

SCHEME OF ADMINISTRATION

Scheme of Administration for the

CHAPTER-1

1. Name of the Wakf shall be:
(name with full address including allied institutions)
2. This is a Sunni/Shia Wakf and shall accordingly be governed by principles and precepts of Sunni/Shia law.
3. Jurisdiction of the institution.
The jurisdiction of the Wakf for the purpose of admission of Members to the general body shall confine to
(Specify Village/Town/City and Survey No./Ward No./Municipal Ward No./Corporation Ward No./etc.,)

CHAPTER-2

4. **Definitions:**

Unless the context otherwise require, the words and expression contained in this Scheme of Administration shall bear the same meaning as contained in Wakf Act, 1995, Wakf Rules, 1997, Karnataka Wakf Regulations, 2010, or in any statutory modifications thereof in force from time to time or in rules made thereafter:

- I. **“Wakf”** means
(Name of the Wakf institution);
- II. **“Jurisdiction”** means the area described in Chapter-1, Clause-3 of this Scheme;
- III. **“Jamath”** in relation to a Masjid means a group of male Muslims who attend regular prayer at the Masjid and who have attained the age of 18 (eighteen) years on the date of application for Membership;
- IV. **“Member”** means Member of Wakf institution whose name is entered in the Register of Members;
- V. **“General Body”** means body of Members or persons, who come for prayers to the concerned Masjid and whose name is entered in the Register of Members; or in respect of other Wakfs, any person whose name is entered in the Register of Members as per Chapter- 4;

- VI. **“Properties”** means all moveable and immovable properties comprised in the Wakf and brought on record including additional properties in the name of the Wakf and includes donations, subscriptions, nazars, offerings, golak collection and other income legally obtained for the Wakf;
- VII. **“Wakf Institution”** means a Masjid, Madrasa or Maktab, Musafir Khana, Khanqah, Asthana, Idgah, Dargah, Maqbara, Chilla, Ashurkhana or a Khabrastan registered under Section 36, 42, 43 and 104 of the Wakf Act, 1995, and institutions permitted by the Board under the administration of the Wakf;
- VIII. **“Court”** means a Court of law established by the State Government under Civil Courts Act, or the Wakf Act, 1995, and includes the Law Committee of the Karnataka State Board of Wakfs and the Chief Executive Officer while he is sitting as an Inquiry Officer or Competent Officer or any Officer/Member of the Board delegated with powers under the Wakf Act, 1995, for holding any inquiry, and includes any Revenue Court including Appellate Court/Authority;
- IX. **“Board”** means the Karnataka State Board of Wakfs established by State Government under Section-13 (1) of the Wakfs Act, 1995, (43 of 1995).
- X. **“The Act”** means the Wakf Act, 1995, (Central Act, 43 of 1995) as amended from time to time;
- XI. **“The Rules”** means the Karnataka Wakf Rules, 1997, framed by the State Government under Section 109 of the Act, as amended from time to time;
- XII. **“The Regulations”** means regulations framed by the Board with the approval of the State Government under Section-110 of the Wakf Act, 1995, as amended from time to time;
- XIII. **“Managing Committee”** means a Committee, by whatever name called, entrusted with day to day administration of the affairs of the Wakf institution;
- XIV. **“Government”** means, Government of India and Government of Karnataka as the case may be.
- XV. **“President”** means President of Wakf institution elected/selected under the provisions of this Scheme of Administration.

XVI. **“Vice President”** means Vice President of Wakf institution elected/selected under the provisions of this Scheme of Administration.

