

GOVERNMENT OF UTTARAKHAND

Minority Welfare Section

No. 525 /XVII-B-1/2023-04(06)/2016

Dehradun Dated 27 July, 2023

**Standard Operating Procedure
for Survey of Waqf Properties under Sections 4 and 5 of the
Waqf Act, 1995 (as amended, 2013)**

The arrangement given regarding the survey in the Waqf Act 1995 as amended in 2013 is as follows:-

Section-4 Preliminary survey of Auqaf :-

(1) The State Government may, by notification in the Official Gazette, appoint for the State a Survey Commissioner of Auqaf and as many Additional or Assistant Survey Commissioners of Auqaf as may be necessary for the purpose of making a survey of [auqaf in the State] at the date of the commencement of this Act.

(1A) Every State Government shall maintain a list of auqaf referred to in sub-section (1) and the survey of auqaf shall be completed within a period of one year from the date of commencement of the Wakf (Amendment) Act, 2013, in case such survey was not done before the commencement of the Wakf (Amendment) Act, 2013:

Provided that where no Survey Commissioner of Waqf has been appointed, a Survey Commissioner for auqaf shall be appointed within three months from the date of such commencement.

(2) All Additional and Assistant Survey Commissioner of Auqaf shall perform their functions under this Act under the general supervision and control of the Survey Commissioner of Auqaf.

(3) The Survey Commissioner shall, after making such inquiry as he may consider necessary, submit his report, in respect of auqaf existing at the date of the commencement of this Act in the State or any part thereof, to the State Government containing the following particulars, namely:—

(a) the number of auqaf in the State showing the Shia auqaf and Sunni auqaf separately;

(b) the nature and objects of each (waqf);

(c) the gross income of the property comprised in each (waqf);

(d) the amount of land revenue, cesses, rates and taxes payable in respect of each (waqf);

(e) the expenses incurred in the realisation of the income and the pay or other remuneration of the mutawalli of each (waqf); and

(f) such other particulars relating to each (waqf) as may be prescribed.

(4) The Survey Commissioner shall, while making any inquiry, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(a) summoning and examining any witness;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record from any court or office;

(d) issuing commissions for the examination of any witness or accounts;

(e) making any local inspection or local investigation;

(f) such other matters as may be prescribed

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- (5) If, during any such inquiry, any dispute arises as to whether a particular waqf is a Shia waqf or Sunni waqf and there are clear indications in the deed of waqf as to its nature, the dispute shall be decided on the basis of such deed.
- (6) The State Government may, by notification in the Official Gazette, direct the Survey Commissioner to make a second or subsequent survey of waqf properties in the State and the provisions of sub-sections (2), (3), (4) and (5) shall apply to such survey as they apply to a survey directed under sub-section (1):

Provided that no such second or subsequent survey shall be made until the expiry of a period of [ten years] from the date on which the report in relation to the immediately previous survey was submitted under sub-section (3):

Provided further that the waqf properties already notified shall not be reviewed again in subsequent survey except where the status of such property has been changed in accordance with the provisions of any law.

Section 5. Publication of list of auqaf.—

- (1) On receipt of a report under sub-section (3) of section 4, the State Government shall forward a copy of the same to the Board.
- (2) The Board shall examine the report forwarded to it under sub-section (1) and 5 [forward it back to the Government within a period of six months for publication in the Official Gazette] a list of Sunni auqaf or Shia auqaf in the State, whether in existence at the commencement of this Act or coming into existence thereafter, to which the report relates, and containing such other particulars as may be prescribed.
- (3) The revenue authorities shall—
- include the list of auqaf referred to in sub-section (2), while updating the land records; and
 - take into consideration the list of auqaf referred to in sub-section (2), while deciding mutation in the land records.
- (4) The State Government shall maintain a record of the lists published under sub-section (2) from time to time.

Therefore, in accordance with the provisions given in section 4 above, a seven-stage action plan is being submitted for approval to take action and complete it within the stipulated time frame.

