



HARYANA STATE LAW COMMISSION

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FORTY-FIRST REPORT

**Recommendation to amend Rules 32, 38,
53, 55(6), 57 and 62 of the Haryana Waqf
Rules, 2021.**

Government of Haryana

HARYANA STATE LAW COMMISSION

**Justice H.S. Bhalla,
Chairperson**

**Mr. Inderjeet Mehta,
Member**

**Dr. Sarika Gupta,
Member**

**Mr. Prashant Deshta,
Member Secretary**

**Mr. Bhupinder Singh,
Registrar**

Government of Haryana

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1ST August, 2026

‘Waqf’ has been defined as the permanent dedication by any person of any movable or immovable property for any purpose recognised by Muslim Law as pious, religious or charitable.

It is obligatory on the part of the State Government to regulate and protect Waqf properties, which have religious, social and economic significance. The Waqf Act of 1995 (Central Act 43 of 1995) laid the foundation for managing these

properties. Over time, laws have been updated to improve governance and prevent misuse. The Waqf Amendment Bill 2025 aims to increase transparency, strengthen management and protect Waqf assets. The Wakf Act, 1995 provides for the power and functions of the Waqf Council, the State Waqf Boards and the Chief Executive Officer, and also the duties of mutawalli. Created Waqf Tribunals, special courts for expeditious disposal of cases/complaints.

Being welfare State, the Government made the Waqf properties inalienable and its benefits are directed towards purposes such as education, healthcare, religious activities and support for the underprivileged. The registration of all Waqf properties is made mandatory. To prevent misuse of Waqf properties, mechanisms for eviction of unauthorised occupants were introduced. Special Tribunals were established and provisions for strengthening of Waqf Institutions transparency in their working were launched to prevent any fraud. The State Waqf Boards are given autonomous status and

are made responsible for the governance of Waqf institutions in the State.

In exercise of power conferred by Sub-Section (1) read with Sub-Section (2) of Section 109 of the Waqf Act, 1995, the Haryana Waqf Rules, 2021 were framed by the Governor of Haryana. It has been noticed by the Haryana State Law Commission that Rule 38 sub-rule (1)(iv) has been mistakenly omitted while drafting the Haryana Waqf Rules, 2021.

The Haryana State Law Commission has minutely examined the existing provisions of Haryana Waqf Rules, 2021 and considers that it is appropriate to amend Rules 32, 38, 53, 55(6), 57 and 62 of Haryana Waqf Rules, 2021 for strengthening the law and improving its effectiveness, broadening the scope of management and bringing transparency in the functioning of management and control of Waqf Institutions. The Haryana State Law Commission recommends the following amendments in the aforesaid Rules: -

Recommendations

For the reasons stated above, the Haryana State Law Commission recommends amendments of Rules 32, 38, 53, 55(6), 57 and 62 of Haryana Waqf Rules, 2021 and after amendment these Rules shall be read as under: -

32. Provision of recounting – section 14(2). –

(1) Any candidate or, in his absence, his authorized agent, may, at any time during the counting of votes, either before or after the completion of the counting of votes, request the Returning Officer to re-examine and re-count the votes of all or any candidate subject to deposit of fee of Rs.500/-.

(2) *** *** ***

38. Terms and conditions of service of Chief Executive Officer - section 23(3). –

(1) The appointment to the post of Chief Executive Officer under Sub-Section (1) of section 23 shall be made by the State Government; -

(i) *** *** ***

(ii) *** *** ***

(iii) *** *** ***

(iv) by appointing a person who has served, or is serving, under the Government on a Senior Scale Group 'A' post for a period of not less than three years, or who has held, or is holding, the post of Joint Secretary or a Class-I Officer or an equivalent post for a period of not less than three years."

53. Manner of publication of order - section 67(2).–

A copy of the order passed by the Board under sub-section (2) of Section 67 shall be supplied free of cost to the persons adversely affected thereby within fifteen days and one copy of the same shall be

published in one Urdu, Hindi and English language newspaper having circulation in the State of Haryana.

55. Procedure for filing petitions before Tribunal – section 83(6). –

(1) *** *** ***

(2) *** *** ***

(3) *** *** ***

(4) *** *** ***

(5) *** *** ***

(6) The decision of majority of Chairman/Members shall prevail, however, Chairman/Members can deliver/write dissenting note.

57. Procedure to be followed by Tribunal - section 83(6). –

(1) *** *** ***

(2) *** *** ***

(3) A copy of the memorandum of the petition or application, as the case may be, shall be served on

the other party prior to filing of the same before the Tribunal:

Provided that in cases of extreme urgency, the Tribunal may, on an application, if considers expedient so to do, dispense with the service of the copy of the petition or the application on the other party by recording the reason in writing.

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|-----|-----|-----|-----|
| (4) | *** | *** | *** |
| (5) | *** | *** | *** |
| (6) | *** | *** | *** |
| (7) | *** | *** | *** |
| (8) | *** | *** | *** |
| (9) | *** | *** | *** |

62. *Relaxation of rules.* –

The State Government may, suo moto or on the recommendation of the Board with absolute majority relax any provision of the rules for the better functioning of the Waqfs.