XVII. **“Mutawalli”** means any person appointed, either verbally or under any deed or instrument by which a Wakf has been created, or by a Competent Authority, to be the Mutawalli of a Wakf and includes any person who is a Mutawalli of a Wakf by virtue of any custom or who is a Naib-Mutawalli, Khadim, Mujawar, Sajjadanashin, Amin or other person appointed by a Mutawalli to perform the duties of a Mutawalli and save as otherwise provided in this Act, any person, committee or corporation for the time being managing or administering any Wakf or Wakf property;

Provided that no member of a Committee or corporation shall be deemed to be a Mutawalli unless such Member is an office bearer of such Committee or Corporation;

CHAPTER-3

5. **Aims and Objectives:**

The aims and objectives of the Wakf shall be:

- I. To look after the day-to-day administration of the Wakf and to provide effective and efficient services.
- II. To ensure that income from the property or by services of the Wakf is properly collected and applied to the objects of the Wakf or for which the Wakf is created or intended.
- III. To develop properties and improve the sources of income for fulfillment of the purpose;
- IV. To extend financial assistance for education and health for the economically weaker sections of the society by setting apart a portion of income of Wakf keeping in view the Mansha-e-Wakif with the prior approval of the Board.
- V. To take up any other activities of religious, cultural, educational, social, economic nature, or financial upliftment of community.

CHAPTER-4

6. Membership:

- I. Qualification for admission:
 - a) Any Muslim who has completed 18 years of age as on the date of application for Membership;
 - b) Who professes and follows the Sunni/Shia faith to which the Wakf belongs;
 - c) Who permanently resides within the jurisdiction of the Wakf;

OR

- d) Who is an ordinary resident or who carries business, within the jurisdiction of the Wakf; for not less than a minimum period of one year;
- II. A person cannot be a member at a time for more than one Wakf institution of same category i.e. not more than one Masjid, not more than one Dargah, not more than one Khabrastan, etc.
- III. Any person who desires to become a Member shall apply in writing together with payment of Membership fee of to President/Secretary/Administrator/Mutawalli of Wakf institution as the case may be and agree to pay monthly/annual subscription fixed by the Managing Committee.
- IV. The members must pay the subscription fee of per month/annually.

CHAPTER-5

7. General Body:

- I. The General Body of the Wakf shall be the apex body with supervisory powers over the affairs of the Wakf; The first meeting of the General Body of the Wakf shall be held within four months from the date of approval of this Scheme of Administration by the Board;

II. The meetings of General Body shall be of two types.

a) Annual General Body Meeting.

b) Special General Body Meeting.

III. Annual General Body Meeting.

The Annual General Body Meeting shall be called every year by the Managing Committee on or before 31st of May of each year.

IV. Functions of Annual General Body.

a. To consider and approve the budget estimate for the ensuing year, before submitting it to the Board;

b. To approve the annual audited statement of accounts of the Wakf;

c. To select/elect 11 (eleven) Members from among themselves, to the Managing Committee of the Wakf once in three years;

d. If it be by selection, it shall be by raising of hands or otherwise (to be specifically provided);

e. If any Member/s of Managing Committee has/have, failed in his/their duties or lagging behind in fulfillment of his/their responsibilities, or has acted or acting, in a manner prejudicial to the interest of the Wakf, the Members are entitled to raise the subject, by notice, and if there exists *prima facie* case against such Member/s, by a special resolution passed in the meeting, intimate the fact to the Board for necessary action;

f. To approve the cadre strength of the Wakf;

g. To approve the proposals of the Managing Committee if any;

h. To appoint Auditor or Chartered Accountant to audit the accounts of the Institution;

V. Adjournment of General Body Meeting;

In the absence of quorum within half an hour after the time appointed for holding General Body Meeting, the meeting shall be adjourned to a further date to be determined by the Managing Committee to discuss the same agenda; such an adjourned meeting shall be called within seven days from the date of adjournment;

No subject other than the notified subjects for the general meeting shall be transacted in the adjourned meeting and no quorum is required for the adjourned meeting.

VI. Special General Body Meeting.

- a. All General Meetings other than Annual General Body Meeting shall be called as Special General Body Meeting.
- b. A Special General Body Meeting may be called at any time by the Managing Committee on their own.
- c. It may be called on requisition made to the Managing Committee in writing by at least 1/5th of Members.
- d. It shall be called within a month from the date of requisition.
- e. At such a Special General Body Meeting, no business other than specified in the notice shall be transacted.
- f. In case within half an hour after the time appointed for holding such a meeting, if there is no quorum the meeting shall be dissolved.

