

GOVERNMENT OF KARNATAKA
REVENUE DEPARTMENT

Grant-in-aid Code for the Wakf institutions of Karnataka—Introduction of—

AD :—

1. Government Letters No. RD 139 CWF 77 dated 23rd July 1977 and 3rd October 1978 addressed to the Karnataka Board of Wakfs, Bangalore.
2. Letters of the Karnataka Board of Wakfs No. KTW 256 AAR 77, dated 5th September 1977, 19th August 1978 and 15th November 1978.

PEAMBLE :—

It is found necessary and desirable for the framing of separate Grant-in-Aid Rules in respect of the institutions coming under the control of the Karnataka Board of Wakfs for the release of grants. After consulting the Board a set of Grant-in-Aid Rules has been finalized in this behalf vide correspondence referred to above.

ORDER No. RD 139 CWF 77, BANGALORE, DATED 23RD AUGUST 1979.

Government of Karnataka are pleased to accord approval for the introduction of Grant-in-aid Code in respect of the Wakf institutions in the State of Karnataka as set out in the Annexure to this Order.

2. These Rules of Grants-in-Aid Code shall come into force with immediate effect.

By Order and in the name of the Governor of Karnataka

R. A. NAIK,

*Revenue Commissioner & Secretary to Government,
Revenue Department*

494

ANNEXURE

Grant-in-aid Code for the Wakf Institutions of Karnataka

Chapter I

Introduction

With the object of encouraging the backward community of Muslims all over the State of Karnataka, it is found necessary to keep Wakf institutions in good condition by carrying out repairs, renovations and improvements, by building compound walls for the protection of the Wakf properties and also by constructing new wakf buildings wherever necessary, and for this purpose provision is made in the annual Budget of the State for payment of grant-in-aid to deserving institutions, whose mutawallis or managements take up such work on their own initiative. The payment of such grants is subject to rules specified in this Code.

1. These rules shall be called the Grant-in-Aid Code for the Wakf institutions of Karnataka.
2. Grants-in-aid cannot be claimed as a matter of right.
3. Grants are sanctioned by the Government of Karnataka.
4. The State Government reserve to themselves the right to change these rules and also the right to interpret their meaning in case of dispute. The State Government also reserve to themselves the right to refuse, reduce or to withdraw any sanctioned grant at their discretion, without assigning any reasons therefor, notwithstanding the rules contained in this Code.

Chapter II

Definitions

5. Unless the context requires otherwise, the following words and phrases used in this Code shall have the meaning hereby assigned to them, namely:—

- (a) "mutawalli" means a mutawalli as defined in the Wakf Act, 1954;
- (b) "prescribed" means as prescribed in the rules in this Code;
- (c) "Wakf institution" means a "wakf" as defined in the Wakf Act, 1954 (Central Act 29 of 1954)

Note :—Wakf institutions registered under the Bombay Trust Act, 1950, shall be deemed to have been registered as Wakf under the Wakf Act, 1954. Other institutions notified by the Board in the official Gazette under section 5(2) of the Wakf Act shall also be deemed as registered institutions for this purpose;

(d) "year" means the financial year commencing from 1st April and ending with 31st March of the following year.

Explanation :— All other words and phrases which are used in this Code have the same meaning as are assigned to them in the Wakf Act of 1954 unless the context requires otherwise.

Chapter III

General conditions of Grant

6. Every institution on behalf of which grant-in-aid is sought shall be under the control of a mutawalli who shall be answerable for the maintenance of the institution and/or the due fulfillment of all conditions of aid, as may be prescribed from time to time.

7. The Mutawalli shall be responsible :—

- (i) to strictly fulfil the conditions laid down in this Grant-in-Aid Code.
- (ii) to subject the institution to the inspection of the Inspector-cum-Auditor and any other State Government Officer or agency of the Karnataka Board of Wakfs, designated for the purpose by the Board or Government.
- (iii) to afford all facilities to the officers of the State Government and of the Indian Audit Department deputed to audit the accounts of the institution.
- (iv) to strictly abide by the instructions of the inspecting or auditing agencies referred to in sub-clauses (ii) and (iii) above.
- (v) to keep such accounts, and render such returns and reports as may be prescribed by the Karnataka Board of Wakfs from time to time.

