



TO

HON. CHAIRMAN

&

Secretary

CENTRAL WAQF COUNCIL, GOVERNMENT OF INDIA, NEW DELHI

A REPORT

ON

**FINDINGS, MISMANAGEMENT, CRIMINALITY, CORRUPTION &
SUGGESTION**

IN

U.P. SHIA CENTRAL WAQF BOARD, LUCKNOW, UP

By Hand/courier/ SPEED POST/ Email
CONFIDENTIAL /MOST URGENT

“Once a waqf , always a waqf” Section 56 of Waqf Act 1995

By
Adv. Dr. Syed Ejaz Abbas, LL.M., Ph.D. (Law)
(Report/observations pursuant to section 9 and 96 of wakf Act 1995,)
Mumbai

A REPORT ON
(FINDINGS, MISMANAGEMENT, CRIMINALITY, CORRUPTION,
SUGGESTIONS & CONCLUSION)

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U.P. SHIA CENTRAL WAQF BOARD, LUCKNOW, UP

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By **Adv. Dr. Syed Ejaz Abbas, LL.M., Ph.D. (Law)**

(Part of Report/observations pursuant to section 9 and 96 of wakf Act 1995.)

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Date : 31/03/2017,

My 1th Part of Report (now for Shia Central Waqf Board, Lucknow) as member Central Waqf Council, under section 9 and 96 of wakf Act 1995 as amended in 2013, on the various serious issues and facts, which are brought to my knowledge or otherwise complaint to me during (or prior) to my visit in Uttar Pradesh, pertaining to Shia Central Waqf Board, UP. (During my Visit on 22-24 march 2017 and detailed Report is more voluminous)

One Complaint received on behalf of S.S. Shaukat Abadi @ Shaukat Bharti, Chairman, Asar Foundation, 50, Darya Baug, Allahabad, Mobile 9559919786,

His complaint is regarding Shia Central Waqf Board UP. The main focus of the complaint is illegal demolition of Imamabada Shahenesheen, and its 200 year old porches. And development of land, address as Gulam Haidar Mirza Tripoliya, Allahabad by the Shia Waqf Board etc.

Every one is quit aware that the ‘premises’ of a typical Imambada starts from the main entrance gate, followed by a 'Sahen' or courtyard, with a 'dalaan' or covered area having a 'shehnasheen' at the end, for placing the Alams, Tazia and other 'tabarrukat'. An Imambara has been defined by Thomas Patrick Hughes on page 204 column one in his book “Dictionary of Islam” (1988-1992 edition) published by Rupa and Co., in the following words: “A building in which Muharram is held in commemoration of the deaths of ‘Ali and his sons Al Hasan and Al Husain.

At other times, the tazias, or shrines, are preserved in it; sometimes it is used as the mausoleum of the founder of the family.” Imambada Mirza Ghulam Haider situated in Batasha Mandi, had a huge entrance gate on the main G T Road, with two adjoining rooms, for sitting and baby of zayreen and ‘khadims’. Following the entrance gate was a ‘sahen’ or courtyard, with a ‘dalaan’ each on the right and left hand side of the ‘sahen’. At the end were two huge ‘dalaans’ which contained the ‘shehnasheen’ for placing the Alams, Tazia and other ‘tabarrukat’. The Mutawalli has razed to the ground the huge entrance gate, the ‘sahen’, the four ‘dalaans’ and the ‘shehnasheen’. The construction of the shopping plaza is taking place after flattening the entire Imambara and therefore is in blatant violation of Section 51 (2) of the Waqf Act 1995 and Section-3 of the Waqf Property Lease Rules 2014, which clearly states that the Mutawalli or the Waqf Board shall have no right to lease the premises of an Imambada, as detailed above. While the construction of the commercial complex, itself is unlawful and in violation of the Waqf Act 1995, the Mutawalli, while leasing the shops, has carried out multiple violations of the following provisions of the **Waqf Property Lease Rules 2014**:

Rule 4. Procedure as to short duration lease of less than one year.- (1) A mutawalli or Board may give on lease waqf property, for any period of less than one year, on such terms and conditions as agreed upon by the parties. (2) The mutawalli or Board shall invite applications from persons desiring to take the property on Lease under sub-rule (1) by publishing a notice in the surrounding vicinity, distributing leaflets, Pamphlets or beating of drums and pasting the said notice on any conspicuous place like mosque or any other public place. (3) The mutawalli or Board shall execute the lease of the property in favour of a person offering to pay higher lease rent. (4) The mutawalli, Board or any member of the managing committee of a waqf, including their Spouse, parents, children, brothers, sisters, spouses of brothers and sisters or children of brothers and sisters, shall not be eligible to apply for lease under this rule.

5. Procedure for lease other than short duration lease.- The Mutawalli or Board, as the case may be, shall in all cases where lease of waqf property is required to be given for a period of more than one year but not exceeding thirty years, publish the invitation of bids in at least one leading national (Hindi, Urdu or English) newspaper and one regional or local newspaper containing the following details, namely:-

(i) exact area or description and location of the waqf property;

(ii) the purpose or object for which the property is required to be leased;

(iii) the period for which the property is required to be leased;

(iv) the minimum reserve price per square feet: Provided that no such advertisement in newspaper shall be required for lease of waqf property whose lease rental income is less than Rs.1000/- (Rupees One Thousand) per month and the mutawalli or Board shall invite applications from persons desiring to take the property on lease and execute the lease by following the procedure specified in sub-rules (2) and (3) of rule 4: Provided further that the mutawalli, Board or any member of the managing committee of a waqf, including their spouse, parents, children, brothers, sisters, spouses of brothers and sisters or children of brothers and sisters, shall not be eligible to apply for lease under this rule.

6. Invitation of bid for lease.- Competitive bids shall be invited in all cases in which the rental income from the leased property is more than Rs.1000/- (Rupees One Thousand) per month and the Waqf property shall be leased out to the highest bidder: Provided that the bid shall in no case be less than the reserve price referred to in rule 7.

7. Reserve Price.- (1) The reserve price per square feet for lease of the waqf property shall not be less than 2.5% per annum of the market value of the property. (2) The market value referred to in sub-rule (1) shall be the price fixed for registering a conveyance at the office of the Registrar or Sub-registrar. 8. Payment of security deposit.- (1) Upon the execution of lease, the lessee shall make payment of a security deposit of the amount based on the period of lease, as under, namely:- (i) three months lease rent on lease period of up to one

year; (ii) eleven months lease rent on lease period of more than one year and up to five years; (iii) eighteen months lease rent on lease period of more than five years and up to ten years; and (iv) twenty-four months lease rent on lease period of more than ten years and up to thirty years. (2) The security deposit received under sub-rule (1) shall be kept in a nationalized Bank and the Board may utilize the amount for development of waqf properties, with the sanction of not less than two-thirds of the members of the Board.

