

2017

Impact Evaluation of the Scheme “Strengthening of State Wakf Boards”

(Commissioned by NAWADCO)

A Study by



The National Institute of Labour Economics Research and Development, Delhi



Foreword

Indian Wakf properties are the largest such properties in the world which have great potentials to generate huge revenues for the development of the minority population in the country. According to the Sachar Committee Report, the Wakf administration and management in India is very inefficient and completely in disorder. The application of IT has become imperative in managing the national Wakf data for the organizational efficiency and transparency. Through the implementation of the scheme “Computerisation of Wakf records properties” and development of Waqf Management System of India (WAMSI) project, all the data pertaining to properties registration, return, leasing and litigation can be seen online which is a welcome step for the future management of Wakf records in the country. The more recent approach of using GIS (Geographical Information System) is an innovative way to help in managing the Wakf more efficiently and making the Wakf administration and management encroachment-free.

The present study “Impact Evaluation of the Scheme ‘Strengthening of State Wakf Boards’” was commissioned by the National Wakf Development Corporation Limited (NAWADCO) to the National Institute of Labour Economics Research and Development (NILERD) to examine whether the scheme has met its objectives and should be continued beyond the 12th Five Year Plan period, and whether the scheme has any inherent weakness. The study is also supposed to see whether there is a need for restructuring/reformulation of the scheme. NILERD has successfully completed the study using a mixed methodology based mainly on the secondary data. This was a quick study to be completed in 30 days because the duration of operation of the scheme has been very short i.e. only three years, and there is a time limit for presenting the findings of the study to the Standing Finance Committee (SFC) for further continuation of the scheme.

The present study reveals that the status of Wakf property record management has improved fairly enough particularly in the area of properties registration, leasing, litigation and revenue generation but not to the desired extent as envisaged in the original scheme. Since the scheme has been in operation only for three years, it is not possible to quantify the immediate exact impact of the scheme considering the fact that the Ministry of Minority Affairs (MoMA) has been implementing many similar schemes having overlapping objectives and the outcomes of all the schemes would have a combined effect.

I wish to express my gratitude towards the officers of MoMA, Central Waqf Council (CWC) and NAWADCO for providing logistic support and relevant data to accomplish the study. My sincere thanks to Shri Ashok Pai, CEO, NAWADCO; Shri R.S. Saxena, Sr. Adviser (Projects); Shri Tafseer Ahmed, CFO for awarding this study to NILERD and for providing expert views on various aspects of the project at different points of time. I would also like to place on record my gratitude to Shri J. Alam, Joint Secretary (H&W), MoMA, for his guidance towards carrying out the project; and Smt. A. Dhanalakshmi, Director (Wakf) and Shri Pradeep Kumar, Under Secretary (W), MoMA, for their support to the study team in collecting the relevant information and providing logistics. There were wide consultations and dialogue with the

officials and staff of State Waqf Boards (SWBs), CWC, which have enriched the findings of this study and helped us to develop the recommendations. I am grateful to all of them. This report is an outcome of immense hard work and collective effort of a dedicated team of researchers supported by technical officials as well as administrative staff of NILERD under the guidance of Dr. Pitam Singh, Director (Admin.). I place on record my sincere thanks to the whole team.

I am pleased to present this report for consideration of NAWADCO and hope it would be a useful feedback for further continuation of the scheme and for correcting the inherent weaknesses in implementation of the scheme.

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Executive Summary

The Wakf properties are meant to be used for the development of the various institutions and to raise funds for welfare activities of the minority community. Wakf properties are usually managed by Managers/Trustees known as Mutawallis. The powers of the management and administration of Wakf are vested with the State Wakf Boards (SWBs). The SWBs are the apparently democratized bodies regulated by the Wakf Act. Several Apex Committees and Commissions gave their recommendations for the overall upliftment of the Muslim communities. The Sachar Committee (2006), Joint Parliamentary Committee (2008) and Consultative Parliamentary Committee of Government of India, have recommended that the revenue generated from Wakf properties should be utilized on the welfare of minorities in the area of education, employment, equity and participatory role, etc. It is notable that all the above mentioned Committee shave laid special emphasis on examining the role of SWBs and streamlining of Wakf properties. It has been recognized on various forums and platforms, organized at the highest level, that Wakf properties have huge socio-economic and educational development potential for uplifting the life of Muslim minorities in the country.

The scheme “Strengthening of the State Wakf Boards” was launched in the 12th Five Year Plan (FYP) and has been in operation only for three years. As per the order of the Ministry of Finance, Government of India, all Ministries and Departments have to undertake an outcome review of the ongoing schemes at the end of the 12th FYP for their further continuation and to check if the scheme has any inherent weakness. In this background, NAWADCO, Ministry of Minority Affairs (MoMA) awarded the work of undertaking the evaluation of the scheme “Strengthening of State Wakf Boards” to NILERD after the detailed discussion held in a meeting on 4th May, 2017 at the NAWADCO’s Saket Office under the Chairmanship of CEO.

The objectives of the evaluation are to examine whether the scheme has met all its objectives and funds released have been utilised for mandated activities; the impact of the scheme and any obstacles faced by SWBs for its effective implementation and whether there is any inherent weakness/limitation in the scheme which calls for modification in its structure/implementation mechanism, etc.

The duration of operation of the scheme has been three years. The evaluation is mainly based on secondary data collected from the relevant offices, individuals, Wakf personnel and others departments directly or indirectly related with Wakf Boards and its management. The data uploaded on the Wakf Records Computerization Project, WAMSI in its Monthly Progress

Report and official data from the Wakf boards' Annual Reports, published studies available in public domain, journals and other sources of literature have been used in the study. Primary data were collected by personal interviews in structured and informal set-up from the personnel involved in the Wakf property record management. The Institute is also conducting evaluation of the scheme of Computerization of Wakf properties and a questionnaire was sent to obtain the first-hand information from the SWBs and the information received for other scheme has also been utilized in the present evaluation study. Field visits to the office of Wakf Boards and other relevant offices could not be undertaken due to paucity of time.

Data were collected on the following broad items:

1. Grants released by NAWADCO under the three components of the scheme in each SWB during the three years – 2014-15, 2015-16 and 2016-17
2. Utilization of grants under the three components
3. Physical and financial targets and achievements of the scheme during the three years of operation
4. Progress of the scheme in terms of targets and achievements
5. Computer software and hardware data
6. Training component
7. Progress in GIS mapping and removal of encroachment of Wakf properties
8. Data related to zonal SWB offices and their targets and achievement during the three years.

The collected data were analyzed based on the physical and financial targets and achievements for the purpose of evaluation. Problems and hindrances in the implementation of the scheme were also studied and suitable measures have been suggested which have been given below.

Findings and Recommendations

1. It has been observed that the scheme has been in operation for a very short period and the data on expenditure is available only for two years i.e.2014-15 and 2015-16.The data for actual expenditure for 2016-17 is not available because no SWB has yet submitted Utilization Certificates (UCs) for the funds received by them. In general, three years' time is too short for any scheme to make its impact on beneficiaries, hence it is recommended that the present scheme should continue to run at least for another five years so that its actual effectiveness and impact can be quantified and measured.

2. The year-wise financial performance has been analyzed. The financial performance of the scheme has not been satisfactory as MoMA did not provide sufficient funds as envisaged in the original scheme as per allocated budget and whatever funds were released to SWBs could not be fully utilized. NAWADCO has a very limited role in releasing funds to SWBs and to submit its monthly progress report to MoMA about the status of implementation and progress made. It has been observed that NAWADCO with its limited manpower and resources played a very proactive role in facilitating and implementing the present scheme.
3. It has also been observed that the scheme has been designed to provide funds to SWBs under the three components uniformly proportional to the number of Wakf properties in the States. It is seen that each SWB is different in its character and composition, functioning style, manpower capacity, working culture, weaknesses and strength. Some are better in one area like stopping encroachment while others are good in the field of leasing and litigation. Therefore, the present scheme should be made demand driven with flexibility of using funds as per the requirement of respective SWBs, which should be allowed to re-appropriate outlays among various components by justifying their need with the prior approval of MoMA or NAWADCO.
4. As per the original scheme, 14 Zonal Wakf Board Offices (ZWBOs) were to be opened across 10 States and the funds of Rs 78.96 lakh and Rs. 82.88 lakh were released during the years 2014-15 and 2015-16 respectively. However, as per the information furnished by the 17 SWBs, it has been observed that only seven ZWBOs and seven Zonal officers have been appointed which has hampered the smooth and efficient functioning of SWBs.
5. Regarding 2016-17, the **BE** was Rs. 10.19 crore, whereas actual funds released by MoMA was Rs 6.77 crore (about 66.50% of **BE**). The entire funds of Rs 6.77 crore have been released to SWBs by NAWADCO. However, no SWB has submitted UCs so far for the year 2016-17. Therefore, in the absence of figures of actual expenditure, it is not possible to assess the financial performance for the year 2016-17.
6. The management and administration of a Wakf is vested in Mutawallis. The current study suggests that there are instances where some Mutawallis misused their position as administrator of Wakf properties. From the information submitted by the 17 States, it has been observed that 10 States have enquiry cases pending against the Mutawalli/Management. Therefore, there is a need for sensitization of Mutawallis about their role and duties and government procedures for land leasing, etc.

