

Wakf Act, 1995

Section 61 - Penalties

(1) If a mutawalli fails to

- (a) apply for the registration of a wakfs;
- (b) furnish statements of particulars or accounts or returns as required under this Act;
- (c) supply information or particulars as required by the Board;
- (d) allow inspection of wakf properties, accounts, records or deeds and documents relating thereto;
- (e) deliver possession of any wakf property, if ordered by the Board or Tribunal;
- (f) carry out the directions of the Board;
- (g) discharge any public dues; or
- (h) do any other act which he is lawfully required to do by or under this Act,

he shall, unless he satisfies the court or the Tribunal that there was reasonable cause for his failure, be punishable with fine which may extend to eight thousand rupees.

(2) Notwithstanding anything contained in sub-section (1), if

- (a) a mutawalli omits or fails, with a view to concealing the existence of a wakf, to apply for its registration under this Act,
 - (i) in the case of a wakf created before the commencement of this Act, within the period specified therefor in sub-section (8) of section 36;
 - (ii) in the case of any wakf created after such commencement, within three months from the date of the creation of the wakf; or
- (b) a mutawalli furnishes any statement, return or information to the Board, which he knows or has reason to believe to be false, misleading, untrue or incorrect in any material particular,

he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to fifteen thousand rupees.

(3) No court shall take cognizance of an offence punishable under this Act save upon complaint made by the Board or an officer duly authorised by the Board in this behalf.

(4) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the fine imposed under sub-section (1), when realised shall be credited to the Wakf Fund.

(6) In every case where offender is convicted after the commencement of this Act, of an offence punishable under sub-section (1) and sentenced to a fine, the court shall also impose such term of imprisonment in default of payment of fine as is authorised by law for such default.