9. Registration of lease.

(1) A lease of waqf property for any period exceeding one year and up to thirty years shall be registered at the office of Registrar or Sub-registrar under whose jurisdiction the property is situated.

(2) The expenses towards registration of lease under sub-rule (1) shall be borne by the lessee.

11. Increase of lease rent per annum.-Every lease agreement shall contain a clause to the effect that there shall be an increase of lease rent every year by an amount of not less than 5% on the existing lease rent.

16. Prohibition to assign, sub-lease or transfer waqf property.- The lessee shall not assign, sublease, pledge or transfer the lease or any interest therein or in any way part with possession of all or any part of the leased premises, or permit all or any part of the leased premises to be used or occupied by any other person: Provided that the lease agreement entered into by any corporation or an agency of the Government in respect of waqf property shall be governed by the terms and conditions mutually agreed between the parties.

17. Grant of long term lease of up to thirty years in certain cases.- (1) A Lease of any immovable waqf property exceeding one year period and extending up to thirty years may be granted for the purposes of carrying out any commercial activity, education or health

purposes, with the approval of the State Government. If the State Government fails to grant permission within 45 months, the permission may be deemed to be granted. (2) The sanction for grant of lease under sub-rule (1) shall be given by the Board in accordance with the procedure contained in clause (j) of sub-section (2) of Section 32 of the Act.

18. Renewal of lease.-

(1) No lease agreement shall contain a clause providing for automatic renewal. (2) The Board shall, while renewing the lease, give preference to the present lessee if such lessee participates in the bid and matches the highest bid.

19. Purpose and period of lease.- (1) The Board may give on lease any immovable Waqf property for the purposes and for the period relating thereto as under, namely:- (i) For shops, lease shall be granted for a period of up to five years. 24. Surrender of leased property on expiration or termination of lease.- (1) Upon expiration or termination of the lease, the lessee shall immediately surrender possession of the leased premises. The Mutawalli while leasing the shops has violated the above provisions of the Waqf Property Lease Rules 2014, as under:

- The Waqf Board has not published details of lease property, as well as the base or reserve price in any leading national and at least one regional or local newspaper recognized by the State as required under Rule 4 and 5.*
- Competitive bids were not invited to lease the shops to the highest bidder as required under Rule 6. • The reserve price per square feet for lease of the shops is much lower than 2.5% per annum of the market value of the property, as required under Rule 7.*
- No Security deposit, based on the period of leave, has not been collected as required under Rule 8. Instead of a security deposit, a development charge ranging from 5-15 lacs of rupees has been collected from the lessees, for which there is no provision in the lease rules.*

- *The lease deeds have not been registered at the office of Registrar / Sub-registrar as required under Rule 9*
- *Whereas Rule 11 provides for increase in lease rent 'every year' by an amount of not less than 5% on the existing lease rent, the agreements have a clause for increase in rent by 55 'every five years'.*
- *Whereas Rule 16 says that the lessee shall not assign, sub-lease, pledge or transfer the lease, the Mutawalli has granted the lessees the right to transfer the lease to another person.*
- *Sanction for grant of long term lease, exceeding one year and up to thirty years, has not been obtained from the Waqf Board nor has any approval been obtained from the State Government as specified under Rule 17.*
- *As required under Rule 18, lease agreements do not contain any period of lease, which translates to automatic renewal of lease, prohibited under the rule. Rule 19 clearly states that for small establishments like shops, lease shall not be granted for more than five years.*
- *As required under Rule 24, the lease agreements do not have a termination or expiration date.*

In view of the above, it is clear that the ongoing construction of the commercial complex on the premises of **Waqf Imambara Mirza Ghulam Haider** is in clear violation of multiple sections of the Waqf Act 1995 and Waqf Property Lease Rules 2014 and therefore must be immediately demolished. It has been reported by reliable sources that there have been fraudulent dealings to the tune of crores of rupees and amounts ranging from 30-60 lacs of rupees have been collected from the lessees, as development charge, which needs to be investigated by relevant government agency. It is therefore clear that the Mutawalli has acted against the interests of the Waqf and violated Section 64 (1) of the Waqf Act 1995, which says that, the Board may remove a Mutawalli from his office if he **(j) Wilfully** and persistently disobeys the lawful orders made by the Central Government, State Government, and Board under any provision of this Act or rule or order made there

under; (k) **Misappropriates** or fraudulently deals with the property of the Waqf. The commercial complex therefore must be immediately vacated from unlawful tenants, the structure demolished and the Imambara premises handed back to the community. The Managing Mutawalli and the committee be dismissed and the premises be handed over to the district administration until a new managing Mutawalli and committee is appointed in consultation with the Imam-e-Juma and prominent members of the Shia community. Many highly placed shia community members are the residents of Allahabad who are deeply aggrieved and hurt because of blatant misuse of powers by the Waqf board itself which ultimately deeply hurts the religious sentiments of the Muslims in general and Shias in particular.

It is alleged that Mutwalli Waqar Rizvi, (an unemployed druggist-drug addict as reported by the Shaukat Bharati ji) in collusion with Wasim Rizvi (Chairman Shia Waqf Board) had hatched a conspiracy to demolish the Imambada. Their aim to exploit the Property and subsequently they had built a 4 storey commercial complex comprising of 54 shops with help of Builder named 'Vardhman Coloniser'. Most of the shops were allotted to certain beneficiaries (whom are not mentioned in the trust deed) against modest rent of Rs.1000/- and Rs.1100/-. Though as per complaint and our query/inquiry it is found that shops of the same area situated in same locality which is Gulam Haidar Mirza Tripoliya, Allahabad are charging market rate of rent at the rate of Rs.10,000/- to Rs.12,000/- per month. Henceforth, it is observed that huge losses of Rs.5,00,000/- per month are being incurred on the said Waqf Trust. The Design of shopping mall on the wakf land is still gives glimpse of the large scale plan. Naturally the Building is meant for many years. Hence the primary duty of the Wakf Board is to use the Property and occasion to bid the shops as per section 56 of wakf Act and as per Standard Wakf Rent Rules 2014 (which provides market rates). The Board has instead of safeguarding the long-term interest of Imamabad, it has ensured the benefits of the tenants. In the case, Wakf Baord has failed to carry out its basic mandatory duty.

On inquiry with Shia Waqf Board C.E.O., there is no proper reply with him and he has admitted that the Waqf Board has violated the terms of the Waqf Rules. On further persuasion of the case, Mr. Wasim Rizvi had replied himself and tried to clarify that the shops were given on rent for 11 months only so there is no loss to the Waqf. On verification of the lease agreement of the said shop 'allottees', it became very clear that the lease tenure of the said shop is extendable from 11 months to an infinite period. Further, it looks that the motive and intention of Mutwalli Waqar Rizvi and the Chairman Wasim Rizvi was to allow 54 shops to tenants for an infinite period. Such an extension clause attracts section 56 of the Waqf Act whereby market rate, aim and objectives, and bidding is necessary for the auction of such shops. Out of zeal, the chairman of the Shia Central Waqf Board has himself issued a 'Building Proposal' plan for Wardman Colonizer on 07/10/15. The said plans are exhibited as "A Colly."