7. It has been observed that the main duties of Mutawalli include: carrying out the directions of the Board in accordance with the provisions of the Act; furnish returns and supply information to the Board from time to time; allow inspection of Wakf properties, accounts and records or deeds and documents; discharge all public dues and any other action which is lawfully required as per the Act. Considering the educational background of many Mutawallis, there is a need for capacity building of Mutawallis and to educate them about their roles and responsibilities, office procedural requirement, accountancy, lease rules, filing of returns, etc.
8. The MoMA has taken many initiatives and introduced many schemes for the development and management of Wakf properties. However, general awareness among different stakeholders, beneficiaries, and masses in particular, appears to be limited. Therefore, there is a need to run a national level general awareness campaigns about the various initiatives and schemes introduced by the Government for the development and management of Wakf properties.
9. The scheme was supposed to be monitored by the State Level Coordination Committee (SLCC) at State level and by the Steering Committee headed by the Joint Secretary concerned at the Ministry or Central level. However, it has been found that only one meeting of the above mentioned committees have been held during the three-year period of operation of the scheme.
10. So far as physical performance is concerned, it has been found that the litigation cases have gone up significantly after the implementation of the present scheme. One of the major factors contributed in the increase of litigation may be attributed to the financial assistance for providing Legal Assistant under component-I of the scheme. It shows that the scheme has an impact on the functioning of SWBs. There are litigation cases pending in both Internal and the External Courts. As per the latest data of March 2017, the number of records of the Litigation cases has increased to 6,983 from 4,941 in 2014, which are significantly higher indicating an increase of about 42 per cent in litigation cases.
11. The GIS based Decision Support System (DSS) helps in detecting the encroachments and also in identifying when that encroachment happened with the help of Historical Satellite Imageries. It has been observed that the implementation of the GPS Field Survey along with photographs is very poor across the states. In the WAMSI on-line records, the GIS data is

available with respect to the States like Haryana, Chhattisgarh, Madhya Pradesh, Odisha, Uttar Pradesh (Sunni) where data on GPS field survey and photographs are shown on their registration module. However, even in these states the GPS record is extremely poor as against the total registration data. Other States need to implement the same at the earliest.

12. The outlays of Rs. 25 lakh and Rs. 20 lakh provided for GIS mapping of Wakf properties for large and medium states respectively appears to be insufficient. Considering the average cost of Rs. 500 per property including the charges for GIS mapping and photograph uploading, the total cost works out to be at Rs.27.857 crore (total properties being 5,57,126, as per the data available on date), whereas the outlays in the scheme was kept at Rs. 10 crore only for both GIS mapping and encroachment removal. However, an additional incentive of equivalent amount per property can be given to those States which complete the district-wise GIS mapping for all the properties and uploaded the data along with pictures on WAMSI on-line project.
13. Considering the fact that the SWBs are imparting training in managing Wakf properties under the scheme, it has been observed that at the all-India level, the Estates Records in WAMSI On-line System Registration Module have increased significantly in the last 3 years. In April 2014, when the scheme was launched, only 1, 64,578 records were in the on-line system but as per the latest data in March 2017, the number of records have increased to 3, 11,427, which has almost doubled in comparison to 2014.
14. The annual return filing has also been observed to increase over the period. In 2014, it was only 11,587, whereas in March 2017, it has increased to 20,688. However, in many states and UTs such as Andhra Pradesh, Chandigarh, Dadra & Nagar Haveli, Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Punjab, Uttar Pradesh (both Sunni and Shia), West Bengal, no records are available at the digital platform.
15. There has also been a considerable progress in entering of data on immovable properties. It is observed that the annual return filing has increased over the period. However, in many States and UTs, no records are available at the digital platform.
16. The SWBs are dealing with most complex subject of the country i.e. land and properties where they have to fight large number of court cases and remove encroachment. Considering the nature of the work of SWBs, there is an immediate need for strengthening

SWBs in terms of manpower and resources. Most of the SWBs do not have sufficient resources, both human and capital to deal with the encroachers and reclaim the Wakf properties from them. Thus, the present scheme needs to be redesigned and restructured with higher outlays in such a manner that it becomes demand driven, creates competition among various SWBs for performing better and the SWBs working efficiently in achieving their targets/objectives are incentivised.

17. It has been observed that there are five agencies namely: MoMA, State Government, CWC, SWBs and NAWADCO that are actively involved with specified role and responsibilities in the implementation of the present scheme. However, there is a lack of coordination among these agencies in monitoring the progress and supervising the implementation of the scheme, which needs to be strengthened so that effective coordination takes place.
18. The past experience suggests that wherever there are various agencies involved in the implementation of a scheme, it is essential to have an inbuilt mechanism for a very close coordination among the involved agencies and also a periodic review of the progress made. It is imperative to remove any impediments or hurdles for faster implementation of the scheme, which requires prompt collective action to expedite the pace of implementation. This element is missing in the present scheme and the various committees for monitoring and evaluation of the scheme have not been performed given task very effectively. Therefore, there is a need for an inbuilt mechanism for a continuous monitoring and evaluation of the activities of SWBs related to the present scheme for successful implementation of the scheme.
19. In a nutshell, it can be concluded based on the study that, the scheme duration has been only three years which is a very short period for evaluation. However, some SWBs have improved considerably after the implementation of the current scheme, thus the scheme has partially met its objective and it needs further continuation so that its actual effectiveness and impact can be quantified and measured.

Chapter One

Introduction

1.1 Background

The Wakf properties are the national resources which are meant to be used for the development of the institutions and to raise funds for various welfare activities. These properties are spread out all over the country but even the basic survey of Wakf properties has not been completed in most of the States. There is hardly any development of Wakf properties, and therefore, a very substantial income that these properties could have generated for the welfare schemes of the community are lost every year. In a large number of cases, Wakf properties are observed to be inefficiently managed. Wakf properties are usually managed by Managers/Trustees known as Mutawallis for the past so many years. The powers of the management and administration of Wakf are vested with the State Wakf Boards (SWBs). The SWBs are the apparently democratized bodies regulated by the Wakf Act and are bound to adhere to its clauses. Several Apex Committees and Commissions gave their recommendations for the overall upliftment of the Muslim communities. Latest references of such committees include Sachar Committee (2006), Joint Parliamentary Committee (2008) and Consultative Parliamentary Committee of Government of India. The recommendations of these Committees focused on the welfare of the minorities in the areas of education, employment, equity and participatory role etc. It is notable that these committees have laid a special emphasis on examining the role of SWBs and management and streamlining of Wakf properties. It has been recognized that there is a huge socio-economic and educational development potential of Wakf properties in uplifting the life of Muslims.

1.2 The Scheme – Strengthening of State Wakf Boards

The State Wakf Board (SWBs) are statutory bodies constituted under the Wakf Act, 1995 which is a Central Act. The SWBs exercise powers of superintendence and control over all the Wakf institutions. The Board appoints Muttawallis and managing committees for the Wakf institutions from time to time after election or nomination by Jamaath as per their Scheme of Management. All the Wakf institutions are required to submit their Budget Estimate (BE) and financial accounts to the Board and the Board undertakes audit of the major institutions. The financial transaction of the Board itself is audited by the Government (State Accounts Department) and the Accountant General. The Board takes various steps to protect Wakf properties from encroachment and unauthorized occupation. The Board gives the administrative and legal support to the Wakf institutions which carry out their developmental and socio-

welfare activities. The Wakf properties include Mosques, Dargahs, Idgahs, Kabristans (burial grounds), Ashoorkhanas, Orphanages, Makans, etc. The Sachar Committee in its report observed that Wakf properties in the country can generate annual income of Rs.12,000 crore. Therefore, SWBs should be strengthened by improving their infrastructure and institutional capacity for effective administration and management of wakf properties in the country.

In the above background, Ministry of Minority Affairs (MoMA) launched a scheme for strengthening of State Wakf Boards in 2013 on the recommendations of the 9th report of the Joint Parliamentary committee (JPC). The JPC recommended that the SWBs should be given Central financial assistance through the State Governments for strengthening of their Wakf Boards which should result in more transparent and accountable administration and management of their Wakf properties and allow improvement in the income generation and attainment of self-sufficiency. The main objective of the scheme is to ensure that the functional and institutional capacity of the SWBs should improve so that their income generation increases at least to the level of their self-sufficiency. The above mentioned scheme is a Central Government Scheme and is funded by the Central Government. The National Wakf Development Corporation Limited (NAWADCO) is a nodal agency for implementing the scheme. The scheme has three components and grants are released under each component i.e. (i) for meeting the training and administrative cost of their establishments, (ii) for removal of encroachment from Wakf properties and GIS of Wakf properties and (iii) for strengthening of zonal/regional level offices keeping in view the number of districts as well as the number of Wakf properties in the State. The more recent approach of using GIS (Geographical Information System) is an innovative way to help SWBs in managing the Wakf properties more efficiently to bring transparency, and to make Wakf administration and management in the country encroachment-free. Bringing in efficient and competent professionals as well as providing training to the existing staff will also result in more efficient administration and better management of the Wakf properties.

Various steps have been taken by NAWADCO for implementation of the scheme which are as under:

- In the financial year 2014-15, for strengthening of the Wakf Boards NAWADCO has utilized Rs.3.90 crore through disbursement of the component-wise Grants-in-Aid to all eligible SWBs across India.

- In the financial year 2015-16, NAWADCO has utilized Rs.4.62 crore through disbursement of component-wise Grants-in-Aid to all the eligible SWBs across India.
- In the financial year 2016-2017, NAWADCO had received Rs.6.78 crore which was fully released to all the eligible SWBs across the country.

The scheme of Strengthening of State Wakf Boards was implemented during the 12th Five Year Plan (FYP) and the year-wise earmarked budget for the scheme was as under.

