joint Mutawallis from among themselves failing which the Board may nominate one of them to be the Convener

(6) The General Secretary shall be main administrative officer of the Committee Mutawalli and hold charge of all document, pages, registers, accounts, and office properties, and shall be responsible for giving effect to all resolutions passed by the Committee/Joint Mutawallis, by himself or through the officer and employees of the Wakf Estate.

(7) (i) The General Secretary shall call all ordinary meetings of such committee not less than once every two months, and such urgent meetings as he finds necessary, and all urgent meetings requisitioned by the President on Joint request by at least one half of the total number of members of the Committee in case of management by Mutawalli Committee.

(ii) The Convener shall call all ordinary meetings of Joint Mutawallis not less than once every two months, and such urgent meetings as he finds necessary, and all urgent meetings requisitioned by the Joint request of at least one half of the total number of members of the Joint Mutawallis.

(8) The General Secretary/Convener shall as the case may be give at least clear 7(seven) days notice of meetings to each member/Mutawalli together with a copy of the agenda, and information about the time and place of the meeting. A clear two days' notice shall be given for an urgent meeting.

(9) One-third of the total members of the Committee/Joint Mutawallis shall form a quorum, and decision shall be by a majority of votes. In the event of a meeting being adjourned due to want of quorum the next meeting may dispose of the business with the same agenda even without a quorum.

(10) (i) The President or in his absence, one of the members present, elected for the purpose, shall preside over a meeting and he shall have a casting vote, in addition to his own as member, in case of equality of votes.

(ii) The Joint Mutawallis present shall elect one of the Joint Mutawalli present to preside over a meeting.

(11) The proceedings of all meetings shall be recorded in a minute book either in English or in Bengali or Urdu, kept for the purpose.

(12) The reading and confirmation of the minutes of the last proceeding of ordinary meeting and such other meetings as may have been held after that meeting shall be first item of business in all ordinary meetings and next shall be taken up as per serial order in the agenda.

(13) In urgent meetings, it will not be necessary to read the proceedings, of the last such meetings or to seek their confirmation, but these may be referred to if necessary with permission of the President.

(14) In exercise of such power conferred upon the Committee and /or Joint Mutawalli to administer and manage any wakf estate the Committee and /or Joint Mutawalli shall act in conformity with the direction of the wakif mentioned in the deed of wakf, the purpose of wakf and such usage and customs of the wakf as are sanctioned by the Sunni & Shia School Muslim law to which the wakf belongs.

(15) The Committee/Joint Mutawallis shall lay down rules for receipts, payments and accounts (including the nature and number of books and registers to be kept) as they think fit, in view of the local circumstances and other special facts concerning the estate.

(16) Accounts of the Wakf Estate shall be kept in accordance with the directions of the Board from time to time.

(17) The books of accounts and other books shall be kept open to the members of the Committee/ Joint Mutawallis and /or officer of the Board for inspection.

(18) The general Secretary/ Convener shall have power to deposit and invest the funds of the Wakf Estate in any Schedule Bank of Banks as may be approved by the Committee/ Joint Mutawallis.

(19) (i) The Bank Account in the name of the Wakf Estate shall be operated jointly by any two of the Officer Bearers i.e. the President/ General Secretary and the Treasurer in case of management by the Committee Mutawalli .

(ii)The Account in the name of the Wakf Estate shall be operated jointly by two of the Joint Mutawallis as may be decided by a resolution in the meeting of the Joint Mutawallis in case of management by the Jt Mutawallis.

(20) In case of induction of new tenants in respect of Wakf property the rent is to be fixed at the market rent prevalent at the time of induction in the locality and the same is to be as per resolution of the committee/Joint Mutawallis and rent receipt will be in the name of concerned Wakf Estate.

(21) The Committee/Joint Mutawallis shall not have power to disallow or refuse any benefit or allowances to the beneficiaries, if anyone is entitled by terms of the Wakf Deed, or by terms of order of the competent Court but may on ground or stringency, and emergency postpone such benefits or allowances either in whole or in part, if approved by the Board for a period as approved by the Board till such situation ceases to exist.

(22) The Committee/Joint Mutawallis shall be responsible for submitting the accounts on time and pay wakf contribution regularly from time to time to the Board.

(23) Notwithstanding any thing contained in the deed of wakf, the Board may, if it is satisfied, for reasons to be recorded by it in writing, that a committee is not observing the directions/directive of the Wakif or breaking any of the above clause and /or not functioning properly and satisfactorily or that the wakf is being mismanaged and that in the interest of its proper management, it is necessary so to do, by and order, supersede such Committee/ Joint Mutawallis and, on such suppression the Committee/Joint Mutawallis shall cease to have function.

Provided that the Board shall, before making any order superseding any committee, issue a notices setting forth therein the reasons for the proposed action and calling upon the committee to show cause within such time not being less than fourteen days, as may be specified in the notice, as to why such action shall not be taken.

(24) Any order made by the Board under clause (w) herein above shall be final.

(25) The Board shall, whenever it supersedes any committee under clause 23 constitute a new committee of management or authorizes person/persons for management of the Wakf simultaneously with the order made by it under sub-clause (23).

(26) Notwithstanding anything contained in the foregoing sub-sections, the Board may instead of superseding any Committee/ Joint Mutawallis under clause (23), remove any member of the Committee/ Joint Mutawallis thereof if it is satisfied that such member has abused his position as such member or had knowingly acted in manner prejudicial to the interest of the wakf, and every order for such removal of any member shall be served upon him by registered post and such order of the Board shall be final.

