

Wakf Act, 1995

Section 3 - Definitions

In this Act, unless the context otherwise requires.

- (a) "beneficiary" means a person or object for whose benefit a wakf is created and includes religious, pious and charitable objects and any other objects of public utility sanctioned by the Muslim law;
- (b) "benefit" does not include any benefit which a mutawalli is entitled to claim solely by reason of his being such mutawalli;
- (c) "Board" means a Board of Wakf established under sub-section (1), or as the case may be, under sub-section (2) of section 13 and shall include a common Wakf Board established under section 106;
- (d) "Chief Executive Officer" means the Chief Executive Officer appointed under sub-section (1) of section 23;
- (e) "Council" means the Central Wakf Council established under section 9;
- (f) "Executive Officer" means the Executive Officer appointed by the Board under sub-section (1) of section 38;
- (g) "list of wakfs" means the list of wakfs published under sub-section (2) of section 5;
- (h) "member" means a member of the Board and includes the Chairperson;
- (i) "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, mujawaf, 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;
- (j) "net annual income", in relation to a wakf, means net annual income determined in accordance with the provisions of the Explanations to sub-section (1) of section 72;
- (k) "person interested in a wakf" means any person who is entitled to receive any pecuniary or other benefits from the wakf and includes
- (i) any person who has a right to worship or to perform any religious rite in a mosque, idgah, imambarah, dargah, khangah, maqbara, graveyard or any other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf;
- (ii) the wakf and any descendant of the wakif and the mutawalli;
- (l) "prescribed", except in Chapter III, means prescribed by rules made by the State Government;
- (m) "regulations" means the regulations made by the Board under this Act;

- (n) "Shia wakf means a wakf governed by Shia law;
- (o) "Sunni wakf means a wakf governed by Sunni law;
- (p) "Survey Commissioner" means the Survey Commissioner of Wakf appointed under sub-section (1) of section 4 and includes any Additional or Assistant Survey Commissioners of Wakfs under sub-section (2) of section 4;
- (q) "Tribunal", in relation to any area, means the Tribunal constituted under subsection (1) of section 83, having jurisdiction in relation to that area;
- (r) "wakf means the permanent dedication by a person professing Islam, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable and includes
- (i) a wakf by user but such wakf shall not cease to be a wakf by reason only of the user having ceased irrespective of the period of such cesser;
 - (ii) "grants", including mashrut-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and
 - (iii) a wakf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable, and "wakif" means any person making such dedication;
- (s) "wakf deed" means any deed or instrument by which a wakf has been created and includes any valid subsequent deed or instrument by which any of the terms of the original dedication have been varied;
- (t) "Wakf Fund" means a wakf fund formed under sub-section (1) of section 77.