Year-wise earmarked budget for the scheme

Year	Cost Estimates (Rs. in Lakh)
2014-15	1007.96
2015-16	1000.88
2016-17	1025.04
Total	3033.88
Contingency Cost (10%)	303.39
Grand Total	3337.27

Source: MOMA

1.3 Genesis of the Impact Evaluation

As per the order of the Ministry of Finance, Government of India, all Ministries and Departments have to undertake an outcome review of their ongoing schemes at the end of the 12th FYP for further continuation, if the same has some positive outcomes. In the above background, NAWADCO, Ministry of Minority Affairs awarded the work of undertaking the evaluation of the scheme “Strengthening of State Wakf Boards” to NILERD on nomination basis after the detailed discussion in the meeting held on 4th May, 2017 in the NAWADCO office at Saket under the chairmanship of CEO.

Chapter Two

Objectives and Methodology

As mentioned in the previous chapter, NAWADCO has awarded the evaluation of the scheme to NILERD to assess whether the same has any positive outcomes and should be continued. The objectives and the scope of the evaluation study are as follows:

2.1 Objectives

1. To study whether the scheme has met all its objectives and funds released have been utilised for mandated activities
2. To study the impact of the scheme on functioning of the SWBs and identify their weak areas.
3. To find out the obstacles faced by the SWBs in the way to ensure rules and regulations (recruitment, accounting, administrative and enforcement) for effective implementation of the scheme
4. To identify whether the scheme has any inherent weakness/limitation and needs any modification in its structure/implementation mechanism
5. To suggest modification in the structure/formulation of the scheme to make it more effective
6. To make recommendations whether the scheme should be continued further, with or without modification. If so, what should be the duration of the scheme?
7. To look into the various roles assigned and achievement of different stakeholders in the effective implementation of the scheme

2.2 Methodology

The study has used a mixed methodology and is mainly based on secondary data collected from NAWADCO, CWC, MoMA and other relevant offices/departments related to Wakf Boards and its management directly or indirectly. Primary data were also collected through structured questionnaire and in the informal set-up of the personnel involved in Wakf property record management or Wakf management for another scheme 'Computerization of Wakf properties' implemented by MoMA. The information gathered was used to study the impact of the scheme in question i.e. 'Strengthening of SWB'. Most of the data collected was through questionnaires and formats designed for the purpose of interactions and discussions with the CEOs of SWBs

and others officials from NAWADCO and CWC via telephonic conversations. Field visits to the office of the State Wakf Boards and other relevant places could not be undertaken due to paucity of time. The study was also decided to be completed quickly since duration of the scheme was only three years, which is a very short period for conducting an evaluation. The study used data uploaded on the Wakf Records Computerization Project (WAMSI) given in the Monthly Progress Report and the official data from the Wakf boards' Annual Reports, published studies available in public domain, journals and other sources of literature.

The progress made in entering of the data in the four modules of WAMSI software namely, Registration, Return, Leasing and Litigation were examined to meet the above objectives to find out whether the money released under the scheme for training, establishment and providing Legal Assistants, etc. has any impact on the functioning of the SWBs.

Data were collected on the following aspects:

1. Grants released by NAWADCO under the three components of schemes to each SWB during the three years 2014-15, 2015-16 and 2016-17
2. Utilization of grants in the three components
3. Physical and financial targets and achievements of the scheme during the three years of operation
4. Progress of the scheme in terms of targets and achievements
5. Computer software and hardware
6. Training component
7. Progress in GIS mapping and removal of encroachment from the Wakf properties.
8. Data related to zonal State Wakf Board offices and their targets and achievements during the three years

The data were analyzed based on the targets and achievements, both in terms of physical and financial performance. Problems and hindrances in the implementation of the scheme were also studied and suitable measures have been suggested. Elaborate discussions and consultations were done with the key functionaries of MoMA, NAWADCO and SWBs to get the first-hand feedback about the implementation of the scheme. Both data and feedback were analyzed to reach at meaningful conclusions in the assessment of impact, and achievement of objectives and accordingly recommendations have been made. The study has covered all the 31 SWBs throughout India as per the list at Annexure-I.

Chapter Three

Evaluation of the Implementation of the Scheme

3.1 Implementation of the Scheme

The scheme “Strengthening of State Wakf Boards” is uniformly applicable to all the 31 State Wakf Boards. The grant-in-aid is released to the State/UT Wakf boards under the three components as mentioned earlier. National Wakf Development Corporation Ltd. (NAWADCO) is the implementing agency of the scheme. State/UT Wakf Boards formulate the proposal for assistance and send the same to NAWADCO through State/UT Governments. The State/UT Wakf Board furnishes an undertaking that it fulfils all the conditions provided as per the eligibility criteria for financial assistance. Funds are released to State/UT Wakf Boards by NAWADCO following due procedure and guidelines. Utilization Certificates (UCs) are furnished by the concerned SWBs through their State Governments to NAWADCO. Further assistance is released only to those SWBs who have furnished their UCs through the respective State Governments. The State Governments have to put in place monitoring mechanisms and inspection systems.

The Ministry of Minority Affairs (MoMA) is an important stakeholder involved in the implementation of the scheme, which is responsible for overseeing the entire project, making fund allocation and releasing funds to NAWADCO. The MoMA has also to play a role of implementation facilitator – steering the project, monitoring the scheme and constituting the Steering Committees. Another important stakeholder in the scheme is the State Government, which constitutes the State Level Coordination Committee (SLCC). The SLCC set up for the scheme “Computerization of records of SWBs” also monitors the scheme “Strengthening of State Wakf Boards”. The third stakeholder in the implementation is Central Wakf Council (CWC), which has a role of facilitator for the training of employees of the CWC and State/UT Wakf Boards and undertakes the coordination and Liaising work and also plays a role of troubleshooter with the State/UT Wakf Boards. The State/UT Wakf Boards are the key stakeholders responsible for incurring the expenditure as per rules/regulations and meeting the implementation deadlines under the broad supervision of SLCC. The NAWADCO releases funds to State/UT Wakf Boards, assists MoMA in implementation of the project/scheme and in monitoring the progress of the project/scheme.

3.2 Guidelines of the Scheme

As per the guidelines, the grants are provided only to those SWBs which fulfill the following conditions:

- Have a legally constituted Wakf Board
- Appointment of a full-time CEO
- Ensure to have Rules and Regulations framed and approved by the State Government especially in matters relating to recruitment, pay and allowances, retirement benefits, medical attendance etc. for the staff and officers of the State Wakf Board
- Has time-bound plan drawn up and approved to ensure that survey of all Wakf properties and registration of the properties with the land revenue office or local authorities are completed
- Send periodical reports of action taken for surveys done, encroachment, recovery of properties, etc. to the Central Government, Central Wakf Council and NAWADCO.
- Timely audit of the accounts of the Boards as well as regular audit of the accounts of Mutawalli are conducted by the auditors appointed by the Wakf Boards
- Proper maintenance of law suit register and regular tracking of cases of encroachments of Wakf properties
- Proper maintenance of Wakf register and due preservation of documents related to Wakf Deed and Gazette Notification of properties

3.3 Component-wise Implementation of the Scheme

The records of NAWADCO pertaining to the release of funds to SWBs and expenditure incurred by them on the three components of the scheme were scanned and examined to assess the financial performance. The status of the SWBs in terms of their in-house capacity to absorb funds, manpower position, and their income were also examined. It has been observed that funds under the scheme were released evenly to all SWBs proportionate to the number of the Wakf properties in the states without looking at their income and expenditure status, fund absorbing capacity and their manpower strength. In some cases, SWBs such as Bihar Sunni Wakf Board, Kerala Wakf Board, Puducherry Wakf Board, etc. were provided substantial grants by the respective State Governments resulting in surplus need less financial assistance. Whereas in the case of Andhra Pradesh Wakf Board and many other similar SWBs, the expenditure is greater than income, which results in arrears of payments of salary and has adverse effects on the functioning of these SWBs. Therefore, the assistance should be provided

to the SWBs considering their weakness and strength so that the funds released can be utilized where it is required most.

Going through the component-wise financial performance, it has been observed that the total support from the Government to each Board with sizeable number of Wakf properties has been Rs.14.96 lakh per year which includes training cost of Rs.1.00 lakh annually. For smaller SWBs with less number of Wakf properties, the assistance is about Rs.7.98 lakh per year including the training cost of Rs.75, 000 per year. Under the component, Legal Assistant, Rs.27, 000 each per month and for Accountant Rs.27, 000 each per month have been provided to the SWBs to supplement their strength. The remuneration paid to each person has been enhanced by 5 per cent every year to mitigate inflation. Further, an amount of Rs.1,00,000 each for big SWBs and Rs.75,000 each for small SWBs have been given annually for stationery/consumables. Besides, each State/UT Wakf Board has been provided a one-time grant of Rs.100, 000 for purchasing of Accounts software. However, it has been observed that there is an overlapping in training component as similar assistance is provided under the scheme “Computerization of Wakf Properties” implemented by MoMA through CWC and therefore it is strongly recommend that the training and software parts of this component should be merged with the scheme “Computerization of Wakf Properties” to avoid duplication. As can be seen from Table1 below, there has been a substantial progress under Component-I as almost all the SWBs barring one or two have spent their entire allocated budget during the last three years.