(A) Phased Actions:-

| First round | Appointments | 1. Under Section-4 of the Waqf Act, 1995, the Government has fixed the responsibility for completing the survey proceedings as follows, vide notification number-384(1)/XVI(3)/2016, dated 30th May, 2016. Waqf Survey Commissioner - Secretary Revenue Ex-officio Additional Survey Waqf Commissioner - All District Magistrates Ex-officio Assistant Survey Waqf Commissioner- District Minorities Welfare Officers of District Nainital, Udham Singh Nagar, Haridwar and Dehradun and District Social Welfare Officers of 09 other districts have been nominated. Additional appointments- Which shall be made by the Additional Waqf Survey Commissioner. 1. Appointment of Waqf Surveys- Adequate number of Waqf Surveyors for Gram Panchayat/Urban Ward will be appointed from amongst such retired employees who have previously served in the Revenue Department or Panchayati |
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| | | <p>Raj Department/ Rural Development Department/Urban Development Department for at least five years during their regular service as Lekhpal/ Patwari or Gram Panchayat. Should have executed the post of Development Officer/Village Development Officer.</p> <p>At the time of appointment of such Waqf surveyors, preference will be given to officers having knowledge of Waqf Act, Muslim customs and religious practice and Urdu language so that records and documents presented for evidence can be examined promptly. In the event of non-availability of suitable number of candidates as above, appointments can be made from amongst the employees working in Revenue Department or Panchayati Raj Department/ Rural Development Department and other government departments.</p> <p>2. Appointment of Waqf Survey Supervisor- One supervisor may be appointed for every 10 surveyors to monitor the work of the surveyors and to compile and examine the reports at the time, or as per the requirement as may be determined by the survey commissioner.</p> <p>A dequate number of Waqf Survey Supervisors for Gram Panchayat/Urban Ward will be appointed from amongst such retired employees who have previously served in the Revenue Department or Panchayati Raj Department/Village Development Department/Urban Development Department for at least 10 years during their regular service as Lekhpal/Patwari or Village Should have done work on the post of Panchayat Development Officer/Village Development Officer.</p> <p>At the time of appointment of such Waqf Survey Supervisor, preference will be given to officers having knowledge of Waqf Act, Muslim customs and religious practice and Urdu language so that the records and documents presented for evidence can be examined promptly. In the event of non-availability of suitable number of candidates as above, appointments can be made from employees working in Revenue Department or Panchayati Raj Department/Rural Development Department and other government departments.</p> <p>3. Appointment of Waqf Survey Officer- A Waqf Survey Officer will be appointed for each tehsil by the Waqf Survey Commissioner and all the survey officers will be ensured under the supervision of the Waqf Survey Officer.</p> <p>Waqf Survey Officer will be appointed from amongst such retired officers who have worked in the Revenue Department for a minimum of 02 years in their regular service at the time of retirement, in the post of Tehsildar or higher. At the time of appointment of such officers, preference will be given to officers having knowledge of Waqf Act, Muslim customs and religious practice and Urdu language so that the documents presented for records and evidence can be examined promptly. In the event of non-availability of suitable number of candidates as above, appointments can be made from the employees working in Revenue Department or other Government Departments.</p> |
| Second stage | Training | <p>As per the instructions of the Commissioner, a training will be organized for all the personnel related to Waqf Survey. During the training (notified by the government/registered with the board), the details of Waqf properties will be made available to all the Waqf Survey</p> |