VII. President of meeting.

The President of the Wakf shall always preside over every Annual General Body Meeting and Special General Body Meeting. In his absence Vice President shall preside. In the absence of both, nominee of the President or senior most Member of the Managing Committee shall preside.

VIII. Quorum.

1/3rd of the total Members shall constitute quorum for the Annual General Body Meeting and Special General meeting.

IX. Voting.

All decisions at the General Body Meeting / Special General Body Meeting shall be taken by a simple majority of votes of the Members present. Each Member shall have one vote. The President of the Wakf, if he is presiding over the meeting or the person in Chair at the meeting shall have a casting vote which he may exercise in case of equality of votes except in election matters.

X. The proceedings of every 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 and Secretary of the Wakf.

XI. The resolutions of previous meeting shall be placed in the next meeting for its confirmation.

XII. A copy of the Minutes of the meeting shall be sent to all Members of the Managing Committee within seven days of the meeting.

XIII. The Secretary of the Wakf, in consultation with the President of the Wakf or on the direction of the President, shall prepare a notice containing the day, date, time and place of such meeting together with agenda for the meeting and notes on the items of agenda for the meeting. The notice shall be published on the Notice Board of the Wakf and the office of the District Wakf Advisory Committee. A copy of the notice shall also be sent to the Board.

CHAPTER-6

8. Managing Committee:

I. Constitution.

- a. It shall consist of eleven (11) Members who shall implement the decisions of the General Body.
- b. The Board at its discretion, depending upon the strength of the Membership of the Wakf institution, increase the number of Members to the Managing Committee.

- c. It shall be elected/selected once in three years by the Members of the General Body.
- d. It shall be collectively accountable to the Board.

II. Duties and Powers.

- a. It shall be the Executive Body responsible for day to day administration of the Wakf.
- b. It shall exercise powers in accordance with decisions taken at General Body Meeting and shall not act contrary to the Wakf Act, Wakf Rules, Scheme of Administration and directions of the Board.
- c. The Managing Committee shall have power to recruit the staff and also to remove them;
- d. The Managing Committee is the Disciplinary Authority for the staff of the Wakf institution.
- e. It shall be the duty of the outgoing Managing Committee to commence election process for constitution of new Managing Committee, two months in advance of the expiry of its term, failing which they shall be liable for action under Section-61 (misfeasance) and 64 of the Wakf Act (misfeasance and willful disobedience of directions of the Board);
- f. Under no circumstances, the administrative and financial powers shall be delegated.
- g. It shall be the duty of the Managing Committee to send a report at the commencement of every financial year highlighting the achievements made during the previous year in respect of protection of properties, its development and steps taken to improve the financial status of the Wakf, collection of income accruing to the Wakf and payment of Wakf contribution;
- h. Expulsion of Members – Members shall not be expelled unless he disowns Islam.
- i. It can form Sub-Committees for education, health, social service, etc.

- j. It shall approve receipts and payments.
- k. It shall notify the General Body Meeting to Karnataka State Board of Wakfs.
- l. It shall be the duty of the Managing Committee to get the assessment of Wakf contribution from the District Wakf Advisory Committee and remit the said sum within one month of the completion of audit failing which they are liable to be charged for violation of Section-72 of the Wakf Act;

9. Co-option:

In case of vacancy in the Managing Committee, the remaining Members of the Managing Committee with prior approval of the Board shall co-opt equal number of Member/s from among the Members of the Wakf and the term of such a Member is co-terminus with the term of subsisting Managing Committee.

10. Office Bearers:

- i. The Members of the Managing Committee shall, in its very first meeting, either by consensus or election choose from among themselves a President, a Vice President, a Secretary, and a Treasurer and intimate the same to the Board within seven days;
- ii. A Member of the Managing Committee shall not be eligible to be an Office bearer for more than two terms consecutively.