Table 1
The Scheme: Strengthening of State Wakf Boards
Component –I (Legal Assistant, Accountant and Training Cost)

(Rs. in lakhs)

Sl.No.	Name of State/UT	No. of Districts	No. of Wakf properties	For purchasing of Accounts Software (2014-15)		Remuneration for the year 2014-15		Remuneration for the year 2015-16		Remuneration for the year 2016-17	
				BE	AE	BE	AE	BE	AE	BE	AE
1.	Andaman & Nicobar Islands	3	73	1.000		7.98		8.380		8.800	
2.	Andhra Pradesh	23	35703	1.000		14.96		15.710		16.500	
3.	Assam	27	176	1.000		7.98		8.380		8.800	
4.	Bihar (Sunni)	38	2508	1.000		14.96		15.710		16.500	
5.	Bihar (Shia)	38	227	1.000		7.98		8.380		8.800	
6.	Chandigarh	1	32	1.000		7.98		8.380		8.800	
7.	Chhattisgarh	18	1811	1.000		14.96		15.710		16.500	
8.	Dadra & Nagar Haveli	1	-	1.000		7.98		8.380		8.800	
9.	Delhi	9	1154	1.000		14.96		15.710		16.500	
10.	Gujarat	25	10141	1.000		14.96		15.710		16.500	

11.	Haryana	21	12493	1.000		14.96		15.710		16.500	
12.	Himachal Pradesh	12	1099	1.000		14.96		15.710		16.500	
13.	Jharkhand	15	-	1.000		14.96		15.710		16.500	
14.	Karnataka	30	31868	1.000		14.96		15.710		16.500	
15.	Kerala	14	7849	1.000		14.96		15.710		16.500	
16.	Lakshadweep	1	340	1.000		7.98		8.380		8.800	
17.	Madhya Pradesh	50	14729	1.000		14.96		15.710		16.500	
18.	Maharashtra	35	30000	1.000		14.96		15.710		16.500	
19.	Manipur	9	555	1.000		7.98		8.380		8.800	
20.	Meghalaya	7	31	1.000		7.98		8.380		8.800	
21.	Orissa	30	3729	1.000		14.96		15.710		16.500	
22.	Puducherry	4	58	1.000		7.98		8.380		8.800	
23.	Punjab	20	24335	1.000		14.96		15.710		16.500	
24.	Rajasthan	33	19543	1.000		14.96		15.710		16.500	
25.	Tamil Nadu	32	6725	1.000		14.96		15.710		16.500	
26.	Tripura	4	695	1.000		7.98		8.380		8.800	
27.	Uttar Pradesh (Sunni)	71	123115	1.000		14.96		15.710		16.500	
28.	Uttar Pradesh (Shia)	71	8000	1.000		14.96		15.710		16.500	
29.	Uttarakhand	13	2054	1.000		14.96		15.710		16.500	
30.	West Bengal	18	8114	1.000		14.96		15.710		16.500	
	Total	564	347157	30.000		379.000		398.000		418.000	

Expenditure Rs. 1225.00 lakh; BE: Budget Estimate, AE: Actual Expenditure

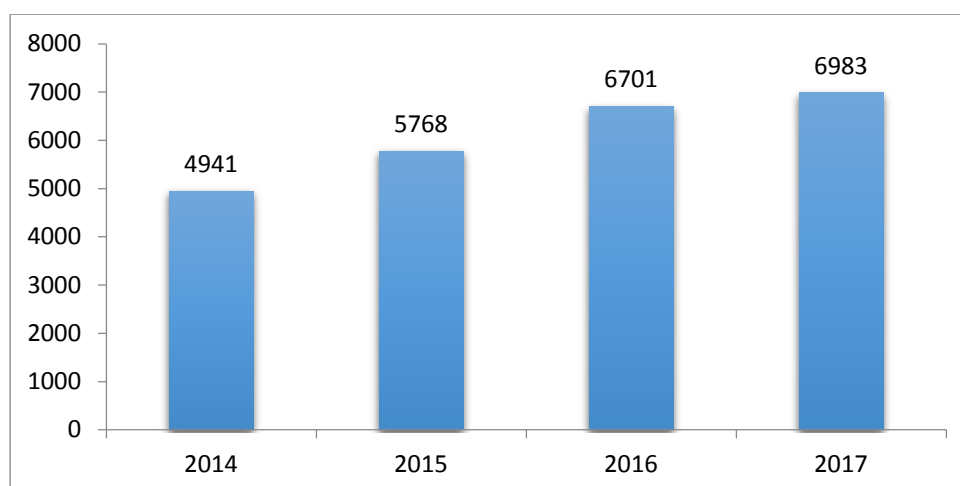
Source: Scheme for Strengthening of State Wakf Boards (XII Five Year Plan Period), MoMA, GoI

Note: In the component wise actual expenditure is not furnished by MOMA/NAWADCO.

3.4 Physical Performance

Considering the fact that the scheme has been in operation only for three years, the physical performance of the scheme particularly for **Component-I** where money was provided for establishment and training appears to be satisfactory. As the graph below (Figure 1) suggests, the litigation cases have gone up significantly after the implementation of the present scheme since 2014. One of the major factors contributed in the increase in litigation cases may be attributed to the financial assistance for Legal Assistant provided under Component-I. It shows that the scheme has an impact on the functioning of the SWBs. A report of MoMA (2015) estimated the total Wakf land at 6 lakh acres, out of which 40 percent is occupied illegally. There are litigation cases, both at Internal and External Courts. As per the latest data in March 2017 the number of records of the Litigation Module is 6,983, which are significantly higher than 4,941 in 2014 indicating an increase of about 42 per cent in such cases. Figure 1 shows the records in litigation module.

Figure 1: Records in Litigation Module



Source: Monthly Progress Reports, WAMSI

It has also been observed that there is no incentive for the SWBs which have been performing better as compared to others. All SWBs have been provided equal Central financial assistance on a formula based on the proportion to the number of Wakf properties. Therefore, the scheme should have an inherent clause with an emphasis to create competition among the SWBs for performing efficiently. Also, providing same amount of financial assistance to all SWBs under the components where there is excess of expenditure over income, is not only be construed as discriminatory but also implies that the Boards that are efficient have been deprived of Central financial assistance, which they could have utilized for developmental activities. Therefore, the scheme should be made demand driven and financial assistance should be provided purely based on the merits depending upon the efficiency of the SWBs.

It is apparently clear from the available data and documents that most of the State Wakf Boards have not been functioning very efficiently. Even the preliminary survey of Wakf properties has not been done in many States and there is a large-scale encroachment of valuable Wakf lands. One of the main reasons for ineffectiveness of the Boards is their lack of resources and institutional capacity. While some States have been providing assistance, this is not the case with the remaining States. Consequently, the administration, management and development of Wakf properties are very poor and a substantial income that the Wakf properties could have generated for the welfare of the Muslim community is lost. This is mainly because there is no development of Wakf properties and there exists a large scale encroachment of these properties. There is therefore a strong case for strengthening of the infrastructure and institutional capacity of the State Wakf Boards so that they can effectively administer and manage the Wakf properties for the benefit of the Muslim community.

With computerization of records of the State Wakf Boards, record keeping had been streamlined and various functions and processes of the State Wakf Boards have been computerized. The SWBs have uploaded the records of properties on their website to bring in transparency in their functioning and to preserve old records. Computerization helps people in accessing data and information easily regarding properties; it reduces queries, speeds up the work, and most importantly, frees the properties from the clutches of illegal occupants across the country. Once the properties are encroachment-free, it can be used for the welfare of the Muslim community and for their socio-economic educational empowerment. The pool of Wakf properties can be mobilized to build Schools, Colleges, Hospitals, etc. for the Muslim population in India, which are about 17.22 crore as per the Census 2011.

Under **Component-II** of the scheme, financial assistance has been provided for GIS mapping of the properties. The GIS mapping of the Wakf properties would help in identification and removal of encroachment from these properties. Therefore, GIS mapping of all the Wakf properties is required to be done. For implementation of the above provisions, the Wakf Boards have been provided an annual financial support of Rs. 25 lakh each to 14 large Wakf Boards, Rs. 20 lakh to 6 medium-sized Wakf Boards and Rs. 5 lakh to 10 smaller Wakf Boards. The financial support has been provided for three years keeping in view the number of Wakf properties under each SWB. The total expenditure during the last three years of the 12th Plan has been Rs.1560.00 lakh. The details are given in Table 2 below.

Table 2: Component-II– GIS Mapping

(Rs. in lakhs)

Sl.No.	Name of State/UT	No. of Districts	No. of Wakf properties	Grant-in-Aid			
				Release (2014-15)	AE (2014-15)	Release (2015-16)	AE (2015-16)
1	2	3	4	5	6	7	8
1.	Andaman & Nicobar Islands	3	73	5		5	
2.	Andhra Pradesh	23	35703	25		25	
3.	Assam	27	176	5		5	
4.	Bihar (Sunni)	38	2508	20		20	
5.	Bihar (Shia)	38	227	5		5	
6.	Chandigarh	1	32	5		5	
7.	Chhattisgarh	18	1811	20		20	
8.	Dadra & Nagar Haveli	1	-	5		5	
9.	Delhi	9	1154	25		25	
10.	Gujarat	25	10141	25		25	
11.	Haryana	21	12493	25		25	
12.	Himachal Pradesh	12	1099	20		20	

13.	Jharkhand	15	-	20		20	
14.	Karnataka	30	31868	25		25	
15.	Kerala	14	7849	25		25	
16.	Lakshadweep	1	340	5		5	
17.	Madhya Pradesh	50	14729	25		25	
18.	Maharashtra	35	30000	25		25	
19.	Manipur	9	555	5		5	
20.	Meghalaya	7	31	5		5	
21.	Orissa	30	3729	20		20	
22.	Pondicherry	4	58	5		5	
23.	Punjab	20	24335	25		25	
24.	Rajasthan	33	19543	25		25	
25.	Tamil Nadu	32	6725	25		25	
26.	Tripura	4	695	5		5	
27.	Uttar Pradesh (Sunni)	71	123115	25		25	
28.	Uttar Pradesh (Shia)	71	8000	25		25	
29.	Uttarakhand	13	2054	20		20	
30.	West Bengal	18	8114	25		25	
	Total	564	347157	520		520	

Expenditure Rs. 1560.00 lakh

Regarding the progress on GIS mapping, it is observed that there has been very little progress in the last three years that too is limited to only few states. It is pertinent to mention here that the scheme “Computerisation of Wakf Properties” and the current scheme has some overlapping objectives and combined outcomes. Therefore, assessing scheme-wise impact and segregating the outcome is little difficult. However, some estimates can be made based on the data available in the monthly progress report uploaded at WAMSI project under the scheme of Computerisation of Wakf Properties.