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| | | Officers according to the allotted area. |
| Third stage | Open Meeting / Compilation of Information / Invitation of Objections | <p>A roster will be prepared at the district level for holding open meetings in each urban ward/gram panchayat and after the promulgation of the prescribed roster, every Waqf surveyor will organize a meeting in his allotted area on the appointed date/place/time. The meeting shall be attended by the mosque, Idgah, Imambada, Dargah, Khanqah, Peerkhana, Karbala, Maqbara, Madrasa, graveyard or any other place situated in the area in which to offer prayers or any religious act which is considered to be charitable by Muslim law or by anyone for the said work. All the information about whether any movable/immovable property has been donated will be recorded on the Survey Form-A.</p> <p>Waqf Surveyor on the spot the photo/GIS of the property. Will form part of survey paper with coordinates/verified sight-map.</p> <p>The list of committees/institutions/persons managing the above institutions will compile the statements. The documents related to the ownership of the property, Khatauni will receive from the concerned Revenue Office and send it to the Waqf Supervisor in a separate file of each Waqf along with its check numbers.</p> <p>Waqf surveyor will ensure to get the details/information of Waqf properties from revenue record/village head/Nagar Panchayat/Municipality/Ward member etc.</p> |
| Fourth stage | Hearing on objections / spot inspection and order | <p>Powers of Civil Court conferred on Survey Commissioner in section 4(4) of the Waqf Act, 1995 (as amended, 2013)—</p> <ol style="list-style-type: none"> summoning and examining any witness, requiring the discovery and production of any document, to requisition any public record in any court or office, to issue a commission for the examination of any witness or accounts, to make any local inspection or local investigation, such other matters as may be prescribed. <p>and section-4(5)-</p> <p>If, in the course of any such inquiry, a dispute arises as to whether a particular waqf is a Shia waqf or a Sunni waqf and there is a clear indication of its nature in the deed of the waqf, the dispute shall be decided on the basis of such deed. (As per the provision given in sub-section 2 of Section 4 of the Waqf Act, it would be appropriate for the Survey Commissioner to delegate his powers at the district level for the purpose of getting the survey work done expeditiously. may consider doing)</p> <p>If there is any dispute regarding the declaration of any property as Waqf, that is, the Management Committee/Mutwalli/person/institution refuses to recognize the property as Waqf, then on receipt of the survey paper by the Additional Waqf Survey Commissioner, after issuing a notice to the parties concerned, after hearing A detailed cause order will be passed.</p> |
| Fifth step | Limit | In the light of the order to ensure waqf by the Additional Survey Waqf Commissioner, the demarcation of the concerned Waqf property will be done by the revenue personnel through the concerned Deputy District Magistrate. |
| Sixth Stage | Action at | The Additional Survey Waqf Commissioner will be sent |

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| | Commissioner level | to the Waqf Survey Commissioner after the order on all the survey papers. The Waqf Survey Commissioner shall send a copy of the files under section 5(1) of the Waqf Act to the Board. The Board will examine the report in the files under section 5(2) and send the final list back to the Survey Commissioner for publication in the Gazette. |
| Last Stage | Final Report to the State Government | Publication of the list of Auqafs sent by the Board under Section 5(2) of the Survey Commissioner Waqf Act in the State Gazette as per prescribed Form No.-1 under Rule No.-6 of the Uttarakhand Waqf Rules, 2017 notified by the Minorities Welfare Department, Government of Uttarakhand. and send a copy of it to all the revenue institutions. The Revenue Institutions shall submit a copy of the Waqf properties published in the Gazette to the Board after filing-rejection in their records. |

(B) All the above proceedings are to be completed within one year, so a time table has been prepared for this-

| Stage | Proceedings month | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-----------------|--|---|---|---|---|---|---|---|---|---|----|----|----|
| 1 st | Appointments | | | | | | | | | | | | |
| 2 nd | Training | | | | | | | | | | | | |
| 3 rd | Open Meeting / Compilation of Information / Invitation of Objections | | | | | | | | | | | | |
| 4 th | Objections hearing /spot inspection / order | | | | | | | | | | | | |
| 5 th | Limit | | | | | | | | | | | | |
| 6 th | Action at Commissioner level | | | | | | | | | | | | |
| Last | Gazette publication of final report and waqf list to the state government | | | | | | | | | | | | |

(C) Scope:-

| S.No. | Officer | Job description |
|-------|---------------|--|
| 1 | Waqf Surveyor | <ol style="list-style-type: none"> After the promulgation of the prescribed roster in each urban ward/gram panchayat, every Waqf surveyor will hold a meeting in his allotted area on the appointed date/place/time. The meeting shall be attended by the mosque, Idgah, Imambada, Dargah, Khanqah, Peerkhana, Karbala, Maqbara, Madrasa, graveyard or any other place situated in the area in which to offer prayers or any religious act which is considered to be charitable by Muslim law or by anyone for the said work. All the information about whether any movable/immovable property has been donated will be mentioned completely on the survey form. Waqf Surveyor on the spot the photo/GIS of the property. The coordinates/sight-map will form part of the survey paper along with the signature. After this, after obtaining the documents related to the ownership of the property, Khata-Khatauni, Nazar-Naksha etc. will be sent to the Waqf Supervisor in a separate letter of each Waqf along with his check numbers. Waqf surveyor will ensure to get the details/information of Waqf properties from revenue record/village head/Nagar Panchayat/Municipality/Ward member etc. |