Further, it is observed that said Waqf No.1490 of Imambada was not properly Mutwalli, and it was illegally appointed by the chairman in haste. Later on, the entire scenario of massive misuse of wakf, which is reported in various newspapers like Amar Ujala, Allahabad dated 27.08.2016, Hindustan Times dated 27.08.2016, Dainik Jagran dated 27.08.2016 and in all such news reports, it is alleged that Imambada has been demolished and in the place of Imambada shopping mall has been erected. Mr. Wasim Rizvi, the Chairman of the Shia Waqf Board should have acted against the Mutwalli, but he has discarded reporting of the news and even allowed the plan of a commercial complex comprising of ground + 4 storey and himself signed the plan etc.

Shops are being leased by the Mutwalli against alleged hefty 'under the table' deposits ranging from 30-50 lacs of rupees. The crores of rupees of deposit received as black money is being pocketed by the Mutwalli and the Chairman. As a result, Waqar Rizvi, the Mutwalli of the Imambada, who has no known sources of income, today leads a lavish life style and owns a luxury Hyundai 'Creta' car worth around Rs.15 lacs. His recently amassed wealth is enough to establish the huge amount of black money earned by him

through lease of shops. (as per memo of representation Syed Hasan Raza Zaidi, Imam-e-Juma, Shia Jama Masjid, Allahabad. Dated 26th August 2016)

The members of the community are deeply pained and aggrieved at this destruction of the over two- hundred year old Imambara, where Majlis is held from the first to the tenth of Muharram every year, other than many Muharram processions which pass by the same. With the approaching month of Muharram in October and the growing resentment and anger in the community, especially amongst the youth, tempers are likely to flare up in the coming weeks, leading to unrest in the community and consequent disruption of peace and religious harmony. Therefor our focus point is to'

1. The ongoing illegal and unauthorized construction of the market be immediately stopped.
2. The unlawful and unauthorized structure must be demolished and the Imambara premises handed back to the community, for carrying out Majlises and other religious activities.
3. Waqar Rizvi be immediately removed as Mutawalli of the Imambara for misusing his position to mint crores of rupees, through lease of shops, by demolishing the Imambara.
4. An FIR be lodged against Waqar Rizvi for bulldozing a 200 year old, place of worship for personal gains and for hurting the religious sentiments of the entire Shia Community.
5. An income tax investigation be initiated against Waqar Rizvi, as his assets are disproportionate to his known sources of income.
6. An Enforcement Directorate enquiry be set-up to unearth the black money transactions in the leasing of shops.
7. A Separate FIR be lodged against Waseem Rizvi, Chairman, UP Shia Central Waqf Board for his alleged connivance in the crime and financial deals.
8. FIRs be lodged against the officials of the Allahabad Development Authority for their role and alleged connivance in the crime.

I am of the opinion for immediate action must be taken by the 'Board' as follows;

- a). It is suggested to immediately cancel and declare void as all consequential actions, including agreements or leases (if any) granted to any one, taken by the Mutawalli of the Imambara Mirza Ghulam Haider at Allahabad (Waqf No. I-1490), refer the matter to Anti Corruption Bureau, Under light of violation of Waqf Rules 2014.

- b). Immediately stop and terminate all construction activities over "Imambara Mirza Ghulam Haider at Allahabad (Waqf No. I-1490)",

- c). Remove illegally appointed Mutawalli of Imambara Mirza Ghulam Haider at Allahabad (Waqf No. I-1490) Waqar Rizvi S/O Sri Matloob Rizvi.

- d). Cancellation of the illegally granted 'permission' by the Shia Waqf Board Chaiman in personal capacity to the Mutawalli of Imambara Mirza Ghulam Haider at Allahabad (Waqf No. I-1490) vide an order dated 08-10-2015 vide reference number 1302 issued under the signature of its administrative officer Syed Jafar Husain,

- e). Reconstruct and Restore age old glory of Imambara Mirza Ghulam Haider at Allahabad (Waqf No. I-1490) to its original status with all the appropriate restorations which is in accordance with the religious sentiments of Muslims in general and Shias particularly.

- f). Since most of the members of Board are hand in glove, hence dissolution of the board of necessary by the state government for saving the waqf land from the wakf board office bearers under section 99 of wakf Act under the light of Section 96 of the Act, in this respect of multiple direction from central government vide letter dated 15/11/2016 and 08/02/17 on behalf of Central wakf council has been issued to the Shia Board, and it has failed to even respond to the authorities at Central Government.

g) Against query the C.E.O. himself said that his board and mutawalli of said Imamabad has never offered monetary relieves to the Shia pilgrims, widow, divorcee, orphans even a single rupees in last 10 years. Hence

In the complaint Shri Shaukat Bharti has raised various other issues from the present Imambada case. His other 'issues' are various F.I.R. of serious criminal nature against the Chairman Wasim Rizvi are as below: (LIST OF CASES)

- 1). Criminal F.I.R. No.347 of 2013 CBCID Lucknow
- 2). Criminal F.I.R. No.349 of 2013 CBCID Lucknow
- 3). Criminal F.I.R. No.1227 of 2013 (CBCID has suppressed the details)
- 4). Criminal F.I.R. No.716 of 2013 CBCID Lucknow
- 5). Criminal F.I.R. No.2017 of 2013 (CBCID has suppressed the details)
- 6). Criminal F.I.R. No.259 of 2013 CBCID Lucknow
- 7). Criminal F.I.R. No.259 of 2016 Kotwali Allahabad,
- 8) Criminal F.I.R. No.244 of 2017 Hazratganj Kotwali P.S., Lucknow,
- 9) Serious Complaints regarding long term lease of Shops in Wakf No. 1111,1112, Bareilly,