One of the major objectives of computerizing the records of the State Wakf Boards is GIS mapping of Wakf properties using GPS Field Survey along with photographs of Wakf properties to map the immovable Wakf properties over satellite imageries. GIS feature in WAMSI on-line uses satellite imageries to fix layouts of the Wakf properties on the earth surface on the basis of GPS coordinates. The GIS based Decision Support System (DSS) helps in detecting the encroachments and it also identifies when that encroachment happened with the help of Historical Satellite Imageries. However, the implementation of the GPS Field Survey along with photographs is very poor across states. As per the WAMSI on-line records, GIS reporting on data on GPS field survey and photographs on their registration module is available since January 2016 with respect to the States like Haryana, Chhattisgarh, Madhya Pradesh, Odisha, and Uttar Pradesh (Sunni) only. Table 3 below mentions the number of records in WAMSI on-line with respect to GPS and Photo.

Table 3:GPS and photo records in WAMSI On-line

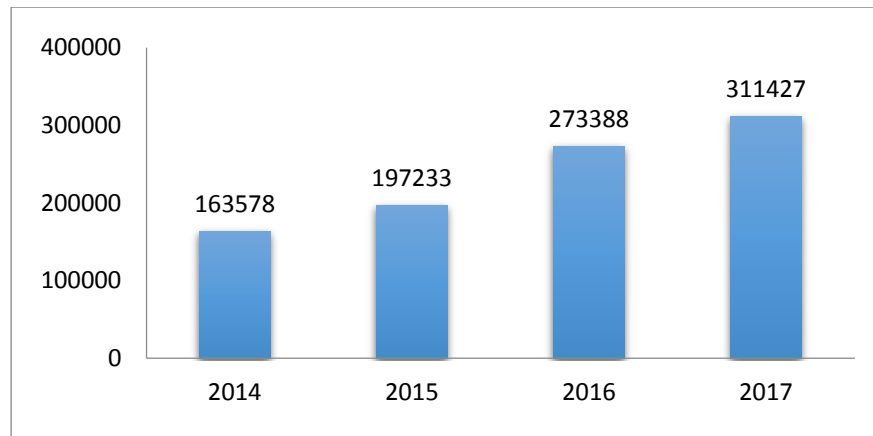
Records in WAMSI On-line System Registration Module		
Year	GPS	Photo
2016	80	3369
2017	3462	5638

Source: Monthly Progress Reports, WAMSI

However, even in these states, the GPS record is extremely poor as against the total registration data. Other States need to implement this at the earliest. The Chief Executive Officer of the Wakf Board has been empowered in removing encroachment from the Wakf properties by applying to the Wakf Tribunal for grant of order of eviction from the Wakf properties. However, the State government is responsible for enforcement of the order made under Section 54 of the Wakf Act 1995. Therefore, there is a need for a close coordination among the SWBs and various departments of the respective states.

Considering the fact that the SWBs have also been imparting training in managing the Wakf properties under the scheme, it has been observed that at the all-India level the Estates Records in WAMSI On-line System Registration have increased significantly in the last 3 years (see Figure 2 below). In April 2014, since the scheme was launched, only 1,64,578 records were in the on-line system. As per the latest data in March 2017, the records have increased to 3,11,427. States and UTs such as Bihar (Sunni), Chandigarh, Chhattisgarh, Delhi, Karnataka, Kerala, Lakshadweep, Maharashtra, Puducherry, Punjab, Tamil Nadu and Tripura have completed 100 percent on-line data registration with respect to declared estates. However, states such as Jammu & Kashmir and Jharkhand need special attention as the number of estate records in the WAMSI on-line registration system is very less.

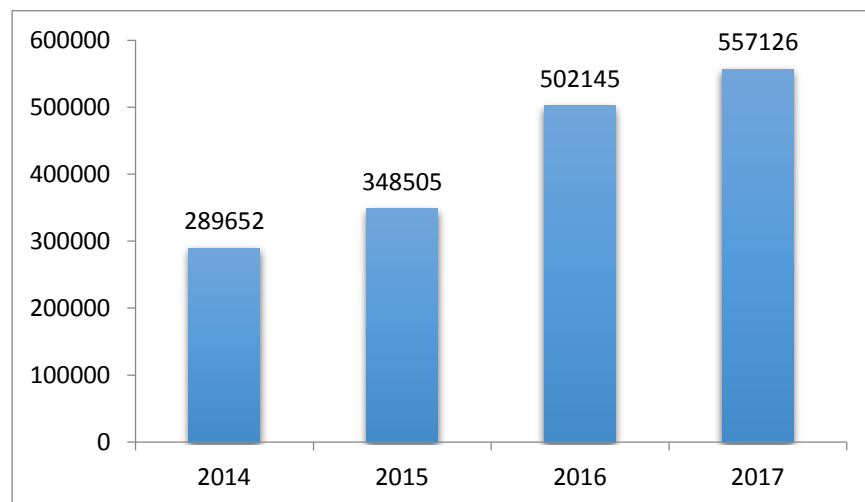
Figure 2: WAKF Estates Records in WAMSI under On-line System Registration Module (All India)



Source: Monthly Progress Reports, WAMSI

As on March 2017, a total of 5,57,126 records of immovable properties has been updated in the on-line portal (see Figure 3 below). In 2014 it was only 2,89,652. In the last one year alone, 54,981 new entries of immovable properties have been recorded in the on-line registration module. Thus, there has been a considerable progress with regard to entering data on immovable properties in the Registration module.

Figure 3: Records of Immovable Properties entered in the on-line Registration Module (All India)

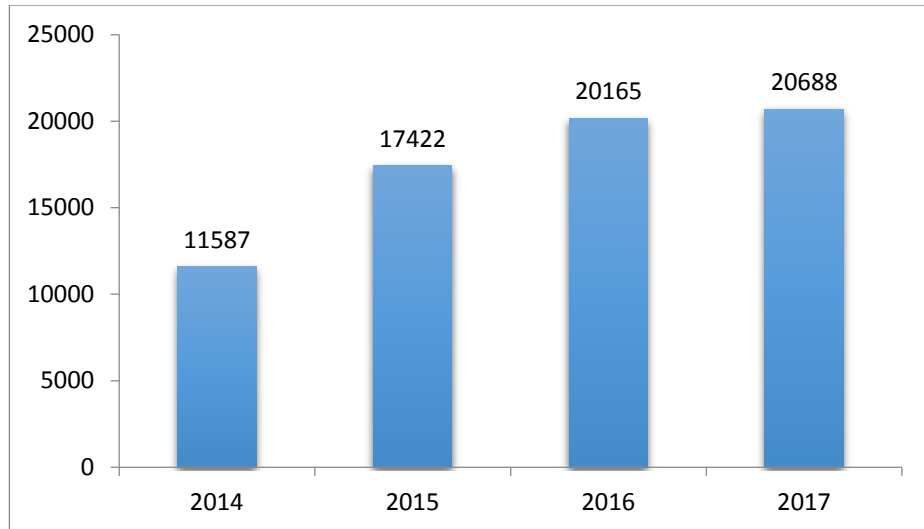


Source: Monthly Progress Reports, WAMSI

It is also observed that the annual return filing has also increased over the period (see Figure 4 below). In 2014, it was only 11,587, whereas in March 2017 it has increased up to 20,688. However, in many states and UTs such as Andhra Pradesh, Chandigarh, Dadra & Nagar Haveli,

Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Punjab, Uttar Pradesh (both Sunni and Shia), West Bengal, no records are available at the digital platform.

Figure 4: Records in Annual Return Module (All India)

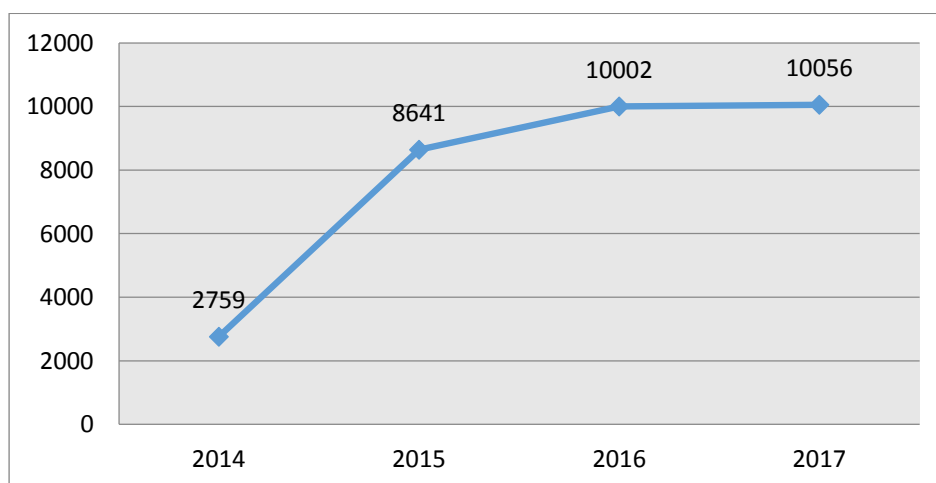


Source: Monthly Progress Reports, WAMSI

The Government has formulated and notified the Wakf Properties Lease Rules, 2014, and further amended it in 2015 to enhance the income of the Wakf Boards and development of the Wakf properties for the welfare of the Muslim community.