11. Every Member of the Committee, whether elected/selected or co-opted shall sign a declaration or an undertaking, under his hand, at the first meeting after his election/selection, or co-option that he accepts the said Office and solemnly affirms that he shall act and discharge his duties with full integrity & honesty as a Member in the best interest of the Wakf institution;

12. A Member of the Managing Committee shall cease to be Member by;

- a. reasons of death, resignation; removal;
- b. conviction resulting in any penalty;
- c. a tenant of the Wakf;
- d. reason of receiving any pecuniary benefits from Wakf,

Provided that the other spouse or child of any Member of the Committee, General Body shall not be entitled to hold any office of profit under the Wakf and its allied Institutions.

- e. absence, consecutively for three meetings, without valid reason;

13. Powers of office bearers:

- I. The President of the Committee shall preside over all meetings; he shall be the head of the institution;
- II. The Vice President shall preside over any meetings in the absence of the President and shall exercise all powers of President in the absence of the President in that meeting;
- III. The Secretary of the Committee shall be the Executive Head of the Wakf institution and as such he can sue and be sued in that capacity; he shall be responsible for:
 - a. calling meetings in consultation with the President;
 - b. preparing the agenda with notes for Managing Committee meetings and circulate the same along with meeting notice to the Members of Managing Committee;
 - c. preparing budget in consultation with the Treasurer;
 - d. signing all contracts, leases with the prior approval of Managing Committee and Board as the case may be;
 - e. maintaining accounts of the Wakf in accordance with provisions of Wakf Act and Rules;
 - f. operate bank account/s of the Wakf, jointly with the President or the Treasurer;
 - g. he shall be the head of Office for the staff employed by the Wakf institution; and do all such acts as prescribed under the Act and Rules and that are entrusted to him by the Managing Committee / General Body;
- IV. The Treasurer shall be the custodian of the books of accounts and shall advise the Managing Committee on financial matters of the Wakf institution;

14. Disqualification of Member of the Managing Committee:

A person shall be disqualified for being appointed or for continuing as a Member of the Managing Committee if:

- I. he is not a Muslim;
- II. he is less than eighteen years of age;
- III. he is found to be a person of unsound mind;
- IV. he is an un-discharged insolvent;
- V. he has been convicted for an offence involving moral turpitude;
- VI. he be a rowdy sheeted in police records;
- VII. he has been, on previous occasion, removed by an order of a Competent Court or Tribunal or Board from any position of Wakf either for mismanagement or for corruption or any such reasons; in which case he is disqualified for a minimum period of two (2) terms from the date of disqualification;
- VIII. he is known alcoholic/gambler or consumes any narcotics drugs;
- IX. he or any of his family Member is a tenant of the Wakf;

NOTE: Family for the purpose of this Article shall mean wife or husband, dependent sons or unmarried daughters and dependent parents.

15. Meetings of Managing Committee:

- I. The Managing Committee shall meet at-least once in two (2) months or as often as possible to transact the business of the Wakf;
- II. The Secretary, in consultation with the President, shall send atleast three days prior notice of the meeting to all Members of the Managing Committee and where any emergent business has to be transacted the period of notice may be reduced at the discretion of the President of the Wakf;

- III. The President of the Managing Committee shall preside over every meeting and in his absence, the Vice President shall preside over the meeting; and in the absence of both President and Vice-President, any senior Member present, other than the Secretary, shall preside over the meeting;
- IV. The proceedings of the 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 and Secretary of the Wakf.
- V. The resolutions of previous meeting shall be placed in the next meeting for its confirmation.
- VI. A copy of the Minutes of the meeting shall be sent to all the Members of the Managing Committee within seven days of the meeting and also affix a copy thereof on the notice board of the Wakf institution.
- VII. The quorum for the meeting of the Managing Committee shall be 1/3rd Members;

If no quorum is present within half an hour of the commencement of the meeting, the meeting shall be adjourned to next week on the same day and time; no notice to any Member of such adjourned meeting shall be necessary.