On the basis of serious allegations of violations of wakf Act 1995 by the said Board, it was requested to the Honourable Prime Minister, Governor, Chief Minister UP, the Chairman, Central Waqf Council to fairly inquire in the said above mentioned FIRs. In the Hope of getting justice which is lost during the tenure with the previous Samajwadi Government under the pressure from Azam Khan. He further alleged that Wasim Rizvi is henchman of Azam Khan which was given a task to finance his son Abdulla Azam Khan for last elections polling etc. That is the reason previous U.P. State Government were not

interested to carry out fair and proper investigation in the FIR and that is why till today no proper action has been taken in the cases. The main contention of his request is that the enquiry should be conducted by the CBI for investigation against the larger design & motives of criminality to loss the wakf by the Wasim Rizvi, Azam Khan and some builders. The complaint is found to be very truthful and raises question on the fair investigation machinery of the State of U.P. and collapse of prosecution machinery in the interest of Waqf beneficiaries. We hereby request the Central Government to lodge FIR with CBI or attempt to get permission from State Government of U.P. to further investigate the said 6 FIRs u/s 173 clause (8) of Cr. P.C. since the offences are still being committed and the accused Wasim Rizvi is on the post of Chairman and misusing the power without any proper C.E.O. as per section 23 of Waqf Act. It is very obvious that he might have destroyed the crucial evidences, which are vital for justice, why custodial investigation is very necessary of all beneficiaries. As per the further allegation One Mr. Shaukat Bharati of Allahabad that “the Mutwalli Waqar Rizvi has reportedly paid that amount of Rs.65,00,000/- to 75,00,000/- to Wasim Rizvi for allowing the construction of mall”. Many tenants of the said commercial complex informed them that various local people that they had paid Rs.50,00,000 each for getting shop in the Commercial Complex. It is very obvious that huge illegal monetary transaction has took place for illegal development. Hence criminal prosecution under the provisions of Money Lending Act by the enforcement directory is necessary and obvious. Hereto efforts of the Central Waqf Council are very fruitful. The Central Waqf Council vide letter to C.E.O. Shia Central Waqf Board, Uttar Pradesh for removal of Mutwalli of the said Imambada but the chairman as well as the C.O. had not cared to act upon the said letter of the Central Waqf Council. The Central Waqf Council vide File No.18(i)/2002-CWC UP has written a letter dated 18.02.2017 to the A.D.M. City of Allahabad for stopping the illegal construction etc. in view of misuse of property by the mutwalli, the construction was never stopped in view of the larger clout of Erstwhile Azam Khan led administration. Further, the Shia Waqf Board neither replied nor given any proper and fair explanation on the said central

government letter, leading to violation of the section 96 of wakf act. The photos of the nearly completed Commercial complex is hereto marked and enclosed as EX.-“B”.

Detailed Observations regarding six (6) FIR against the senior officials of shia waqf Board.

1). Criminal Case no. 716/2013 under sections 420, 467, 468, 471, 120 B, and 509 of IPC registered by C.B. –CID UP, pertaining to P.S. Shahganj, Agra, Shahganj, Waqf no. 37. There is Eidgah masjid and adjoining plot mentioned as property of the said wakf. The wakf plot is sold y the Accused Ali Nanzar Jafferi (then Muttawalli/Managing Trustee). The mutawalli has built several shops and transferred the said shops against cash/under table amount and wakf trust has been given only 100/- against th said shops. Further the wakf board has right to charge ‘Development charges’ against the shop sale/tenancy etc. but the waqf Board has not received even a single amount against the lease of said shops. (it is informed about the wrong entries in registers, at later dates. Mr. Waseem Rizvi has created back dated entries to show that wakf board has charged the said wakf as routine development charges). The Mutawalli has paid Rupees 5 lakhs to waseem rizvi, sayaidain Rizvi and Shri Baqar Raza to remain on the post of mutawalli. There is Maqbara (tomb) meer niyaz ali in the said plot. The said muttawalli has sold part of the said waqf land to one Shri R.D. Gupta against Rupees 48 lakhs. Hence forth the case is duly registered with C.B. C.I.D. against Waseem Rizvi , Sayaidain Rizvi, Shri Baqar Raza and Ali nazar Jaferi etc.

During 2008, Shri Zafar Rizvi was the Mutawalli of the said Waqf and he is duly appointed by the Shia Waqf Board. The previous mattawalli Ali nazar Jafferi was discontinued as mutawalli in 2008 by the chairman Shia wakf board on the serious nature of embezzlement of funds etc. Further the said tainted Mutawalli Ali Manzar Jaferi has moved application to appoint ‘Mutawalli’ and chairman waseem riazi and Sayaidain Rizvi

have rejected his claim to be mutawalli on 13/04/12. But very same person has been made muttawalli of the said 'wakf' despite being facing the charges and allegations of embezzlement of funds. It is reported that said mutawalli has been appointed on 26/06/12 after paying Rupees 5 lakh to Ghulam Saiyaddain and Waseem Rizvi.

As per allegations, Subsequently, The accused (Waseem rizvi & Ali manzar Jafer) have sold the said land/plot Eidgah wakf, wherein the Maqbara Meer Ali niyaz is situated, to one R.D. Gupta against Rupees 48 Lakh.

Now R.D. Gupta has made 'Palatial houses' on the graveyards of the said wakf land.

Status the C.B.-C.I.D. has investigated the said case with very low pace and all relevant information's are pending at the office of C.B. -C.I.D. U.P. - Part Lucknow, 111/112-B, Vibhuti Khand, Gomti Nagar, lucknow

2). **Case crime no. 217/2013** u/s 420/467/468/471/120b I.P.C. P.S. Swarup Nagar Dist. Kanpur nagar, UP, by Mr. Tausiful Hasan 902610143,

Wakf Firdausi Beghum, Kanpur, Waqf No. 2704 is waqf since 1949. It has several properties including Plot No. 86-B, Scheme 7, Gadaiya Nagar, Kanpur nagar Nigam No. 7/196, Swarup Nagar, Kanpur. The blot was made as Firdausi Beghum Wakf. Later on the said plot used as Kabristan. Tausiful Hasan has made application to chairman, shia wakf board for becoming mutawalli. He has produced all relevant document viz. will , wakf deed and other requirement before Syed Ghulam Saiyaddain A.O., Baqar Raza Waqf Officer & Chairman Rizvi.

On 26/11/2007, Waqf Inspector Qayam Mehdi has has inspected and recommended the wakf be registered in name of Firdausi Beghum and authorized Shri Tausiful Hasan as Muttawalli in bonafide way.

But the accused Wasim rizvi, Baqar Raza, Syed Ghulam Saiyaddain along with plot purchasers hatched a larger conspiracy to derail the waqf arrangement and deregistered the **Waqf No. 2704** from shia wakf board. They created a **Fake person named Abdul Sattar** to lodge bogus Writ Petition No. 7657/2009 & 3692/2009 to get baseless Orders from Hon. High Court Allahabad.

Waseem received more than 1 Cror from Bal Krishna Somani, Naresh Somani and vijay Somani etc. Accused Bakar Raza Wakf inspector Received Rupees 10 lakh , and Ghulam Saiyaaddain Rizvi received 10 lakh from somani and additionally extorted 20 lakhs extra from the somani in the name of Fake **Abdul Sattar**. Purpose of deregistration and its proceedings etc was to sale the costly plots belonging to the said waqf is about 20 bigha land in the main Kanpur City valuing Rupees 60 Cror to 100 cror.

But the same was challenged to the Hon Allahabad high court vide WP Civil no 7657/2009 Allahabad & suit no. 3692/2009 Allahabad HC. by a **third Party Abdul Sattar (creature/character created by waseem Rizvi)** which was ordered positively that the said plot is wakf against the Tausiful Hasan Muttawalli.