Note :— A copy of the annual statement of accounts of the institution duly audited and showing the amount spent for the purpose for which grants are given under this Code shall be furnished to the Karnataka Board of Wakfs before the 1st day of May of the following year.

8. No grants shall be payable to :—

- (i) a Wakf which is not registered with the Karnataka Board of Wakfs ;
- (ii) a Wakf institution the mutawalli of which is found guilty of falsification of accounts or records or of commission of any misappropriation or irregularity ;
- (iii) a Wakf institution which spends any portion of its income for any purpose other than that for which it is dedicated.

9. The sanctioned payment of grants is subject in all cases to the availability of funds in the State Budget under the detailed head concerned.

10. The application for grant-in-aid shall in all cases contain a declaration signed by the Mutawalli or the Secretary or President of the institution to the effect that the rules of this Code will be faithfully and fully observed.

CHAPTER IV

Procedure for and utilisation of Grant and other conditions

11. The Government may sanction such grants as they deem fit.

12. The grants payable to Wakf institutions are subject to the general conditions laid down in Chapter III and the procedure prescribed and other conditions laid down in this Chapter.

13. No grant shall be payable to a wakf institution which has an annual income of Rs. 50,000 or more.

14. Application for grants shall be made in the form appended to these rules along with an audited statement of accounts for the previous year. In the application the Mutawalli should furnish information duly verified by him as to the amount of grant required by him along with the necessary plans and estimates in duplicate prepared and signed by a qualified Engineer giving the details of the various items of work to be done.

15. All applications for grants shall be made to the Board and the Board shall forward them to the Government with its recommendation.

16. Grants may be made under these rules for the construction of a new building or for improvement and extensions of existing buildings or for construction of compound walls around the wakf institutions.

17. Within six months from the date of release of grants, work commensurate with the amount of grant should be completed. In exceptional circumstances the Board may extend the period upto one year. Beyond one year, the Government may, on application from the grantee, extend the time to complete the work in special circumstances.

18. The Mutawalli shall send a utilisation certificate with audited statement of accounts for the amount of grant sanctioned within nine months from the date of drawal of grants to the Karnataka Board of Wakfs.

19. The grant shall be released by the Board in two equal instalments but the second instalment shall be released only after an Officer of the Board or any other person authorised by the Board or the Government inspects and reports satisfactory progress of the work. The officer or other person authorised shall also furnish a certificate regarding the fulfilment of the conditions attached to the grant.

20. The grant should be utilised only for the purpose for which it is sanctioned.

21. The institution should maintain a record of all assets acquired out of the State Government grant subject to audit by the Karnataka Board of Wakfs or the State Accounts Department. The assets referred to should not be disposed of, encumbered or utilised for purposes other than those for which the grants are sanctioned and without obtaining the previous sanction of the State Government.

22. The Mutawalli/Secretary/President of the institution should give an undertaking that he agrees to be governed by the conditions of the grant and that in case of default he shall be personally liable to refund the entire amount of grant to Government.

23. The assets created out of the Government grant shall be treated as wakf property.

24. Any grant of a portion thereof which is not ultimately utilised for the purpose for which it is sanctioned shall be diverted to some other deserving institution (*) with the prior permission of the Government, or if no such institutions are available, such grant shall be surrendered to Government.

25. Before the grant is released, the grantee should execute an indemnity bond in favour of the Government of Karnataka that he will abide by the conditions of the grant failing which he shall be liable to refund the entire amount of grant to the Government.

26. The income derived from the assets created out of the grant shall be utilised for charitable and religious purposes specified in the Wakf Act, 1954.