As illustrated in Figure 5 below, records in the leasing module have increased from 2,759 in 2014 to 10,056 in 2017. It merits mention here that 77 percent of the records have been accounted for by the State of Haryana.

Figure 5: Records in Leasing Module



Source: Monthly Progress Reports, WAMSI

Under **Component-III** financial grants are provided to those State Wakf Boards who have to cater to a large number of Wakf properties spread over vast areas for strengthening their Zonal Wakf Board Offices (ZWBO). Manpower is hired for a ZWBO keeping in view the spread of the number of Wakf properties administered by the SWB. One Zonal Wakf Officer (ZWO) and one Survey Assistant (SA) are provided for each Zonal Office. Manpower is also provided to one Zonal Office in the SWB where the number of Wakf properties varies from 10,000 to 25,000 and two Zonal Offices where it is more than 25,000. However, no manpower is provided for Zonal Office where the number of Wakf properties is less than 10,000. The monthly financial liability is about Rs. 27,000 per month for the Zonal Wakf Officer (with Knowledge of Accounts & Legal matters) and Rs. 20,000 per month each for the Survey Assistants. The total expenditure for strengthening of 14 ZWBO throughout the country was estimated to be about Rs. 248.88 lakh during the last three years of the 12th Plan periods. In the regional offices in which the Staff is provided is decided by the concerned SWBs based on their requirement.

The State/UT Wakf Boards appoint the above employees as per provision under Component-I and Component-III through an outsourced agency. The expenditure details of Component-III have been given below in Table 5.

Table 5: Expenditure Details under Component-III (Zonal Office)

(Rs. in lakh)

Sl. No.	Name of State/UT	No. of Districts	No. of Wakf properties	Average No. of Wakf properties per district	No. of zonal offices to be created	Expenditure per annum (2014-15)	Expenditure per annum (2015-16)	Expenditure per annum (2016-17)
1	2	3	4	5	6	7	8	9
1.	Andaman & Nicobar Islands	3	73	24	0	0.00	0.00	0.00
2.	Andhra Pradesh	23	35703	1552	2	11.28	11.84	12.43
3.	Assam	27	176	7	0	0.00	0.00	0.00
4.	Bihar (Sunni)	38	2508	66	0	0.00	0.00	0.00
5.	Bihar (Shia)	38	227	6	0	0.00	0.00	0.00
6.	Chandigarh	1	32	32	0	0.00	0.00	0.00
7.	Chhattisgarh	18	1811	101	0	0.00	0.00	0.00
8.	Dadra & Nagar Haveli	1	-	0	0	0.00	0.00	0.00
9.	Delhi	9	1154	128	0	0.00	0.00	0.00
10.	Gujarat	25	10141	406	1	5.64	5.92	6.22
11.	Haryana	21	12493	595	1	5.64	5.92	6.22
12.	Himachal Pradesh	12	1099	92	0	0.00	0.00	0.00
13.	Jharkhand	15	-	0	0	0.00	0.00	0.00
14.	Karnataka	30	31868	1062	2	11.28	11.84	12.43
15.	Kerala	14	7849	561	0	0.00	0.00	0.00
16.	Lakshadweep	1	340	340	0	0.00	0.00	0.00
17.	Madhya Pradesh	50	14729	295	1	5.64	5.92	6.22
18.	Maharashtra	35	30000	857	2	11.28	11.84	12.43

19.	Manipur	9	555	62	0	0.00	0.00	0.00
20.	Meghalaya	7	31	4	0	0.00	0.00	0.00
21.	Orissa	30	3729	124	0	0.00	0.00	0.00
22.	Puducherry	4	58	15	0	0.00	0.00	0.00
23.	Punjab	20	24335	1217	1	5.64	5.92	6.22
24.	Rajasthan	33	19543	592	1	5.64	5.92	6.22
25.	Tamil Nadu	32	6725	210	0	0.00	0.00	0.00
26.	Tripura	4	695	174	0	0.00	0.00	0.00
27.	Uttar Pradesh (Sunni)	71	123115	1734	2	11.28	11.84	12.43
28.	Uttar Pradesh (Shia)	71	8000	113	0	0.00	0.00	0.00
29.	Uttarakhand	13	2054	158	0	0.00	0.00	0.00
30.	West Bengal	18	25000	1389	1	5.64	5.92	6.22
	TOTAL	564	364043	645	14	78.96	82.88	87.04

Expenditure Rs. 248.88 lakh

Source: Scheme for Strengthening of State Wakf Boards (XII Five Year Plan Period), MoMA, GoI

As per the original scheme, 14 ZWBOs were to be opened across 10 States and the funds of Rs. 78.96 lakh and Rs. 82.88 lakh were also released for the same during the year 2014-15 and 2015-16 respectively. However, as per the information furnished by 17 SWBs, it has been observed that only seven ZWBO officers and seven Zonal officers have been appointed which has hampered the smooth and efficient functioning of SWBs.

Chapter Four

Findings and Recommendations

The study arrives at the following findings and recommendations:

4.1 Physical Performance of the Scheme

1. The present scheme has been implemented since 2014-15. It has been found during the study that litigation cases have significantly gone up after the implementation of the present scheme. One of the major factors contributed in the increase in litigation cases may be attributed to the financial assistance for providing Legal Assistant under Component-I of the scheme. It shows that the scheme has an impact on the functioning of SWBs. A Ministry of Minority Affairs (2015) report estimates the total Wakf land at 6 lakh acres, out of which 40 percent is occupied illegally. There are litigation cases pending in both Internal and External Courts. As per the latest data of March 2017, the number of records of the Litigation cases has increased to 6,983 from 4,941 in 2014, which is significantly higher indicating an increase of about 42 per cent in litigation cases.
2. It has been observed that there is an overlapping in training component as similar assistance is provided under the scheme “Computerization of Wakf Properties” implemented by MoMA through CWC and therefore it is strongly recommend that the training and software parts of this component should be merged with the scheme “Computerization of Wakf Properties” to avoid duplication.
3. The GIS based Decision Support System (DSS) helps in detecting the encroachments and also identifies when that encroachment happened with the help of Historical Satellite Imageries. It has been observed that the implementation of the GPS Field Survey along with photographs is very poor across states. In the WAMSI on-line registration modulerecords, the GIS reporting for data on GPS field survey and photographs is available since January 2016 with respect to the States such as Haryana, Chhattisgarh, Madhya Pradesh, Odisha, Uttar Pradesh (Sunni). However, even in these states the GPS record is extremely poor as against the total registration data. Other States need to implement the same at the earliest.
4. The outlays of Rs. 25 lakh and Rs. 20 lakh provided for GIS mapping of Wakf properties for large and medium states respectively appears to be insufficient.

Considering the average cost of Rs. 500 per property including the charges for GIS mapping and photograph uploading, the total cost works out to be at Rs.27.857 crore (total properties being 5,57,126, as per the data available on date), whereas the outlays in the scheme was kept at Rs. 10 crore only for both GIS mapping and encroachment removal. However, an additional incentive of equivalent amount per property can be given to those States which complete the district-wise GIS mapping for all the properties and uploaded the data along with pictures on WAMSI on-line project.

5. Considering the fact that the SWBs have been imparting training in managing the Wakf properties under the scheme, it has been observed that at the all-India level the Estate Records in WAMSI On-line System Registration Module have increased significantly in the last 3 years. In April 2014, when the scheme was launched, only 1,64,578 records were updated in the on-line system. As per the latest data of March 2017, the records have increased to 3,11,427. States and UTs like Bihar (Sunni), Chandigarh, Chhattisgarh, Delhi, Karnataka, Kerala, Lakshadweep, Maharashtra, Puducherry, Punjab, Tamil Nadu and Tripura have completed 100 percent registration with respect to declared estates. However, States like Jammu & Kashmir and Jharkhand need special attention as the number of estate records in the WAMSI on-line system is very poor.
6. As on March 2017, a total of 5,57,126 records of immovable properties has been updated in the on-line portal. In 2014, it was only 2,89,652. In the last one year 54,981 new entries of immovable properties have been recorded in the on-line registration module. Thus, there has been a considerable progress in entering of data on immovable properties in the on-line registration module.
7. The annual return filing has also been observed to increase over the period. In 2014, it was only 11,587, whereas in March 2017, it has increased to 20,688. However, in many states and UTs such as Andhra Pradesh, Chandigarh, Dadra & Nagar Haveli, Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Punjab, Uttar Pradesh (both Sunni and Shia), West Bengal, no records are available at the digital platform.
8. In a nutshell, it can be concluded based on the study that the duration of the scheme has been only three years, which is a very short period to have an evaluation for the exact

impact of the scheme. However, some tentative impact can be visualised as per the findings of the study which indicates that some SWBs have improved considerably after the implementation of the current scheme, and therefore it can be concluded that the scheme has partially met its objective and needs further continuation for attaining the full benefit of the scheme.