CHAPTER-7

16. Accounts:

- I. The Treasurer shall maintain all the accounts of the Wakf in accordance with the provisions of the Wakf Act and submit periodical accounts to the Board as prescribed under the Act and Rules framed there-under;
- II. The Treasurer shall ensure that all books are maintained in accordance with the Act and all amounts received and spent are accounted properly;
- III. The Treasurer shall ensure that all receipts and all income shall be received and acknowledged against proper receipt and deposited in the bank account of the Wakf on the same day or positively on the next working day;

- IV. The Secretary shall maintain a permanent advance of not more than Rs.1,000/- (Rupees One thousand only) for meeting any contingency;
- V. The institution shall open an account in any of the Nationalized Bank/Schedule Bank and it should be jointly operated by the President and Treasurer or Secretary.

17. Donations / Gifts etc.:

- I. The Managing Committee may, at its discretion accept donations / gifts in cash or kind, or any movable or immovable property, or any endowments for any purpose akin to the objects of the Wakf or supplemental to or incidental to the objects of the Wakf and utilize such movable or immovable property in fulfillment of the objects desired by the donor/settler or the Wakif or directions of the Board;
- II. A gift or grant either in cash or kind of any moveable or immovable property as endowment may not be accepted by the Managing Committee, if in the opinion of the Managing Committee, the terms imposed for utilization or use of such gift, or grant or endowment is not in the interest of the Wakf or if the same is inconsistent with or repugnant to or contrary to the spirit and concept of Wakf in general and this Wakf in particular; or such grant, gift etc., is likely to subject the Wakf or the Board to any embarrassment at a later date;

Provided that the Managing Committee shall record the reasons for such non-acceptance of gifts, donation, etc., and intimates the same to the Board;

18. Financial Year:

- I. The Financial year, of the Wakf shall commence on the first day of April every year and shall end on the 31st March of the next calendar year;
- II. The first financial year of the Wakf shall commence from the date of approval accorded by the Board to the Scheme of Administration and shall end on the 31st March of next calendar year;

19. Audit:

- I. The Managing Committee shall after the completion of the financial year of the Wakf, get the accounts audited by an Auditor/Chartered Accountant appointed by the General Body of the Wakf or by the Board;
- II. The audited statement together with the observation of the auditors shall be examined by the Managing Committee who shall append its own observations (report) and place the accounts together with its observation before the General Body at its Annual General Meeting after the closure of every financial year;
- III. The Wakf shall allow second or subsequent audit in accordance with the provisions of the Act and in consultation with and/or directions of the Board;

20. Amendments to the Scheme:

- I. This Scheme is framed by the Board in accordance with the provisions contained in Section 69 of the Act, and therefore, the Board alone is Competent to cancel or modify this Scheme before or after it has come into force;
- II. Where the General Body is of the opinion that the institution requires any alteration/deletion/additions, the same may be forwarded to the Board duly approved in the Special General Body Meeting convened for this purpose for consideration of the Board and the decision of the Board shall be final.

21. Official Seal:

- I. The Managing Committee shall prepare an official seal indicating the name of the Wakf, as it appears in the Gazette Notification or Registration Certificate;
- II. The seal of the Wakf shall be in the safe custody of the Secretary of the Managing Committee and shall be affixed on all contracts, agreements and documents to which the Wakf is the signatory;

CHAPTER-8

22. Procedure for constitution of Managing Committee:

I. Issue of identity card to Members.

The Managing Committee shall issue to every Member of the Wakf institution an identity card indicating the name of the Wakf, full name of the Member, Membership number, age and residential/business address. The recent passport size photo of the Member shall also be affixed on the identity card duly signed by him and attested by the Secretary of the Managing Committee/Administrator/Mutawalli under the seal of the Wakf.

II. Eligibility for voting.

A Member who is enrolled as a Member before six (6) months prior to the date of election shall be eligible to vote in the election to Managing Committee.

23. Procedure for election of Members of the Managing Committee: *(applies only in case where Managing Committee is elected)*

Election of the Members of the Managing Committee of the Wakf shall be held in the following manner, namely:

I. The existing Managing Committee shall request the Board to appoint a Returning Officer and the Board/Officers authorized shall appoint an Officer or Official of the State Government or a local authority as Returning Officer for the purpose of conducting the election of Members to the Managing Committee of the Wakf institution.