Dramatically, the plot occupant Shri Ajay K. Somani has made application to wasim rizvi. He has raised contention vide affidavit before shri wasim rizvi that said plot no 86B is not wakf under wakf no. 2704. Wasim Rizvi has appointed Baqar Raza to investigate the issue on the complaint of somani. Surprisingly Baqar Raza has submitted report to remove the honest mutawalli Tausiful Hasan. Finally he was removed from muttawalli on 29/05/2009.

This is 'B-PLOT' conspired by trio wasim rizvi, Baqar Raza and Saiyyadain to derail Tausiful hasan and bring him to unwanted legal battle and confuse the honest muttwalli in the name of FAKE 'ABDUL SATTAR' .

Finally the said muttawali Tausiful Hasan has challenged the order of the shia W.B. in respect of Abdul Sattar etc.

But the conspiracy to sale and alienate the costly plot no 86B has put loss to the wakf board and local wakf. On the Affidavit and application of Naresh Krishna Soman the by trio **Wasim Rizvi, Baqar Raza and Ghulam Saiyyadain** has again cancelled the Registration of Firdausi Beghum wakf no. 2704 from the shia wakf board. Later on They allowed the 100 cror wakf plot to be used by someone third person without any kind of benefit to wakf.

It is alleged in the FIR that the trio wasim rizvi, Baqar Raza and Saiyyadain has taken rupees 27 lakh cash from somanoi family in the case.

My finding;

- i) There is no provision which can allow the trio Wasim Rizvi, Baqar Raza & Ghulam Saiyyadain Rizvi to deregister the said wakf ,
- ii) trio Wasim rizvi, Baqar Raza and Ghulam Saiyyadain along with mr. somani put loss to the shia wakf board of Rs. 100 cror.
- iii) They worked in the organized 'CIRMINAL GANG' and defrauded with Allahabad and hindered the beneficiary's form 'getting justice' from the wakf board.
- iv) they have dleiberatly not pursued the appointment of regular C.E.O. of wakf board as per 23 of Waqf Act.
- v) it seems organized crime and larger plot to extort bribe to put the authorities loss upto a tune of rupees 100 cror.

3) **FIR No. 244/2017** Hazaratganj Kotwali P.S. under section 420, 120B, 419, 468 etc. the complaint is of one Muttawalli of the Waqf No. 2704, wakf Firdausi Beghum, Kanpur.

It is about conspiracy to sell and alienate the costly plot admeasuring more than 20 bigha no 86B has put loss to the wakf board and local wakf. On the Afifdavite and application of Naresh Krishna Somani the by trio wasim rizvi, Baqar Raza and Saiyyadain has again cancelled the Registration of Firdausi Beghum wakf no. 2704 from the shia wakf board. They allowed the 100 cror wakf plot to be used by some third person without benefit to wakf.

The case is very serious because the so called 'ABDUL SATTAR' person is not into existence into world. There are bogus case has been filed on behals of him before Allahabad High Court wide civil Writ no. 7657/2009 against the Tausiful Hasan (the present complainant and mutawalli of the wakf)

Observation;

Naresh Krishna Soman with help by trio Wasim Rizvi, Baqar Raza and Ghulam Saiyyadain has cheated the Shia Wakf board and the Hon. High Court in writ no. Writ no. 7657/2009 (civil) in one more wirt petition c. no. 3692/09 before Allahabad High Court moved by one fictious individual Abdul Sattar. Its seems it he is assigned task to confuse the legal machinery and the main mutawalli Tausiful Hasan.

A part of this Report must be forwarded to Registrar General Allahabad High Court for finding the atual culprits behind fictious litigant ABDUL SATTAR.

The criminal racket is organized crime and spread our the whole state, hence it must be investigated along with previous FIR NO. 217/2013 u/s 420/467/468/471/120b I.P.C. P.S. Swarup nagar Dist. Kanpur Nagar, Kanpur also.

Deliberate Negligence and corruption of officers of 'CB CID' are reported, who cant record an statement of fake litigant Abdul Sattar.

4). Case Crime No. **349/2013** Thana Qutubsher Dist. saharanpur. 13 u/s 409/420/467/468/471/120 B I.P.C. , P.S. Qutub Sher dist. Saharanpur.

Waqf No. 707, Property involved 21 Bigha, accused wasim rizvi, Baqar Raza and Saiyyadain has appointed Mutawalli Salamat Hussain Zaidi against the previous isha Zaidi. There are 65 big houses on the said chunk of plot. It is allegation that previous Mutawalli isha zaidi never submitted the correct amount of rents collected by him. Which he has refuted and board has few document to support their charges against one Isha Zaidi.

But appointment of Salamat Hussain Zaidi as muttawalli by the wasim rizvi without following the wakf act provisions. Wasim rizvi has received rupees 3 lakhs and a flat for the daughter of wasim rizvi in a apartment of greater Noida. Since the salamat hussain zaidih has received rupees 39000/- form the isha zaidi and wasim rizvi asked him to embezzle the same also, such other instructions issued to put the wakf into loss.

Further the wakf board has not contested the case against jain family who were occupying the wakf land on the said plot, it is also allaeged that Wasim rizvi and Munawwar ali (wakf inspector) took favour from them, to allow and favour them suitable reply to enable them to get stay before courts.

Since wasim rizvi, Baqar Raza and Ghulam Saiyyadain have appointed salamat hussain zaidi as muawalli against the wakf act. Hence the accused wasim rizvi, Baqar Raza and Saiyyadain are responsible for the cheating committed on wakf by their own appointed man.

Findings; That the custodial investigation of all the accused is necessary.

5). **Crime No.1227/2013** p.s. New Agra Dist. Agra UP u/s 409/120 IPC, the accused are **shauzaf Jarwali**, Waseem Rizvi, Bakar Raza, Syed Zaidain, etc. the details are withheld by the Shia Central Waqf Board, lucknow as already mentioned that there is no regular C.E.O. as per section 23 of wakf act 1995, and accused Waseem Rizvi, Bakar Raza, Syed Zaidain who are actual bosses of the board are on the run and wanted by the Hazratganj police etc. hence none has provided details of the Case, but the vigil citizen like maulana Kalbe jawwad sb and his has put certain light on the case about embezzlement of wakf property worth 17 cror and putting the public wakf loss of 17 cror. This case is pertaining to the wakf darghah, agra. Wherein the costly land has been sold to the builders by the accused waseem rizvi, Baqar Raza and Saiyaddain along with shauzaf jarwali etc.

Findings;

That the custodial investigation of all the accused is necessary to find out the leads on the procurement of the documents and manner of destruction of evidences.