Provided that no order for removal of the member shall be made unless he has been given a reasonable opportunity of showing cause against the proposed action.

(27) The term of the Office bearers shall be the term of the Committee unless any one of them are remove earlier by two-third majority decision of the Committee or removed by the Board.

(28) Not more than 10 percent of the income shall be spent from the annual income of the Wakf Estate for the purpose of the maintenance of the office of the Committee/ Joint Mutawallis.

(29) The provision of this regulation such also be applicable in case of Committee formed by framing a scheme under section 69 of the Act or cases of Mutawallis whose names have been rought on record as per provision of any instrument clauses in as much as the above clauses shall not contravene the relevant wakf deed/ of wakf Act, and the Rules framed thereunder.

(30) A Board displaying the names and E.C. number of the Wakf Estate should be affixed in a prominent place of the concerned wakf estate.

(31) Photo Identity Card for the recorded Mutawallis will be issued by the Board of Wakfs, West Bengal.

36. THE DEVELOPMENT OF THE WAKF PROPERTIES AS PROVIDED U/S 32.

(1) Permission for Development on Wakf Property :-Any development project on Wakf Property shall be undertaken with prior permission of the Board and such permission will be issued taking into consideration the merit of each case and the norms as stated here under will be applicable in respect of development of Wakf Properties.

(2) Project / Proposal for Development:-Any proposal for development of Wakf Properties u/s 32 (5) or initiated by Chairperson, or any member of the Board or CEO and in case of the Wakf Properties under the Direct Management u/s 65 may be considered in the Board.

(3) Committee for Scrutiny:- There will be a Committee for scrutiny of Project / Proposals for Development of Wakf properties. It will advise on.

A: i) Viability/ Feasibility
ii) Technical aspect and
iii) Tender process or deposit Work Process etc.

B: The Committee shall comprise the following persons:-
i) Members of the Board (Any three) as authorized by the Board,
ii) Mutawalli of the concerned Wakf Estate,
iii) Engineer of the Board/from the approved Panel of the Board,
iv) C.E.O., Member-Convener
v) Any other person as specialized/expert on the particular scheme services of which the Board may prefer.

After scrutiny, if the project/proposal is found technically viable, then the Committee will advise Mutawalli or the Board as the case may be to prepare detailed plan, design, estimate etc and after preparation of the same it will be placed to the Board for consideration. However, the Proposal from the Mutawalli shall include inter alia

i) Details of proposed rate of rent and interest free refundable security deposit.
ii) The detailed terms & conditions of the agreement for development with the developer if any.

(4) Provision of the Fund

On receiving the proposal from the scrutiny Committee, the Board shall obtain views from the Mutawalli for such funding if in the Wakf Estates there is Mutawalli and if under Section 32 (5) or under Direct Management the Board decide whether the funding may be obtained from Wakf Fund itself or from the State Govt. or from CWC or from any other sources like donation, funds from Member of Parliament/Member of Legislative Assembly under any scheme/ loan from any financial institution etc or otherwise as decided by the Board.

After finalization of the plan, estimate and source of fund the Mutawalli or the Board as the case may, may proceed for execution either on tender process or under the deposit work through any Govt. agency. If Mutawalli executes the project the Board of Wakf will supervise the same and advise the Mutawalli from time to time.

(5) Execution of the scheme- The scheme shall be executed by the C.E.O. in respect of Wakf under Direct Management and by the Mutawalli or by the C.,E,O. if the properties taken over for development .Open tender will be called with 21 days notice which will be published in English, Bengali & Urdu News paper and work order will be issued by C.E.O. or Mutawalli as the case may be with the approval of the Board. All the works will be executed under the supervision of an Engineer duly appointed on the contractual basis for the said scheme by the Board. The remuneration for such engineer should be made part of the scheme.

(6) Credential of the Agency for the execution of the Scheme. The tender rules framed by the Govt. of West Bengal shall be applicable.

(7) Creation of tenancy and collection of donation/advance.- No private agency or contractor shall have any right to create any new tenant and all donations or advance shall be collected by the Committee /Mutawalli or the Board itself.

(8) Account for the execution of the scheme- There will be separate accounts against each project/scheme for development. There will be joint signatories of the account and such account will be opened with the approval of the Board & the Board will have every right to seize the account in case of any irregularity is noticed or direct the bank with regard to expenditure as exigency arises.

(9) Re- assessment of developed Property:-

After completion of developmental work the Mutawalli / CEO will inform the Board about completion of such developmental project within one month from the date of completion and on receiving the same the CEO shall proceed for re-assessment of the income of the developed Wakf Property as per provision of the Act.

(10) Period of Execution:-

The development of the Wakf Property which permission has been issued shall be developed within 3 years. If any Developer / Mutawalli fail to develop within that period the permission will stand cancelled without any reference.

(11) Relaxation of terms & Conditions:-

The Board may relax any of the terms and conditions in the guide line as stated above as and when necessary with prior approval of the state Govt.

37. SEAL OF THE BOARD:-

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

38. COURT CASES AND SUITS BY THE BOARD :-

The Board shall sue and be sued by its Chief Executive Officer or any other person duly authorized in this behalf.

39. CORRESPONDENCE BY AND WITH THE BOARD :-

All correspondence by or with the Board shall be in the name of the Chief Executive Officer.

40. FINANCIAL YEAR FOR THE BOARD :-

The financial year of the Board shall be from 1st April to 31st March of the next year.

41. SECURITY IN OFFICIAL MATTER:-

The Chairperson, Members, Chief Executive Officer, and other officials of the Board shall observe secrecy in matters whose disclosure may be prejudicial to the interest of the Board or any Wakf.