II. The Returning Officer appointed under sub-rule (i) shall publish a calendar of events for the purpose of conduct of elections of Members of the Managing Committee, at least twenty one days before the date of election and complete the process of election within 30 days from the date of notification. Pre-election work like preparation of electoral rolls, issue of identification cards etc., shall be completed within 30 days prior to the notification, by the Managing Committee;

III. The Secretary/Administrator/Mutawalli shall publish the list of voters one month before the date of election.

- IV. (a) A Member who desires to contest as a candidate for election as a Member of the Managing Committee shall give at least seven clear day notice in writing to the Returning Officer or any other person authorized by him before the date of election.

OR

- (b) A Member of Wakf institution may nominate any other Member who is qualified to be chosen as a Member of the Managing Committee and such nomination shall be filed before the concerned Returning Officer or any other person authorized by him at least six clear days before the date of election.

V. NOMINATIONS.

- 1) Each nomination shall contain the consent of the proposed candidate in writing.
- 2) Nomination shall be proposed and signed by at least by one individual Member competent to vote in the election and seconded by one individual Member competent to vote in the election.
- 3) The nomination without the consent of the proposed candidate or received after the date and time fixed for receipt of the nomination shall be liable to be rejected.
- 4) Nomination shall be accompanied by a receipt for having deposited either by cash or by way of Demand Draft drawn in favour of the Wakf as specified in the Calendar of Events Notification.
- 5) If a candidate fails to secure one tenth of the valid votes polled in the election, the amount so deposited shall be forfeited to the Wakf.
- 6) Nomination shall be scrutinized by the Returning Officer on the date notified in the Calendar of Events.
- 7) The Returning Officer shall endorse on each notice or nomination the decision of either accepting or rejecting the said notice or nomination.

- 8) Nomination papers of contesting candidates disqualified to be elected to the Committee shall be rejected and a brief statement of reasons shall be recorded for such rejection.
- 9) The Returning Officer shall, after scrutiny, prepare a list of candidates whose notice or nominations are valid and shall publish the same on the Notice Board of the Wakf on the same day.
- 10) A candidate may withdraw his notice or nomination by a notice in writing delivered in person before 03:00 p.m on the following day of scrutiny to the Returning Officer or any other person authorized by him.
- 11) The Returning Officer or the person authorized by him shall note the date and time of receipt of the notice of withdrawal.
- 12) A person who has given notice of withdrawal shall not be allowed to withdraw such a notice.
- 13) The Returning Officer shall on being satisfied of the genuineness of the case of withdrawal, cause the notice of withdrawal to be published on the notice board of the Wakf on the same day.
- 14) After expiry of the time allowed for withdrawal, the Returning Officer shall prepare a list of valid contesting candidates and publish it on the notice board of the Wakf.
- 15) If the number of candidates is equal to the number of Members to be elected, the Returning Officer shall declare them as elected immediately. He shall publish the list of Members so declared as elected on the notice board of the Wakf and deliver a copy of the result sheet to the institution on the same day and forward a copy of such result sheet to the Board by RPAD.
- 16) If the number of contesting candidates is more than the number of Members to be elected, the names of such candidates with the symbols allotted to them shall be written/typed, or printed and be published on the Notice Board of the Wakf atleast three days before the date of election.
- 17) The Returning Officer shall allot symbols to contesting candidates except those symbols which are allotted to recognized political parties in the State.

Explanation: For the purpose of this sub-rule a recognized political party means every political party recognized by the Election Commission of India as a National Party or as a State Party in the State of Karnataka under the Election Symbols (Reservation and Allotment) Order, 1968.

- 18) A register shall be kept at the place of election and every voter shall (before affixing his signature in the register kept for the purpose shall produce Identity card issued and then) sign in the register on the strength of Identity card and proceed to secure the Identification Slip.
- 19) The voter shall produce the Identity Card before obtaining identification slip and after receiving the identification slip, he shall be allowed to proceed to cast his vote.
- 20) Poll shall be conducted between 08:00 a.m. and 03:00 p.m.