6). Criminal case (F.I.R.) No. 259/2016 u/s 441/447 IPC Police Station kotwali dist. Allahabad, complainant is Allahabad Development Authority. Waqf No.1490 (It is already discussed in the Complaint of S.S. Shaukat abadi @ Shaukat Bharti, Chairman, Asar Foundation, 50, Darya Baug, Allahabad, Mobile 9559919786)

The Complaint is regarding Shia Central Waqf Board UP. Main focus of the complaint is illegal demolition of imamabada & shahenesheen, and its 200 year old porches and hurting the snetiments of shia sect. And development of land, at address as Gulam Haidar Mirza Tripoliya, Allahabad by the Shia Waqf Board etc. Every one is quit aware that the 'premises' of a typical Imambada starts from the main entrance gate, followed by a 'sahen' or courtyard, with a 'dalaan' or covered area having a 'shehnasheen' at the end, for placing the Alams, Tazia and other 'tabarrukat'. Place to keep Deg/ Big Pot for hazari and khichada etc. An Imambara has been defined by Thomas Patrick Hughes on page 204

column one in his book “Dictionary of Islam” (1988-1992 edition) published by Rupa and Co., in the following words: “A building in which Muharram is held in commemoration of the deaths of ‘Ali and his sons Al Hasan and Al Husain.

At other times, the tazias, or shrines, are preserved in it; sometimes it is used as the mausoleum of the founder of the family.” Imambada Mirza Ghulam Haider situated in Batasha Mandi, had a huge entrance gate on the main G T Road, with two adjoining rooms, for ‘khadims’. Following the entrance gate was a ‘sahen’ or courtyard, with a ‘dalaan’ each on the right and left hand side of the ‘sahen’. At the end were two huge ‘dalaans’ which contained the ‘shehnasheen’ for placing the Alams, Tazia and other ‘tabarrukat’. The Mutawalli has razed to the ground the huge entrance gate, the ‘sahen’, the four ‘dalaans’ and the ‘shehnasheen’. The construction of the shopping plaza is taking place after flattening the entire Imambara and therefore is in blatant violation of Section 51 (2) of the Waqf Act 1995 and Section-3 of the Waqf Property Lease Rules 2014, which clearly states that the Mutawalli or the Waqf Board shall have no right to lease the premises of an Imambara, as detailed above. While the construction of the commercial complex, itself is unlawful and in violation of the Waqf Act 1995, the Mutawalli, while leasing the shops, has carried out multiple violations of the following provisions of the Waqf Property Lease Rules 2014:

Since huge amount of cash has been transferred from tenants (shop purchasers via pseudo sale agreements disguising as 11 month tenancy) to the mutwalli Waqar Rizvi of the said wakf. It is reported that Hundai Creta (2016 model) is purchased by accused waqar rizvi paying the amount in cash without any due income. It is ill gotten money and another accused waseem rizvi too has no proper income despite of that his children and son in-law has been spending frequently on foreign trips etc.

Additional case of cheating with wakf land and forgery in the wakf records should be registered to investigate the case from the point of the criminal conspiracy to demolish the said Imamabada to give way to illegally planned mall of four floors.

**COMPLAINTS WHEREIN PRIMA FACIE SERIOUS CRIMINALITY FOUNDED,
AWAITING FOR FIR ,**

I recommend for registration of F.I.R. in the below cases at the earliest,

a.) Wakf No. 1564, Masjid Wakf, Shahadre, Mohan Road, Lucknow,

Dr. Shakuntala Misra National Rehabilitation University established by Viklang Kalyaan Vibhaag, Uttar Pradesh Sarkaar came up by an Ordinance dated August 29, 2008, later replaced by U.P. Act No. 1 of 2009, dated February 19, 2009 and U.P. Act No. 24 of 2011, dated November 28, 2011.

Complaint pertaining to Handicap University on the Waqf Masjid Shahadra. The case, present Chairman Wasim Rizvi himself has allowed the 'District Collector Lucknow' to alienate/occupy Waqf plot vide letter dated 12.12.2008 and given an N.O.C. without board resolution. Presently, the said land is not in possession of the U.P. Shia Central Waqf Board. The said University indirectly as well as directly misusing it, which is in the name of the mother of Ex. Cabinet minister Satish Mishra. This case needed to investigate as no record is available in the office of Shia Waqf Board, Lucknow. I have asked the concerned complainant to visit and sent the photographs of the plot situated at Lucknow - Mohan - Hasanganj - Rasulabad Marg, Sarosa Bharosa, Uttar Pradesh 226017.

b.) **Waqf No.984 and 985** of Waqf Saiyyed Vilayat Hussain Khan;

In the Complaint of Janab Nawab Hidayat Hussain, Rauza Fatmain, Rustom Nagar, Lucknow, 9839138506, dated 17.12.2012, still unheard by the chairman, Shia Wakf Board.

It is a letter addressed on behalf of the complainant to the Administrative Officer of Shiya Central Waqf Board, U.P. in respect of **Waqf No.984 and 985** of Waqf Saiyyed Vilayat Hussain Khan, Nazirabad, Pull Firangi Maheli, Lucknow.

It is alleged that Wasim Rizvi of Shia Central Waqf Board is committing irreparable losses to the property and management of the said Waqf. It is further complained that there is a complaint of Lok Ayukta in the said respect and that is pending before Lok Ayukta etc. Further, it is alleged that Mrs. Kishwar Jahan of the said Waqf had done forgery and cheating etc. and became Mutwalli in collusion with Wasim Rizvi and she with the help of one Mohsin Khan and Riyasat Bahadur alienated Waqf land in favour of Rambo Hotel, Nazirabad, Lucknow. After the complaint, she has been removed previous in the year 1993 and thereafter she has approached various courts but has lost all the litigations. Further Syed Wasim Rizvi had appointed Mohsin and Riyasat Ali Khan as Mutwalli despite serious remarks against them by the City Civil Court, Lucknow. Here also Wasim Rizvi's collusion with the tenanted Mutwallies are very much visible and the same allegations were reported by various newspaper vide newspaper dated 10.10.2011 Hindustan Times newspaper, Lucknow edition, 10.10.2011 Pioneer Newspaper, 10.10.2011 Apna Shaher, 10.10.2011 Swatantra Chetna, 10.10.2011 Amar Ujala, 10.10.2011 Hindustan Times (Hindi), 10.10.2011 Rahat Times, 10.10.2011 Avadhnama. Despite all these protest and allegations Shiya Mourners (Azadars) have not been able to get justice from the then government which was headed by Mr. Azam Khan, Ex CM Mr. Akhilesh Yadav.

Builder Agreement dated 04.04.2015 between Riyasat Hussain and Mohsin Bahadur for development of plot of said Waqf land. The builder Sayyed Mohammed Razi has been allowed to develop a 'commercial premise' and premises for residential purposes etc.

Wasim Rizvi has allegedly changed the said Waqf from public nature to Waqf Alal-Aulad (Family Waqf) to give exclusive power to said alleged Mutwallies and he has further allowed for development of the said building named as Waqf Vilayat Hussain vide Ref. No.1815 dated 26.02.2015. It is alleged that this Waqf property is worth Rs. 4 Crores and above but it has been given to the builders against peanuts. This is sheer violation of section 56 of Waqf Act and Rule 17, 18, 19, 21, 22, 24 of the Standard Waqf Rent Rules which is at par with the market rate rents (circle rate) of the said Waqf Trust.

