

ACT No. XIII OF 1947

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 17th March 1947)

An Act further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes.

WHEREAS it is expedient further to amend the Delhi Muslim Wakfs Act, 1943 (XIII of 1943), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Delhi Muslim Wakfs (Amendment) Act, 1947.

2. **Amendment of section 7, Act XIII of 1943.**—In section 7 of the Delhi Muslim Wakfs Act, 1943 (XIII of 1943) (hereinafter referred to as the said Act), after sub-section (5) the following sub-section shall be added, namely:—

“(6) The Majlis may accept the resignation of any of its members and the vacancy so caused shall be filled in the manner provided by section 10.”

3. **Amendment of section 8, Act XIII of 1943.**—In sub-section (1) of section 8 of the said Act, the following words shall be added at the end, namely:—

“and may accept the resignation of a Sadr so elected and elect another Sadr in his place.”

4. **Insertion of new sections 72 and 73 in Act XIII of 1943.**—After section 71 of the said Act the following new sections shall be added, namely:—

“72. *Power to summon witnesses and produce documents.*—For the purposes of any enquiry under this Act, the Majlis or the Nazir or any person authorized by the Majlis in this behalf shall have the power to summon and enforce the attendance of witnesses including the parties interested and compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Civil Court in the Code of Civil Procedure, 1908 (V of 1908).

73. *Penalty.*—(1) If a mutawalli fails—

- (a) to apply for registration of a wakf under section 43,
- (b) to furnish statements of particulars or of accounts or returns as required by this Act,
- (c) to supply information or particulars as required by the Majlis or the Nazir or a person authorized by the Majlis in this behalf,
- (d) to allow inspection of wakf properties, accounts, or records, or deeds and documents relating thereto, or to assist inquiries and investigations if called upon to do so by the Majlis or the Nazir or a person authorized by the Majlis,
- (e) to deliver possession of any wakf property if ordered by the Majlis or the Court,
- (f) to carry out the directions of the Majlis or the Nazir or a person authorized by the Majlis or the Nazir,
- (g) to pay the fee payable under section 56,

Price anna 1 or 1½d.

(h) to discharge any public dues, or

(i) to do any other act which he is lawfully required to do by or under this Act,

he shall, unless he satisfies the Court that there was reasonable cause for his failure, be punishable with fine which may extend to Rs. 250.

(2) If a mutawalli furnishes any statement, return or information referred to in clause (b) or clause (c) of sub-section (1) which he knows or has reason to believe to be false, misleading or untrue in any material particular he shall be punishable with fine which may extend to Rs. 250.

(3) In case of a second conviction under sub-section (1) or sub-section (2) the amount of fine which the court may impose may extend to Rs. 500, and in case of a third conviction the amount of fine may extend to Rs. 1,000 and the Mutawalli shall also be removed.

(4) The Mutawalli shall be personally liable for the payment of a fine imposed under this section.

(5) All fines imposed under this section shall be credited to the Wakf Fund.

राजस्थान संसदीय सभेचा सं. 33004 / 2000

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