Provided that all voters who have obtained Identification Slips before the time fixed for closing the poll and present at the polling booth shall be allowed to vote.
- 21) The Returning Officer shall appoint as many such number of Assistant Returning Officers, Presiding Officers and Polling Officers to conduct the poll, and as many Counting Assistants to count the votes as may be necessary.
- 22) On a Member producing the Identification slip the Presiding Officer or Polling Officer shall issue him a ballot paper bearing the seal of the Wakf and the signature of the Presiding Officer or Polling Officer.
- 23) Canvassing or soliciting of votes during the conduct of election shall be strictly prohibited within 100 meters from the place of polling.
- 24) Voting shall be by ballot and a voter shall mark [X] on or near the symbol against the name of the candidate, whom he wishes to vote and fold the ballot paper and deposit it in the ballot box.
- 25) After the polling is over, the Polling Officer shall close the poll and deliver the ballot box to the Returning Officer, who shall arrange for counting, immediately after polling.
- 26) The Counting Assistants shall arrange all valid ballot papers after rejecting a ballot paper:

- i) If it bears any signature to identify the voter.
- ii) If it does not bear the seal of the Wakf or initial of the Polling Officer.
- (iii) If it contains more marks than the number of seats to be elected.

VI. After the counting is over.

- a. If equality is found to exist between the candidates to be declared elected, the Returning Officer shall forth with decide between these candidates, by lot and the candidate on whom the lot falls shall be considered to have received an additional vote.
- b. The candidates who have secured the maximum number of votes shall be declared as elected.
- c. The Returning Officer shall declare the result of election immediately after the counting of votes and publish the list of elected candidates on the notice board of the Wakf and deliver a copy of it to the institution on the same day.
- d. The Returning Officer shall arrange to keep in safe custody in the Wakf, in a sealed box the ballot papers and counterfoils. The register containing the signature of Members of Managing Committee and the result of counting.
- e. The remuneration to be paid to the Election Officer/Officials will be fixed by the Board and the same has to be paid by the institution.

24. Manner of convening the meeting of all the Members of the Managing Committee for electing Office Bearers:

- I. The Managing Committee within 15 days from the date of constitution shall elect the President, Vice-President, Secretary, Treasurer and such other office bearers as required to be elected under the Scheme of Administration of the Wakf. One of the elected Member who is not a candidate for the election of President or Vice-President, Secretary, Treasurer shall be chosen to preside over such meeting. The meeting shall be convened by giving seven day notice sent by registered post, indicating the date, time and place of meeting.

Note: In the event of dispute, the Karnataka State Board of Wakfs shall conduct elections of Office Bearers.

- II. Whenever the Office of the President, Vice-President, Secretary, Treasurer and such other office bearers falls vacant due to death or resignation or otherwise or for any other reason, the Managing Committee shall call a meeting in accordance with sub-rule (i) to fill up such a vacancy within a period of fifteen days from the date of occurrence of such vacancy.
- III. Not less than two hours before the time fixed for the meeting for the election of President, Vice-President or Secretary or any other office bearers any elected Member may nominate any other elected Member for being elected as President, Vice-President or Secretary or other Office Bearers as the case may be by delivering a nomination paper to the Returning Officer/Wakf Officer.
- IV. No elected Member shall nominate under sub Rule (iii) more than one candidate for the office of the President, Vice-President or Secretary or any other Office Bearers of the Wakf the nomination which is received first shall be considered for scrutiny.
- V. After the commencement of the meeting, the Returning Officer/Wakf Officer shall place before the person presiding over the meeting (hereinafter referred to as the Presiding Authority) all the nomination papers and shall read out to the Members present at such meeting, the names of the Members who in his opinion have been duly nominated together with those of the proposers.
- VI. Any candidate may withdraw his candidature by notice in writing duly signed by him and delivered to the Presiding Authority immediately after the scrutiny of nomination papers.
- VII. The notice of withdrawal may be given either by the candidate in person or by his proposer who had been authorized in this behalf in writing by the candidate.
- VIII. No person who has given a notice of withdrawal of his candidature under sub-rule (vi) shall be allowed to cancel the notice of withdrawal.
- IX. The Presiding Authority shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (vii) read out to the Member present at such meeting the names of the persons withdrawing their candidature.