Observations;

The wakf is sold violating the all provisions of Wakf act. The chairman of the board has personally taken interest in the development. Cheating with Waqf is seems. It seems that high handedness in the violations. Hence enquiry of the involvement can be fairly initiated after superseding the Board u/s. 99 of the Act.

c.). (WAQF) No. I 2038 , COMPLAINT : MOTI MASJID SHIA TRUST, LUCKNOW,

Complaint moved by Allahabad Zameer Naqvi, Secretary and Convener of India Muslim Council, address as www.allamah.in, 9415519498, 7271900014. The said complaint dated 11.04.2016 is addressed to Maulana Kalbe Jawwad, Governor, U.P., Minister Azam Khan, U.P., C.M., U.P. and other officials. This complaint is pertaining to Waqf No.I2038 is pertaining to Moti Masjid

Mohalla Gend Khana, Mohnipurva, Dist. Lucknow. It is on record that Waqf No.2038 vide Waqf Registry is made for Ahle Tashi (Shia) Sooba U.P. u/s 30 of U.P. Muslim Waqf Act, 1960 wherein in column 8 & 9 in the property extract Survey No.373 to 440 and Survey No.333 to 358 is occupied and owned by the said Waqf it is clearly mentioned in the extract that total numbers 68 and total Gatta 26 in toto approximately 98 Gatta is Masjid Waqfed in favour of Waqf No.2038 Moti Masjid. The said Waqf is being exploited by one Akbar Khan S/o. Babar Khan of Sheesh Mahal, Thakur Ganj, Lucknow wherein Collector, Lucknow has been requested to survey the plot vide letter dated 29.10.2013 surveyor has made certain unnecessary mutations in respect of the said extracts but he has clarified that total Gatta Number 94 is Waqfed as per the Waqf No.2038 and obviously the property owned by Moti Masjid Waqf the said Waqf is being held by one Bukkal Navab of Samajwadi Party. He has transferred the part of the said Waqf which is road touching plot in favour of his wife Mehjabeen Ara vide Mehar Deed (Deed) dated 14.05.2012. This is the public Waqf and the sale and transfer of about 300 sq. meter by the sitting Mutwalli Bukkal Navab who is also member of Shia Central Waqf Board. This is very serious case which has incurred a loss of about 100 crores to the Shia Waqf Board. And further, it is found that Shia Waqf Board did not act upon the said misappropriations or sale etc. on the ground. They had sent letters to each other but on the ground nothing has happened and it is still occupied by Builder Rastogi who has built 'Ground + 4 story' building on the said Waqf Land. Despite several presentations Wasim Rizvi has not acted and on contrary he just acted mischievously he has shown certain notices issued u/s 52/54 of Waqf Act on Facebook and on 'WhatsApp' but he has failed to restore original 'illegal structure' status of the Waqf henceforth various interested people came to rescue the said Waqf, whom have started procession and protest etc. against the said Members and chairman of Shia Waqf Board. **Minister Azam Khan has to hear and redress the**

allegation of the complainants headed by Maulana K. Jawwad instead of hearing/rederssal of the allegation, he gave video/bite to the TV Media baselessly claiming that respected Maulana Jawwad is “Thhag”. Fomer Minister Azam Khan has failed to carry out his statutory as well as his constitutional duty official duty and his basic duty to save the Waqf. MLC Board Bukkal Nawab is still Shia Waqf Board member and Wasim Rizvi is used to hang out with him on and of for the election campaigns etc. the same Waqf fraud has been reported vide news dated 03.08.2014 in Amar Ujala wherein series of letters to C.M. were mentioned but no action has been taken under the pressure from Azam Khan Minority Minister. Again development started on the said Waqf land, the same things were reported on 13.07.2012 in Amar Ujala, on 16.09.2015 in Hindustan Times, on 27.07.2015 in Canviz Times, on 28.07.2015 Dainik Jagran and 19.09.2015 Canviz Times etc. Very clear case of violation of section 56 of Rate Rules are recorded which is usurped by the sitting MLA and Waqf Board Member in collusion of Minority Minister, Chairman Shiya Waqf Board vide news in Canviz Times 03.03.2016, Avadhnama 15.03.2016 etc. etc.

It is found that Accused Bukkal Nawab has been practically helped by the wakf Board official Bakara Raza , waseem Rizvi and Ghulam Sayyadain in construction of the buildings on the wakf land. For saving the skin the board has recreated certain documents just to save skin in case of any enquiry etc.

My observation is as below;

- 1) Board has failed to remove muttavalli of moti masjid U/s. 73 of Waqf Act .

- 2) that the wakf board member has illegally encroached on the wakf land, hence forth he must be disqualified under section 16 (d) of wakf act 2013
- 3) since most of the member are hand in glove, hence dissolution of the board of necessary by the state government for saving the waqf land from the wakf board office bearers under section 99 of wakf Act under the light of Section 96 of the Act, in this respect.
- 4) FIR of cheating and forgery should lodge against officials of wakf Bakar Raza, waseem Rizvi and administrative officer Syed Ghulam Saiyaddain.

On query the C.E.O. himself said that his board has never paid monetary relieves to the needy widow, divorcee, orphans even a single rupees in last 10 years.

d.) Wakf Miya Darab Ali khan & Karbala DayanatuDaulla Bahadur Waqf, Lucknow.

On the complaint of many vigilant citizen, including one Noor miya, the detailed letter has ben sent to the Chief Minister, UP somewhere in 2015, and one of the copy has been represented to me for action etc. it is the allegation that Muttawalli Wasim Rizvi of said wakf since last 10 years. The property worth 200 cror is in the said waqfs. Wasim Rizvi has devided the said wakf into two parts, Without any provisions in the wakf deed. Waseem rizvi has sold all the precious diamond studded golden and silver patka punja(traditionally symbolically used by shia mourners in remembrance of Karbala) etc. Wasim Rizvi himself started antique business in hazratganj area and via the same business he has sold all the antiques of the said imamabada. There was R.B.I. Bonds of worth Rupees 40 lakhs of the said waqf trust, wasim Rizvi has encashed all the said R.B.I. bonds. There was a 26 acer land of high breed mango trees, wasim has tried to sell the said plot of land. In the earlier mutwalliship of Karbala Haji masita, the lands of the said wakf was attempted to be sold by way of plotting, but due to agitation the said lands have been saved from the clutches of waseem rizvi. During the mutwallaliship of Shia Yateemkhana, waseem has encased the Fix deposits and expended all amount on his own aims and objectives violating the

main aim and objectives of the said waqf. Wasim Rizvi has attempted to destroy the old Registers of Section 37 (details book of wakfs). He has always keep on siding with governments and keep on spreading corrupt practices. He should be brought to justice.

