The Tamil Nadu Wakf Board (Appointment of Special Officers) Act, 1991

Act 11 of 1992

Keyword(s):
Wakf Act, Wakf Board

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Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 6th March 1992 and is hereby published for general information :—

ACT No. 11 OF 1992.

An Act to provide for the appointment, in the public interest, of a Special Officer for the Tamil Nadu Wakf Board in the State of Tamil Nadu.

WHEREAS it has been brought to the notice of the State Government that the Tamil Nadu Wakf Board is unable to perform, and has persistently made default in the performance of, the duties imposed on it by or under the Wakf Act and has exceeded and has abused its power ;

AND WHEREAS it has been brought to the notice of the State Government that the present members of the Tamil Nadu Wakf Board have also committed serious irregularities in the management of the properties under the control of the said Board ;

AND WHEREAS it has been represented to the State Government that the continuance of the present management of the Tamil Nadu Wakf Board will not be proper in the public interest and will be detrimental to the interest and objects of the wakfs ;

AND WHEREAS the State Government have after careful consideration taken a policy decision that for a limited period the management of the Tamil Nadu Wakf Board should be taken over in the public interest and in order to secure the proper management of the Tamil Nadu Wakf Board and that for this purpose, during the said period all property vested in the Tamil Nadu Wakf Board should vest in the State Government and the powers, duties and functions exercised and performed by the Tamil Nadu Wakf Board should be exercised and performed by a Special Officer appointed by the State Government ;

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BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-second Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Tamil Nadu Wakf Board (Appointment of Special Officer) Act, 1991.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) " appointed day " means the date on which this Act comes into force ;

(*b*) " Government " means the State Government ;

(*c*) " Wakf Act " means the Wakf Act, 1954 ; Central Act 29 of 1954.

(*d*) " Wakf Board " means the Tamil Nadu Wakf Board established under sub-section (1) of section 9 of the Wakf Act ;

(*e*) words and expressions used and not defined in this Act, but defined in the Wakf Act, shall have the meanings respectively assigned to them in that Act.

Term of office of members of Wakf Board to expire.

3. Notwithstanding anything contained in the Wakf Act, or in any other law for the time being in force, or in any decree or order of any court, tribunal or other authority, the term of office of the members of the Wakf Board including its Chairman holding office as such, immediately before the appointed day, shall expire on the appointed day and such members shall vacate their office on and from the appointed day.

Appointment of Special Officer and vesting of properties of Wakf Board in the Government.

4. (1) Notwithstanding anything contained in the Wakf Act, or in any other law for the time being in force, or in any decree or order of any Court, tribunal or other authority, on and from the appointed day, the Government shall appoint a person who shall be a Muslim as Special Officer to manage the affairs of the Wakf Board and all property vested in the Wakf Board shall, till the reconstitution of the Wakf Board under sub-section (5), vest in the Government.

(2) The Special Officer appointed under sub-section (1) shall hold office for a period of one year, or such earlier period as the Government may, by notification, specify in this behalf :

Provided that if any vacancy arises in the office of the Special Officer the vacancy shall be filled up by the Government and the person so appointed in the vacancy shall hold office for the remainder of the said period.

(3) The Special Officer appointed under sub-section (1) shall, subject to the control of the Government and to such direction as they may, from time to time, give, exercise all the powers and perform all the duties which may, by or under the provisions of the Wakf Act, be exercised and performed by or on behalf of the Wakf Board.

(4) The Government may fix the remuneration payable to the Special Officer appointed under sub-section (1) and the amount of remuneration so fixed and such other expenditure incidental to the management of the Wakf Board, during the period of appointment of the Special Officer as may be approved by the Government, shall be payable from the Wakf Fund.

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(5) The Government shall reconstitute the Wakf Board in the manner provided in section 10 of the Wakf Act so that the new members of the Wakf Board come into office at the expiry of the period of appointment of the Special Officer.

Protection of action taken in good faith.

5. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

(By order of the Governor)

MD. ISMAIL,

Secretary to Government, Law Department.

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