9. It has also been observed that the scheme has been designed to provide funds to SWBs under the three components uniformly proportional to the number of Wakf properties in the States. It is seen that each SWB is different in its character and composition, functioning style, manpower capacity, working culture, weaknesses and strength. Some are better in one area like stopping encroachment while others are good in the field of leasing and litigation. Therefore, the present scheme should be made demand driven with flexibility of using funds as per the requirement of respective SWBs which should be allowed to re-appropriate outlays among various components by justifying their need with the prior approval of MoMA or NAWADCO.
10. It has been observed that SWBs are dealing with most complex subject of the country i.e. land and properties where they have to fight large number of court cases and remove encroachment. Considering the nature of the work of SWBs, there is an immediate need for strengthening them in terms of manpower and resources. Most of the SWBs do not have sufficient resources, both human and capital, to deal with encroachers and to reclaim Wakf properties from them. Therefore, the present scheme needs to be redesigned and restructured with higher outlays in such a manner that it becomes demand driven, creates competition among various SWBs for performing better and the SWBs working efficiently in achieving their targets/objectives are incentivised.
11. It has been observed that there are five agencies namely: MoMA, State Government, CWC, SWBs and NAWADCO, that are actively involved with specified roles and responsibilities in the implementation of the present scheme. However, there is a lack of coordination among the above agencies in monitoring the progress and supervising the implementation of the scheme, which needs to be strengthened.
12. The SWBs are the institutions of the States and States have to play very proactive roles for successful implementation of the scheme. As per information submitted by the 17

States, it has been observed that only 6 States have appointed full-time CEOs and 10 States have part-time CEOs and Uttar Pradesh Central Sunni Wakf Board has no CEO. Large number of posts of Wakf Inspector/Auditor and Legal Assistant have been lying vacant since long. Also, 50 percent post of ZO which were created under the scheme has not been filled up. Therefore, there is a need to sensitize States to fill-up mandatory posts in a time-bound manner and it requires close coordination at the highest level.

13. One of the main reasons for ineffectiveness of the Boards is their lack of resources and institutional capacity. While some States have been providing assistance, this is not the case with the remaining States. Consequently, the administration, management and development of wakf properties are very poor and a substantial income that the Wakf properties could have generated for the welfare of the Muslim community is lost. This is mainly because there is no development of Wakf properties and there exists a large scale encroachment of these properties. There is therefore a strong case for strengthening of the infrastructure and institutional capacity of the State Wakf Boards so that they can effectively administer and manage the Wakf properties for the benefit of the Muslim community.

4.2 Financial Performance of the Scheme

14. The scheme has been in operation only for three years and the data for actual expenditure is available only for two years. Component wise on AE is not available. In general, three years' time is too short for any scheme to make its impact. Also, the effective time of operation of the scheme is only two years as the data for actual expenditure for 2016-17 is not available because no SWB has yet submitted utilization certificates (UCs) for the funds received by them. Therefore, assessing whether the scheme has met its objectives or not is little difficult considering the short duration of the scheme. Hence, it is highly recommended that the present scheme should continue for at least another five years so that its actual effectiveness and outcome could be quantified and measured.
15. Regarding the year-wise financial performance, it has been observed that the budgeted outlays of the scheme including all the three components was Rs.10.07 crore for the year 2014-15. However, the MoMA released only Rs. 3.90 crore to NAWADCO, which works out to be only 38.70 percent of the budgeted outlay. Out of the funds of Rs. 3.90

crore released during the year 2014-15, the actual expenditure has been only Rs. 1.77 crore which is about 45.40 percent indicating a dismal performance by both the SWBs and MoMA. It has been assumed that the actual expenditure is equal to the amount for which UCs have been received by NAWADCO and UCs pending for the amount implies that the money remains unspent.

16. As per the original scheme, 14 Zonal Wakf Board Offices (ZWBOs) were to be opened across 10 States and the funds of Rs 78.96 lakh and Rs. 82.88 lakh were also released for the same during the year 2014-15 and 2015-16 respectively. However, as per the information furnished by the 17 SWBs, it has been observed that only seven ZWBOs and seven Zonal officers have been appointed which has hampered the smooth and efficient functioning of SWB.

17. It is also observed that the financial performance of all the SWBs have not been uniform. Some of the SWBs such as Wakf Board Manipur, Meghalaya State Board of Wakf, Tripura Board of Wakf, Dadra & Nagar Haveli Wakf Board, Bihar State Sunni Wakf Board, Delhi Wakf Board, Kerala State Wakf Board, Shia Central Board of Wakf, U.P., Haryana Wakf Board, Karnataka State Board of Wakf, and Uttar Pradesh Central Sunni Wakf Board have done extremely well and utilized 100 percent of funds received by them during 2014-15. However, SWBs like Assam Board of Wakf, Wakf Board of Andaman & Nicobar Islands, Chhattisgarh Rajya Wakf Board, Jharkhand State Sunni Wakf Board and Maharashtra State Board of Wakf have not performed well in terms of fund utilization as they have spent either very little or no fund and have not submitted any UCs for 2014-15.

18. A similar situation has been observed in the financial performance of the SWBs for the year 2015-16, but it was better than the previous year as SWBs utilized about 89.40 per cent of the received funds during the period. The scheme has a Budgeted outlay of Rs. 10.00 crore against which MoMA has released only Rs. 4.62 crore (46.16% of Budget Estimate) for all the three components to NAWADCO. The Actual Expenditure incurred by the SWBs was Rs. 4.13 crore. However, the performance across SWBs has not been uniform as mentioned above and it widely varied in terms of fund utilization. Mostly, those SWBs who had performed better during the year 2014-15 did well in 2015-16 also.

19. Regarding 2016-17, the **BE** was Rs. 10.19 crore, whereas actual funds released by MoMA was Rs 6.77 crore (about 66.50% of **BE**). The entire funds of Rs 6.77 crore have been released to SWBs by NAWADCO. However, no SWB has submitted UCs so far for the year 2016-17. Therefore, in the absence of figures of actual expenditure, it is not possible to assess the financial performance for the year 2016-17.
20. It may thus be concluded that the financial performance of the scheme has not been satisfactory as MoMA did not provide sufficient funds as envisaged in the original scheme and whatever fund was released to SWBs could not be fully utilized. NAWADCO has a very limited role in releasing funds to SWBs and submit its monthly progress report to MoMA about the status of implementation and progress made by the scheme. It has been observed that NAWADCO with its limited manpower and resources played a very proactive role in facilitating and implementing the present scheme.
21. The scheme was supposed to be monitored by the State Level Coordination Committee (SLCC) at State level and by Steering Committee headed by Joint Secretary concerned at the Ministry or Central level. However, it has been found that not a single meeting of the above committees has been held during the entire period of operation of the scheme. Further, data received from the 17 States suggest that many SWBs such as Bihar State Shia Wakf Board, West Bengal Wakf Board, Haryana Wakf Board, Jharkhand State Sunni Wakf Board and Karnataka State Board of Wakfs have not yet set up SLCC which is mandatory for implementation of the scheme. Therefore, all the States which have not yet set up SLCC need to be advised to initiate actions for the same and no funds should be released unless SLCC is in place.
22. The past experience suggests that wherever there are various agencies involved in the implementation of a scheme, it is essential to have an inbuilt mechanism for a very close coordination among the involved agencies and also a periodic review of the progress made. It is imperative to remove any impediments or hurdles for faster implementation of the scheme, which requires prompt collective action to expedite the pace of implementation. This element is missing in the present scheme and the various committees for monitoring and evaluation of the scheme have not been performed their task very effectively. Therefore, there is a need for an inbuilt mechanism for a

continuous monitoring and evaluation of the activities of SWBs related to the present scheme for its successful implementation.

23. The management and administration of a Wakf is vested in Mutawallis but they have no right in the property and their status is merely of a supervisor or a Manager. Though Mutawallis are persons who dedicated their life to the Islamic principles and had good family background but the current study suggests that there are instances where some Mutawallis misused their position as administrator of Wakf properties. From the information submitted by the 17 States it has been observed that 10 States have enquiry cases pending against the Mutawalli/Management. Therefore, there is a need for sensitization of Mutawallis about their role and duties and government procedures for land leasing, etc.
24. It has been observed that the main duties of Mutawalli include: carrying out the directions of the Board in accordance with the provisions of the Act; furnish returns and supply information to the Board from time to time; allow inspection of Wakf properties, accounts and records or deeds and documents; discharge all public dues and any other action which is lawfully required as per the Act. Considering the educational background of many Mutawallis, there is a need for capacity building of Mutawallis and to educate them about their roles and responsibilities, office procedural requirement, accountancy, lease rules, filing of returns, etc.
25. The MoMA has taken many initiatives and introduced many schemes for the development and management of Wakf properties. However, general awareness among different stakeholders, beneficiaries, and masses in particular, appears to be limited. Therefore, there is a need to run a national level general awareness campaigns about the various initiatives and schemes introduced by the Government for the development and management of Wakf properties at the earliest.

