

AZAD JAMMU AND' KASHMIR WAQF PROPERTIES

(ADMINISTRATION)

RULES, 1961

In exercise of the powers conferred under Section 19 of the Azad

Jammu and Kashmir Waqf Properties Act, 1960, the Azad Jammu and Kashmir Government is pleased to make the following rules, namely :-

1.

Short title and commencement:- (1) These rules may be called the Azad Jammu and Kashmir Waqf Properties (Administration) Rules, 1961.

(2) They shall come into force at once,

Definitions:- In these rules, unless the context otherwise required, the following expressions shall have the meanings hereby respectively assigned to them, that is to say :-

(i) "Manager" means any person appointed by the Administrator for the administration, control, management and maintenance of waqf property and includes a Deputy or Assistant Manager who holds independent charge of any waqaf property ;

(ii) "Act" means the Azad Jammu and Kashmir Waqf Properties Act, 1960.

Appointment of Managers:- The Administrator, after taking over and assuming the administration of a waqf property, may appoint a manager to administer, control, manage and maintain the waqf property on behalf of and subject to the orders of the Administrator.

Scheme for the management of Waqf Property:- (1) The manager shall prepare, for settlement by the Administrator, a scheme for the administration of the Waqf Property in his charge. The scheme shall be designed to give effect to such wishes of the person dedicating as can be ascertained and to which, effect can reasonably be given, in the absence of evidence of express dedication, the Waqf property shall be required to be used for the purpose for which it has been used or for any purpose recognised by Islam as religious, pious or charitable.

(2) Where the waqf property is a mosque, the scheme shall ensure that the religious services and other functions performed therein are continued.

(3) Where the waqf property is a shrine, the scheme shall make provision for:

(a) The conduct and regulation of the established rites and ceremonies in accordance with the tenets of the saint or sect concerned ; and

(b) the proper custody of cash box or boxes placed at the shrine and the income therefrom.

Submission of schemes to the Administrator:- (1) The manager shall submit the scheme prepared by him to the Deputy Administrator who shall forward it with his recommendations to the Administrator.

(2) The Administrator may settle or may refuse to settle or may return for reconsideration any scheme submitted to him under sub-rule (1) or may call for such further details or information about the scheme or may direct such further examination of the scheme as he may consider necessary.

Appointment of religious purposes Committee:- (1) Where a waqf property is a shrine or a mosque, the Administrator, whenever he considers it necessary, may appoint a Committee to be known as religious purposes Committee (hereinafter referred to as "the Committee") for ensuring the performance of the religious services and other functions or rites and ceremonies at the mosque or shrine, as the case may be.

(2) The Committee shall consist of not less than five or more than seven members.

(3) One of the members of the Committee shall be appointed by the Administrator as the Chairman of the Committee.

(4) A member of the Committee shall hold office for one year from the date of his appointment.

(5) The Committee shall have such powers as may be delegated to it by Administrator.

7. Lease of Waqf Properties:- Unless otherwise specifically provided in the scheme settled under rule 5, the following directions with regard to the lease of waqf property shall be deemed to form part of such scheme:

(a) Where the lease relates to land:

(i) The lease shall be in writing ;

(ii) the period of lease shall not exceed three years ;

(iii) as far as possible the lease shall be made, through auction, in favour of the highest bidder, auction being held on the spot or at such other place close to it as may be easily accessible to the attending bidders ;

(iv) the successful bidder shall deposit one year rent in advance at the time of auction and this amount shall be adjusted towards the rent of the final year;

(b) where the lease relates to a house or shop :-

(i) the lease shall be in writing ;

(ii) the period of lease shall not exceed two years ;

(iii) the rent reserved shall be at the best available market rate ;

(iv) other things being equal, preference shall be given to the old lessee whose lease is due to expire and who agrees to the renewal thereof ;

(v) the lessee shall deposit two months rent in advance and the same shall be adjusted. towards the rent of the last

two months of the period of lease.

(vi) if the tenant fails to pay rent for two months, he shall be liable to ejectment on one week's notice.