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| | | <ol style="list-style-type: none"> 6. Completely fill up the proposed survey form with the information of each registered/unregistered waqfs located in the areas falling under its jurisdiction. 7. To record statements of management or other persons. 8. To make available to the Waqf Survey Supervisor on the letter along with a copy of its report, recommendation, account-khatauni, vision-map. |
| 2 | Waqf Survey Supervisor | <ol style="list-style-type: none"> 1. To supervise the work of all Waqf Surveyors under his jurisdiction. 2. Submit the survey files with their comments before the Waqf Survey Officer and submit them for further action. |
| 3 | Waqf survey officer | <ol style="list-style-type: none"> 1. To issue guidelines from time to time to the subordinates to complete the survey work within time. 2. After perusing the survey files, he will make available to the Assistant Waqf Survey Commissioner along with his remarks/remarks. |
| 4 | Assistant Survey Waqf Commissioner | <ol style="list-style-type: none"> 1. The Assistant Waqf Survey Commissioner will assist the Additional Waqf Survey Commissioner in the appointment, training of the above officer/employee. 2. Will financially manage the expenses incurred in the survey proceedings. 3. The Additional Waqf will assist the Survey Commissioner in hearing and ordering the survey claims. 4. On completion of all the proceedings, the report will be sent to the Waqf Commissioner's office. |
| 5 | Additional Waqf Survey Commissioner | <ol style="list-style-type: none"> 1. To take action of section 4 and 5 of the Act. 2. Issuance of orders under Rule No.5 of the Rules. 3. To send the files to the Waqf Survey Commissioner after the detailed reasoning order (compassionately matched fifteen persons). |
| 6 | Waqf survey Commissioner | <ol style="list-style-type: none"> 1. To supervise all the proceedings. 2. To complete the entire process of survey in a time bound manner under Section 4 and 5 of the Act. |

Other proceedings-

1. Under Section 8 of the Act, all the expenditure incurred in the proceedings of Waqf Survey will be borne by the State Government.
2. If the Waqf Survey Commissioner thinks it appropriate, it can also be considered to get technical assistance or other kind of cooperation from outside sources for cooperation in survey work as per the requirement.
3. It may also be considered to arrange honorarium to Waqf surveyors according to their work.
4. Since a writ petition number-1430/2019 Rauf Rahim and others vs Union Union of India has been organized in respect of Waqf survey in Hon'ble Supreme Court, New Delhi, in which the Government of Uttarakhand has also been asked to complete the survey work. Time has been demanded, in such a situation the proposed SOP. Accordingly, it is very important to get the work of Waqf survey done.

Signed by L Fanai

Date: 27-07-2023 14:48:47

(L. Fanai)
Principal Secretary

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Copy:-

- 1- P.S to hon'ble Chief Minister, Government of Uttarakhand, Dehradun.
- 2- P.S to hon'ble Chiarmen, Uttarakhand Waqf Board, Dehradun.
- 3- Chief Secretary, Government of Uttarakhand, Dehradun.
- 4- Secretary, Revenue/ Waqf Survey commissinor, Government of Uttarakhand.
- 5- Commissinor, Garhwal, pauri/ kumaun, Nainital.
- 6- All District Magistrate, Uttarakhand
- 7- Director, Minority Welfare, Uttarakhand.
- 8- Commissinor & Secretary, Revenue Board, Uttarakhand, Dehradun.
- 9- CEO, Uttarakhand Waqf Board, Dehradun.
- 10- District Minority Welfare officer, Dehradun, Haridwar Nainital & US Nagar.
- 11- All District Social Welfare officer, Uttarakhand.
- 12- Government Press, Roorkee.
- 13- Guard File.

Signed by Kavindra Singh
Date: 27-07-2023 16:48:53

(Kavindra Singh)
Joint Secretary

Form-A

Format for Survey of Waqf Properties (model)

☐ Unregistered ☐ Registered

Waqf No.....District.....and Property
Id.....

1. Name of District..... Tahsil.....Village / Mohalla /
Ward.....

2. Type of Waqf - ☐ Sunni ☐ Shia

3. File/Cause No.-

4. Name and Status (Address) of Waqf.....

5. Name and address of the apprentice (if any)

6. Date/Year of Origin of Waqf-

7. Details of the waqfnama and certified copy of the deed (if any).

8. Nature of Waqf ☐ Al al Aulad ☐ Al Al- khair

9. Purpose and Purpose of Waqf

10. Details of Waqf Management-As per Court/Board/Waqfnama by Customs/Scheme
of Management

| | | | | |
|---|---|--|---------------|--|
| 1 | Name of the Chairman of the Mutawalli/Managing Committee | | Father's name | |
| | Aadhar number | | Mobile no | |
| | Complete address | | | |
| 2 | Secretary's name | | Father's name | |

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|----|---------------------------------------|----------------------|------------------|----------------|
| | Aadhar number | | Mobile no | |
| | Complete address | | | |
| 3 | Name of office bearers/members | Aadhar number | Mobile no | Address |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |

Note- If the number of members is more, then the list can be attached as above.

