

## Wakf Act, 1995

### Section 5 - Subs. by s. 5, *ibid.*, for clause

g) (w.e.f. 1-11-2013). 5 (i) mutawalli means any person appointed, either verbally or under any deed or instrument by which a 1[waqf] has been created, or by a competent authority, to be the mutawalli of a 1[waqf] and includes any person who is a mutawalli of a 1[waqf] by virtue of any custom or who is a naib-mutawalli, khandim, 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 1[waqf] or 1[waqf] 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: 2 [Provided further that the mutawalli shall be a citizen of India and shall fulfil such other qualifications as may be prescribed: Provided also that in case a waqf has specified any qualifications, such qualifications may be provided in the rules as may be made by the State Government;] (j) net annual income, in relation to a 1[waqf], 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 1[waqf] means any person who is entitled to receive any pecuniary or other benefits from the 1[waqf] and includes (i) any person who has a right to 3[offer prayer] or to perform any religious rite in a mosque, idgah, imambara, dargah, 4[khanqah, peerkhana and karbala], maqbara, graveyard or any other religious institution connected with the 1[waqf] or to participate in any religious or charitable institution under the 1[waqf]; (ii) the 5[waqif] and any descendant of the 5[waqif] and the mutawalli; (l) prescribed, except in Chapter III, means prescribed by rules made by the State Governments; (m) regulations means the regulations made by the Board under this Act; (n) Shia 1[waqf] means a 1[waqf] governed by Shia Law; (o) Sunni 1[waqf] means a 1[waqf] governed by Sunni Law; (p) Survey Commissioner means the Survey Commissioner of 1[Waqf] appointed under sub-section (1) of section 4 and includes any Additional or Assistant Survey Commissioners of 6 [Auqaf] under sub-section (2) of section 4; (q) Tribunal, in relation to any area, means the Tribunal constituted under sub-section (1) of section 83, having jurisdiction in relation to that area; [(r) waqf means the permanent dedication by any person, of any movable or immovable 7 property for any purpose recognised by the Muslim law as pious, religious or charitable and includes (i) a waqf by user but such waqf shall not cease to be a waqf by reason only of the user having ceased irrespective of the period of such cesser; (ii) a Shamlat Patti, Shamlat Deh, Jumla Malkkan or by any other name entered in a revenue record; (iii) grants, including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and