Annexure I

Summary of Funds released & unspent Balance for the F.Y. 2014-2015, 2015-2016 & 2016-2017

<i>Rs. in lakh</i>											
S. No.	List of Wakf Boards	CAT	FY 2014-15	UC Received	Pending UCs	FY 2015-16	UC Received	Pending UCs	FY 2016-17	UC Received	Pending UCs
1	Aasam Board of Wakfs	S1	10.00	1.24	8.76	3.63	-	3.63	1.41	-	1.41
2	Wakf Board, Manipur	S1	10.00	10.00	-	5.64	5.64	-	13.38	-	13.38
3	Meghalaya State Board of Wakfs	S1	10.00	10.00	-	5.64	-	5.64	13.38	-	13.38
4	Tripura Board of Wakfs	S1	10.00	7.98	2.02	5.64	1.15	4.49	7.29	-	7.29
5	Wakf Board of Andman & Nicobar Islands	S1	6.00	1.26	4.74	5.62	-	5.62	3.44	-	3.44
6	Bihar State Shia Wakf Board	S1	6.00	5.32	0.68	5.62	5.62	-	13.80	-	13.80
7	Chandigarh Wakf Board (PNR)*	S1	NA	NA	NA	NA	NA	-	NA	NA	-
8	Dadra & Nagar Haveli Wakf Board	S1	6.00	6.00	-	5.62	3.61	2.01	13.38	-	13.38
9	Lakshadweep State Wakf Board	S1	6.00	-	6.00	5.62	-	5.62	2.18	-	2.18
10	Puducherry State Wakf Board	S1	6.00	3.11	2.89	5.62	-	5.62	2.18	-	2.18
11	Bihar State Sunni Wakf Board	M1	14.50	14.50	-	15.12	-	15.12	35.49	-	35.49
12	Chhattisgarh Rajya Wakf Board	M1	14.50	-	14.50	15.12	-	15.12	6.88	-	6.88
13	Himachal Pradesh Wakf Board	M1	14.50	6.08	8.42	15.12	-	15.12	12.96	-	12.96
14	Jharkhand State Sunni Wakf Board	M1	14.50	0.30	14.20	15.12	-	15.12	7.18	-	7.18
15	Orrisa Wakf Board (PNR)*	M1	NA	-	-	15.12	-	15.12	35.36	-	35.36
16	Uttarakhand Wakf Board	M1	10.49	10.49	-	9.73	-	9.73	35.36	-	35.36
17	Delhi Wakf Board	M2	14.50	-	14.50	17.14	-	17.14	9.86	-	9.86
18	Kerala State Wakf Board	M2	14.50	14.50	-	18.93	13.25	5.68	41.06	-	41.06

19	Tamil Nadu Wakf Board (PNR)*	M2	NA	NA	-	18.93	-	18.93	40.21	-	40.21
20	Shia Central Board of Wakfs, U.P.	M2	14.50	14.50	-	10.99	10.99	-	41.49	-	41.49
21	Telangana Wakf Board	M2	NA	NA	-	14.86	-	14.86	30.23	-	30.23
22	Gujarat State Wakf Board	B1	16.99	4.81	12.18	19.86	-	19.86	15.68	-	15.68
23	Haryana Wakf Board	B1	16.99	16.99	-	19.86	19.86	-	45.34	-	45.34
24	Madhya Pradesh State Wakf Board	B1	16.99	-	16.99	19.86	-	19.86	10.87	-	10.87
25	Punjab Wakf Board	B1	16.99	0.46	16.53	19.86	-	19.86	11.33	-	11.33
26	Rajasthan Board of Muslim Wakf	B1	16.99	4.44	12.55	19.86	9.42	10.44	24.73	-	24.73
27	Board of Awkf West Bengal	B1	16.99	7.60	9.39	19.86	-	19.86	18.47	-	18.47
28	Andhra Pradesh State Wakf Board	B2	17.63	6.37	11.26	12.82	-	12.82	33.46	-	33.46
29	Karnataka State Board of Awkf	B2	17.63	14.18	3.45	22.28	-	22.28	28.20	-	28.20
30	Maharashtra State Board of Wakf	B2	17.63	-	17.63	22.28	-	22.28	14.02	-	14.02
31	Uttar Pradesh Central Sunni Wakf Board	B2	17.63	17.63	-	22.28	14.88	7.40	53.93	-	53.93
Grand Total			354.45	177.76	176.69	413.65	84.42	329.23	622.55	-	622.55

Source: NAWADCO

Annexure II

Year-wise Funds utilized under the Scheme for Strengthening of State Wakf Boards

Sl. No.	Financial Year	Outlay of Scheme Budget (Figures in lakh)	Actual Funds received from the Ministry (Figures in lakh)	Percentage of Funds received
1	2014 - 2015	1007.96	390.00	38.69
2	2015 - 2016	1000.88	462.00	46.16
3	2016 - 2017	1019.26	677.76	66.50
	Total	3028.10	1529.76	50.52
	Total amount in Cr.	30.2810	15.2976	50.52

Source : NAWADCO

Note: Scheme for strengthening of State Wakf Boards is for running expenditure and does not envisage purchase of physical or fixed assets.

Closing Balance Rs.3,281/- is available as on 31/03/2017 in the scheme account.

Annexure III**SWBs with a CEO and a Survey Commissioner**

Sl.No.	Name of the SWB	CEO (Full Time/Part Time)	Survey Commissioner (Yes/No)	Commencement of Survey Work
1	Assam Board of Wakfs	Part Time	Yes	Yes
2	Bihar State Shia Wakf Board	Part Time	Yes	Yes
3	Bihar State Sunni Wakf Board	Full Time	Yes	Yes
4	Board of Auqaf West Bengal	Full Time	Yes	Yes
5	Delhi Wakf Board	Part Time	Yes	Yes
6	DNH Wakf Board	Part Time	Yes	Yes
7	Gujarat State Wakf Board	Full Time	Yes	Yes
8	Haryana Wakf Board	Part Time	Yes	Yes
9	HP Wakf Board	Part Time	Yes	No
10	Jharkhand State Sunni Wakf Board	Part Time	Yes	Yes
11	Karnataka State Board of WAKFS	Full Time	Yes	Yes
12	Kerala State Wakf Board	Part Time	No	No
13	Lakshadweep State Wakf Board	Part Time	Yes	Yes
14	Madhya Pradesh State Wakf Board	Full Time	No	No
15	Meghalaya State Wakf Board	Part Time	No	No
16	Puducherry State Wakf Board	Full Time	Yes	Yes
17	Uttar Pradesh Sunni Central Wakf Board	No	No	No

Annexure IV

Enquiries against Mutawallis, Litigation

S.No.	Name of the SWB	Are there cases of enquiry against Mutawalli / Management - Yes/No	Is Litigation handling satisfactory? - Yes/No
1	Assam Board of Wakfs	Yes	Yes
2	Bihar State (Shia)Wakf Board	Yes	Yes
3	Bihar State (Sunni)Wakf Board	Yes	Yes
4	Board of Auqaf West Bengal	Yes	Yes
5	Delhi Wakf Board	No	Yes
6	Dadra &Nagar HaveliWakf Board	No	Yes
7	Gujarat State Wakf Board	Yes	Yes
8	Haryana Wakf Board	No	Yes
9	HP Wakf Board	No	Yes
10	Jharkhand State (Sunni)Wakf Board	Yes	Yes
11	Karnataka State Board of Wakf	Yes	Yes
12	Kerala State Wakf Board	No	Yes
13	Lakshadweep State Wakf Board	No	Yes
14	Madhya Pradesh State Wakf Board		
15	Meghalaya State Wakf Board	Yes	Yes
16	Puducherry State Wakf Board	Yes	Yes
17	Uttar Pradesh (Sunni) Central Wakf Board	Yes	No

Annexure-V**State Level Coordination Committee**

Sl. No.	Name of the SWB	Has SLCC has been set up? - Yes / No
1	Assam Board of Wakfs	Yes
2	Bihar State Shia Wakf Board	No
3	Bihar State (Sunni Wakf Board	Yes
4	Board of Auqaf West Bengal	No
5	Delhi Wakf Board	Yes
6	Dadra &Nagar Haveli Wakf Board	Yes
7	Gujarat State Wakf Board	Yes
8	Haryana Wakf Board	No
9	HP Wakf Board	Yes
10	Jharkhand State Sunni Wakf Board	No
11	Karnataka State Board of Wakfs	No
12	Kerala State Wakf Board	Yes
13	Lakshadweep State Wakf Board	Yes
14	Madhya Pradesh State Wakf Board	Yes
15	Meghalaya State Wakf Board	Yes
16	Puducherry State Wakf Board	Yes
17	Uttar Pradesh Sunni Central Wakf Board	Yes

Annexure VI

Legal Assistant and Zonal Officer

Sl. No.	Name of the SWB	Legal Personnel		WAKF Inspector/ Auditor		Zonal Officers	
		Sanctioned	Filled Up	Sanctioned	Filled Up	Sanctioned	Filled Up
1	Assam Board of Wakfs	0	0	0	0	0	0
2	Bihar State Shia Wakf Board	2	1	2	1	0	0
3	Bihar State Sunni Wakf Board	5	2	4	1	0	0
4	Board of Auqaf West Bengal	0	0	14	1	0	0
5	Delhi Wakf Board	3	2	1	1	4	2
6	Dadra & Nagar Haveli Wakf Board	0	0	0	0	0	0
7	Gujarat State Wakf Board	0	0	0	0	0	0
8	Haryana Wakf Board	3	3	2	2	1	1
9	HP Wakf Board	0	2	0	2	0	0
10	Jharkhand State Sunni Wakf Board	0	1	2	0	0	0
11	Karnataka State Board of Wakfs	10	9	90	78	4	0
12	Kerala State Wakf Board	2	2	2	2	2	2
13	Lakshadweep State Wakf Board	0	0	1	1	0	0
14	Madhya Pradesh State Wakf Board	0	0	18	3	0	0
15	Meghalaya State Wakf Board	1	1	0	0	0	0
16	Puducherry State Wakf Board	1	1	1	1	0	0
17	Uttar Pradesh Sunni Central Wakf Board	6	6	21	21	2	2
	Total	33	30	158	114	13	7