II. Property Details- Mosque/Madrassa/Cemetery/Dargah/Mazar/Shop/House/Agriculture/Araji/Bag-Garden/Imambada/Karbala/Takia/Maktab/School/Musafirkhana/Khankah.

| | | | |
|---|--|---|--|
| 1 | Account / Khasra / Shop No. / House No. / Other Property No. | | |
| 2 | Fourteenth | East | |
| | | West | |
| | | North | |
| | | South | |
| 3 | Total Area/Area | | |
| 4 | Present situation | With full details of occupied/encroached/disputed/illegal sale..... | |
| 5 | Tenant details- Name/Address Tenancy Commencement Date, Present Rent, Contract Deed if any | | |
| 6 | In case of encroachment, the name and full address of the encroacher, the details of the occupied property, latest photograph with boundary. | | |
| 7 | Details of the sale deed registered in respect of illegal purchase and sale. | | |

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| 8 | Source of income | Agricultural Income / Rent / Annual Contract / Donation / Golak / Interest earned on deposits / other |
| 9 | Valuation of property based on circle rates | |
| 10 | Annual gross income from property | |
| 11 | Gratuity tax / land tax or any other government payment | |
| 12 | GPS of the place where the property is situated. Coordinate- | |
| 13 | Details of expenditure incurred in recovery of income and salary and other emoluments of Mutawalli | |
| 14 | Total built up area | |
| 15 | Details of boundary wall, if to be done, justification | |

12. To identify Waqf-

Identification point

Famous landmark

Distance from nearest market

Nearest Bank (Private or Government)

Nearest Hospital (Public Health Center/Community Health Center/Government Ayurvedic / Unani)

Nearest Govt School (Primary/Higher Secondary/Intermediate)

| S.No. | Identification point | Description |
|-------|--|-------------|
| 1 | Famous landmark | |
| 2 | Distance from nearest market | |
| 3 | Nearest Bank (Private or Government) | |
| 4 | Nearest Hospital (Public Health Center / Community Health Center / Government Ayurvedic / Unani) | |
| 5 | Nearest Govt School (Primary/Higher Secondary/Intermediate) | |

1- Accusation.....

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Attached - Report / Copy Khatauni / Khasra / Shajra / Latest Photograph / Siteplan

Signature of the Waqf Surveyor

Signature of the Survey Supervisor

Signature of Waqf Survey Officer

Description of List of Auqaf

| | | | | |
|----|--|--------------------------|------------|-----------------------------------|
| 1 | District | | Tahsil | |
| 2 | Village / Mohalla / Ward- | | | |
| 3 | Type of Waqf - | <input type="checkbox"/> | Sunni | <input type="checkbox"/> Shia |
| 4 | Waqf Name and Status | | | |
| 5 | Name and address of the apprentice (if any) | | | |
| 6 | Details of waqfnama and certified copy of the deed (if any) | | | |
| 7 | Nature of Waqf | <input type="checkbox"/> | Alal Khair | <input type="checkbox"/> Al-Aulad |
| 8 | Purpose and Purpose of Waqf- | | | |
| 9 | Property details- | | | |
| 10 | Khata/Khasra/Shop Number/House Number/Other Property Number- | | | |
| 11 | Fourteenth | East | | |
| | | West | | |
| | | North | | |
| | | South | | |
| 12 | Total area | | | |
| 13 | Present Status Possession Free / Encroached / Disputed / Illegal Sale With Full Details | | | |
| 14 | Source of income | | | |
| 15 | Present Approximate Value of Property Based on Circle Rates | | | |
| 16 | Statement of Annual Income from Property | | | |
| 17 | Any other government payment | | | |
| 18 | Total Annual Gross Income of Waqf | | | |
| 19 | Details of expenditure incurred in recovery of income and salary and other emoluments of Mutawalli | | | |