

Wakf (Amendment) Act, 2013, (Central)

Section 11 - Amendment of Section 9

In section 9 of the principal Act,--

(a) for sub-section (1), the following sub-sections shall be substituted, namely:--

"(1) The Central Government may, by notification in the Official Gazette, establish a Council to be called the Central Waqf Council, for the purpose of advising the Central Government, the State Governments and the Boards on matters concerning the working of Boards and the due administration of auqaf.

(1A) The Council referred to in sub-section (1) shall issue directives to the Boards, on such issues and in such manner, as provided under sub-sections (4) and (5).";

(b) in sub-section (2), in clause (b),--

(i) for sub-clause (ii), the following sub-clause shall be substituted, namely:--

"(ii) four persons of national eminence, one each from the fields of administration or management, financial management, engineering or architecture and medicine;";

(ii) after sub-clause (viii), the following proviso shall be inserted, namely:--

"Provided that at least two of the members appointed under sub-clauses (i) to (viii) shall be women.";

(c) after sub-section (3), the following sub-sections shall be inserted, namely:--

"(4) The State Government or, as the case may be, the Board, shall furnish information to the Council on the performance of Waqf Boards in the State, particularly on their financial performance, survey, maintenance of waqf deeds, revenue records, encroachment of waqf properties, annual reports and audit reports in the manner and time as may be specified by the Council and it may suo motu call for information on specific issues from the Board, if it is satisfied that there was prima facie evidence of irregularity or violation of the provisions of this Act and if the Council is satisfied that such irregularity or violation of the Act is established, it may issue such directive, as considered appropriate, which shall be complied with by the concerned Board under intimation to the concerned State Government.

(5) Any dispute arising out of a directive issued by the Council under sub-section (4) shall be referred to a Board of Adjudication to be constituted by the Central Government, to be presided over by a retired Judge of the Supreme Court or a retired

Chief Justice of a High Court and the fees and travelling and other allowances payable to the Presiding Officer shall be such as may be specified by that Government."

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com