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**Waqf Act 1995 Chapter III - Central Waqf Council**

**9. Establishment and constitution of Central Waqf Council:**

**(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).**

**(2) The Council shall consist of—**

**(a) the Union Minister in-charge of waqf—ex officio Chairperson;**

**(b) the following members to be appointed by the Central Government from amongst Muslims, namely:—**

**(i) three persons to represent Muslim organisations having all India character and national importance;**

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

**(iii) three Members of Parliament of whom two shall be from the House of the People and one from the Council of States;**

**(iv) Chairpersons of three Boards by rotation;**

**(v) two persons who have been Judges of the Supreme Court or a High Court; (vi) one Advocate of national eminence;**

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(vii) one person to represent the mutawallis of the waqf having a gross annual income of rupees five lakhs and above;

(viii) three persons who are eminent scholars in Muslim Law:

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

(3) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, members of the Council shall be such as may be, prescribed by rules made by the Central Government.

(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

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**travelling and other allowances payable to the Presiding Officer shall be such as may be specified by that Government.**

**10. Finance of Council:**

**(1) Every Board shall pay from its Waqf Fund annually to the Council such contribution as is equivalent to one per cent. of the aggregate of the net annual income of the auqaf in respect of which contribution is payable under sub-section (1) of section 72:**

**Provided that where the Board, in the case of any particular waqf has remitted under sub-section (2) of section 72 the whole of the contribution payable to it under sub-section (1) of that section, then for calculating the contribution payable to the Council under this section the net annual income of the waqf in respect of which such remission has been granted shall not be taken into account.**

**(2) All monies received by the Council under sub-section (1) and all other monies received by it as donations, benefactions and grants shall form a fund to be called the Central Waqf Fund.**

**(3) Subject to any rules that may be made by the Central Government in this behalf, the Central Waqf Fund shall be under the control of the Council and may be applied for such purposes as the Council may deem fit.**

**11. Accounts and audit:**

**(1) The Council shall cause to be maintained such books of account and other books in relation to its accounts in such**

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form and in such manner as may be prescribed by rules made by the Central Government.

(2) The accounts of the Council shall be audited and examined annually by such auditor as may be appointed by the Central Government.

(3) The costs of the audit shall be paid from the Central Waqf Fund.

12. Power of Central Government to make rules:

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among, the members of the Council;

(b) control over and application of the Central Waqf Fund;

(c) the form and manner in which accounts of the Council may be maintained.

(3) Every rule made by the Central Government under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of third days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in

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**making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.**