

Wakf Act, 1954

Section 15 - FUNCTIONS OF THE BOARD

1) Subject to any rules that may be made under this Act, the⁵⁰[general superintendence of all wakfs in a State in relation to all matters, except those which are expressly required by this Act to be dealt with by the Wakf Commissioner, shall vest] in the Board established for the State, and it shall be the duty of the Board so to exercise its powers under this Act as to ensure that the wakfs under its superintendence are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which such wakfs were created or intended: Provided that in exercising its powers under this Act in respect of any wakf, the Board shall act in conformity with the directions of the wakif, the purposes of the wakf and any usage or custom of the wakf sanctioned by the Muslim law. 51['Explanation.-For the removal of doubts it is hereby declared that in this sub-section, "wakf" includes a wakf in relation to which any scheme has been made by any court of law, whether before or after the commencement of the Wakf (Amendment) Act, 1984;] (2) Without prejudice to the generality of the foregoing power, the functions of the Board shall be- (a) to maintain a record containing information relating to the origin, income, object and beneficiaries of every wakf; 52["(b) to ensure that the income and other property of a wakf are applied to the objects and for the purposes for which that wakf was created or intended;"] (c) to give directions for the administration of wakfs; 53[(d) * * * * *]; 54[(e) to direct- (i) the utilization of the surplus income of a wakf consistently with the objects of the wakf: (ii) in what manner the income of a wakf, the objects of which are not evident from any written instrument, shall be utilized; (iii) in any case where any object of a wakf has ceased to exist or has become incapable of achievement, that so much of the income of the wakf as was previously applied to that object shall be applied to any other object which shall be similar, 55[or nearly similar, to the original object, or for the benefit of the poor or for the purpose of promotion of knowledge and learning in the Muslim community'] Provided that no direction shall be given under this clause without giving the parties affected an opportunity of being heard.] Explanation.-For the purposes of this clause, the powers of the Board⁵⁶[shall be exercised under sub-section (1)] (i) in the case of a Sunni wakf, by the Sunni members of the Board only; and (ii) in the case of a Shia wakf, by the Shia members of the Board only: Provided that where having regard to the number of the Sunni or Shia members in the Board and other circumstances, it appears to the Board that its power should not be exercised by such members only, it may coopt such other Muslims being Sunnis or Shias, as the case may be, as it thinks fit, to be temporary members of the Board for exercising its powers under this clause, 57[(f) * * * * *] (g) to appoint and remove muttawallis in accordance with the provisions of this Act; 58[(h) * * * * *] (i) to institute and defend suits and proceedings in a court of law relating to wakfs; 59[(j) to sanction in accordance with the Muslim law, any transfer of immovable property of a wakf by way of sale, gift, mortgage, exchange⁶⁰[or lease, in accordance with the provisions of this Act:] Provided that no such sanction shall be given unless at least two-thirds of the members of the Board vote in favour of such transaction.], (k) to administer the Wakf Fund; 61[(l) * * * * *] [(m) * * * * *] [(n) * * * * *] (o) generally do all such acts as may be necessary for the due control, maintenance and administration of wakfs. (3) Where the Board has⁶²[* * * * *] given any direction under clause (e) of sub-section (2), any person interested in the wakf⁶³ [or affected by such direction] may institute a suit in a civil court of competent jurisdiction for⁶⁴[setting aside such directions] and the decision of the civil court thereon shall be final. Power to develop urban land which is wakf property