- X. After the time fixed for withdrawal is over if there is only one candidate who has been validly nominated, and has not withdrawn his candidature in the manner and within the time specified, the Presiding Authority shall forthwith declare such candidature duly elected as President, Vice-President, Secretary or any other Office Bearers of the Wakf, as the case may be.
 - XI. If the number of candidates who have been validly nominated and who have not withdrawn their candidature are more than one, then the Presiding Authority shall proceed to conduct the election as hereinafter provided.
 - XII. Votes shall be taken by secret ballot and the Members voting for and against any candidate shall record their votes in the ballot papers supplied to them.
 - XIII. Any Member present at the meeting may refrain from voting if he so chooses to do.
 - XIV. After voting by all the elected Members present and wishing to vote is over, the Presiding Authority shall count the votes and declare that the candidate to whom the highest number of valid votes have been given to have been duly elected.
 - XV. When there is equality of votes between any two or more candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Presiding Authority shall forth with decide between those candidates by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls has received an additional vote. He shall thereafter declare the candidates on whom the lot falls to have been duly elected.
 - XVI. The Presiding Authority shall cause a record of the minutes of the meeting which shall contain the names of all the elected Members present. The minutes shall be signed by the Presiding Authority as well as the Members present. The minutes shall be made available to any Member of Managing Committee for inspection.
25. The Board within 15 days of the receipt of the list, or as early as it is convenient for it, shall issue order appointing the elected/selected Members as next Managing Committee in accordance with the provisions of the Act;

26. The newly elected Members shall be deemed to have assumed the Office of the Managing Committee (Mutawalli) of the Wakf on issue of the order of Board appointing them as Members;
27. The power to appoint Mutawalli (which term includes a Committee) is exclusively vested with the Board. The Board may annul or modify the list of elected members, if in its opinion such annulment or modification is necessary; the decision of the Board shall be final; the Board is empowered to cancel or modify this Scheme of any time after it has come into force.
28. These Bye-laws in general is for the purpose of ensuring transparency in administration and appointment of members to the Managing Committee of the Wakf, therefore, any shortcoming in the working of the Scheme has to be brought before the Board. The decision of the Board on all matters of administration shall be final.

29. **Applicability:**

All directions/instructions/circulars issued by the Board from time to time shall be applicable to the Wakf institutions.

(a) Election Disputes.

- i. The function of appointment of Mutawalli, which includes appointment of Members of the Managing Committee, is exclusively vested in the Board. Elections are outside the scope of Wakf Act, Karnataka Wakf Rules and Regulations framed by the Board. The elections are prescribed, by the Board, as a measure to ensure democratic administration of Wakfs and bring about transparency in the process of appointment of Mutawalli;
- ii. Keeping in view of the above fact, the elections are not justiciable before any Court;
- iii. Any question or dispute or any other matter relating to elections to Managing Committee shall be made before a Tribunal presided over by the Chief Executive Officer of the Board, by means of an election petition, and the decision/adjudication made by the Election Tribunal on any question or dispute, or any other matter relating to elections shall be final and conclusive;
- iv. The petitioner in an election petition shall prepare the petition as provided in Rule 61 with suitable modifications alongwith a verifying affidavit and a deposit of Rs. 1000/- towards costs;

- v. The Chief Executive Officer shall exercise powers specified under sub-section (2) of Section 71 of the Act while holding the inquiry;
- vi. The Chief Executive Officer shall hear and complete the inquiry within two months of its filing;
- vii. The Chief Executive Officer shall in every case of inquiry follow the procedure prescribed under Rule 37 of the Karnataka Wakf Rules, 1997.