R. A. NAIK,

*Revenue Commissioner and
Secretary to Government,
Revenue Department.*

THE KARNATAKA STATE WAKF COUNCIL
No. 215, 2nd Floor, Vikasa Soudha, Dr. Ambedkar Veedhi, Bangalore - 560 001

FORM - 1
(TERMS AND CONDITIONS 5 (1))

Application for Grant of Advance for Development of Wakf Property

To :-

The Member Secretary

Karnataka State Wakf. Council

Bangalore

Sir,

Having Carefully gone through Karnataka State Wakf Council Terms and Conditions for obtaining the Development of Wakf Prperties, 1991 and agreeing to abide by all the terms and conditions laid down, I.....Muthawalli of the

claim in the property to be developed, other than this Wakf, which is in full possession of the property.

Necessary details are furnished below.

1. Name of the Wakf :.....
2. Location of the Property / Land to be :.....
developed City / Town :.....

3. Particulars of the area/land to be developed :.....
- (i) Numbers :.....
- (ii) Area Sq meters :.....
- (iii) Boundaries North :.....
- East :.....
- South :.....
- West :.....
- (iv) Present State of the property i.e.
vacant / build up / occupied by
Tenants / Self :.....
4. Serial Number of the Wakf Board's Register & Date :.....
- Where the Wakf is Registered :.....
- And the Gazetter Notification No. :.....
- Date :.....
5. :.....
6. Present annual Income of the Wakf.
- (a) Property to be developed :.....
- (b) Over all income of the Wakf. :.....

7. Security of the advance under terms and conditions for obtaining advance will be furnished through :

(a) Deposit of title deeds with the Karnataka State Wakf Council

(OR)

(b) Bank Guarantee / State Wakf Board Guarantee OR

(c) Mortgage of the Property

(d) Any other

Note :- (Strike out the option not chose)

8. The following documents are being enclosed :-

(a) Site Plan of the Land to be developed, indicating boundaties.

(b) Plant of construction prepared by a qualified engineer / archited. duly sanctioned by the trybucuoak/competent or other plan prepared by Experts.

(c) Detailed item-wise estimate of cost of construction or otherwise.

(d) A Statement showing the profitability of the scheme

(e) A Statement of the market value of the Wakf property proposed to be developed only prepared by an valuer / Revenue Authority

(f) Copies of documents, such as Wakf deed, revnue and municipal records Wakf register of the Board etc., to establish the ownership of the borrower over the property.

(g) A Non-encumbrance certificate from the competent authority.

Address.....

Signature of the Applicant

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Name in block letters

.....

.....

Dated.....

Designation.....

.....

ANNEXURE (Contd.)

Form of Application for sanction of Grant-in-aid for wakf institutions
(See Rule 14)

1. Name of the Wakf Institution	
2. Location and Address	
3. No. and date of Registration as Wakf	
4. Name and address of the Muthavalli	
5. (a) Income and expenditure of the institution during last year along with copy of audited accounts. (b) Purpose for which grant is claimed	
6. Estimated cost of the proposed work	
7. Whether plans and estimates duly signed by a qualified engineer enclosed	
8. Amount available with the wakf institution for the purpose.	
9. Amount of Government grant required	
10. Annual income of the institution and the amount of Wakf Contribution to be paid to the Karnataka Board of Wakfs.	
11. If full amount applied for is not sanctioned how the balance expenditure is proposed to be met	

Date :

Signature of
Muthavalli/Secretary/President
of the institution

VERIFICATION CERTIFICATE

I do hereby declare that the above information furnished by me is true to the best of my knowledge and belief and that I have not concealed any information. I further declare that I shall abide by the Rules in the Grant-in-aid Code for the Wakf Institutions and I shall faithfully and fully observe them.

Place :

Date :

Signature of
Muthavalli/Secretary/President
of the institution.

R. A. NAIK,
Revenue Commissioner
and secretary to Government
Revenue Department