Observations, I have found most of the allegation very serious and needed to be investigated by the expert investigations machinery.

e). Wakf Hussaini Sarai, Wakf No. 1456, Rampur, Private waqf of Nawab Rampur Family. In Urdu language it is called as ‘Waqf Allal Aullad.’ Admeasuring more than about 1.5 Acer open land, at Station Road, Rampur.

The allegation are in public and in various courts, which mentions that Wasim Rizvi, Chairman of the Board as allowed the construction of Hussaini Sarai for the general Public Purpose. It is necessary to have continuous income of some money to run the said sarai. It should have some additional income to meet out the need of poor public accommodation at free rate. Hence the mutawalli got sanctioned a plan that on the ground floor there shall be shops on rent. And on the first and second floor there shall be Musafirkhana/Sarai. Chairman wasim rizvi has charged development charges of about Rupees about 30 lakh for the construction of free musafirkhana for common public. Gradually the construction of musafirkhana got completed.

Suddenly, wasim rizvi himself cancelled the ‘development’ and termed the said development as ‘encroachment’ and asked the local administration u/s. 52 of wakf act to remove the encroachment. He asked to demolish the same. That too has happened with a period of three days. Ultimately the entire construction was demolished and ruins are still lying on the said plot. I am informed that by virtue of Hon’ble high Court ‘s order ‘status quo’ order is passed in the said illegal demolition.

It looks that entire ‘waqf machinery’ was misused by the Ex. Waqf Minister Azam Khan to ‘demoralize’ and pressurize the many mutawalli (Ex. Nawab) Kazim Ali khan, Ex. Minister to not contest election against his son. Since the Kazim Ali Khan likely to contest elections from ‘Swar Assembly constituency’ seat and Azam khan has pitched his Son Abdullah Azam khan form said

Assembly seat. Very Some complaints has been addressed to the U.P. Sunni Waqf board, whereby the Board (under pressure from Azam khan) had acted shiftily, removed all the wakf muttwalli, who having no good terms with local Samajwadi Party in the particular area. Zufar Farooqui has performed such excessive activism around western UP, specially Rampur, just to please the Minister.

I found the serious misuse of administration & high handedness in demolition. Constructed Waqf Hussaini Sarai has been demolished by the Board on the direction of Azam khan, leading to huge loss of waqf. The demolition can be done only after getting decree from the Wakf Tribunal, which is just one kilometer away from the present site of demolition.

I maintain that police should Prosecute Azam Khan, Wasim Rizvi and others for destruction of wakf property, without order and also charge Azam Khan, Ale Hasan and Wasim Rizvi for lodging bogus cases on kazim Ali khan (which was quashed by hon. Supreme Court).

It is Suggested to register an F.I.R. u/s. 52A of wakf Act, 467, 468, 211 and 120B of IPC against the Azam Khan, Ale Hasan and Wasim Rizvi for above mentioned disclosures.

f). Wakf No. 1111 & 1112 Waqf Nawab Mohammad Hussain,

The serious allegation has coming for on Sajid Hussain , of Samaj Sewa Samiti, Phoota, Darwaza, Sahukara Barreily, UP, 9808194260, who has complaint as follows;

Allegation is that the committee of the said waqf is indulged in the plotting of the wakf property more than admeasuring about 25 acers in the heart of the city. He has shown series of complaints in this regard to the minister Azam khan against the corrupt activities of Waseem Rizvi (Chairman of Shia W.B.). The Chairman of Shia W.B. and the Mutawalli of the said wakf have ensured the sale of two shops of the said wakf valuing Rupees One Cror and twenty lakhs against the mere sale price of 5 lakhs.

My observation as below;

Allegation is very serious and FIR of cheating and fraud should be lodged and allotment of the shop against mere Rupees five lakh should be cancelled. And allotted as per Waqf Rules 2014 as per auction and as per market Rate. It is also imperative to find the role of Azam Khan in the said sale of shops.

The another serious allegation has coming for on Sajid Hussain, Saiyyad Ali Abbas, Abbas Rizvi, and other 100 respected local citizen, of Samaj Sewa Samiti, Phoota, Darwaza, Sahukara Barreily, UP, 9808194260, who has complaint as follows;

Allegation is that the committee of the said waqf is indulged in the plotting of the wakf property more than admeasuring about 105 acers in the heart of the city. He has shown series of complaints addressed to Azam khan against the corrupt activities of Waseem Rizvi (Chairman of Shia W.B.). The Chairman of Shia W.B. and the Mutawalli of the said wakf have ensured the sale of **two shops** of the said wakf valuing Rupees One Cror and twenty lakhs against the mere sale price of 5 lakhs. Further it is brought to my knowledge that the 42 shops of 'HUMA MARKET' (WAQF) wherein fixed Rents per month shall be around Rupees 5 lakh must have been collected. But it has been brought to my knowledge that Rent of Rupees 5000/- Per month is collected.

Further it is brought to my knowledge that the 16 Bigha Munnawar Baugh MARKET (WAQF) wherein 450 popular trees were existing. All the trees were cut and sold to contractors. Where as rules is to follow the guidelines and valuation from the department of Forest. The Mutawalli usurped the amount received from the sale. The Mutwalli also Plotted the said Baugh with intention to sell the same.

In my opinion it must be investigated by registering the case of cheating and misappropriation under the provisions of IPC in the local police station.

My observation as below;

Allegations are very serious and FIR of cheating and fraud should be lodged due to loss to the waqf and allotment of all the shops against mere low rents of should cancelled and must be auctioned as per market rate. And allotted as per Waqf Rules 2014 as per auction and as per market Rate. It is also imperative to find the role of Azam Khan in the said sale of said trees to his acquaintance.

PRESENT MISMANAGEMENT IN SHIA WAQF BOARD AND STATUS;

- 1) Earlier there were 8000 waqf in Shia waqf Board. Now reduced to 3000 only. Dubious and confusing informations surfaced after checking into Register 37 and wamsi records. Prima facie it looked that certain data/information temper in respect of Kanpur wakf Firdausi Beghum, Wakf nO. 1115 barreily, No. 1456 (Hussaini Sarai) Rampur and in others also.
- 2) Shia Waqf Board is statutorily bound to survey the properties. But it is found that it is not interested in surveying the properties/land banks. To enable to the Government/people to access the correct and transparent data.
- 3) The officials of the Shia Waqf Board have not able to put any thing on record showing that they have genuinely pursued their Application/request for appointing Survey Commissioner in last 10 years.
- 4) Total disregard and violation of section 23 is found in appointment of C.E.O.
- 5) Total disregard and violation of section 109 & 110 is found, Board failed to formulate the 'Waqf Rules' for better Governance etc. in since last 10 years.
- 6) No 'documentary details' of litigation are available in the office of wakf Board.
- 7) All the Board employees have not received 10-month salary. Still some of the Employees viz Bakar Raza, Ghulam Saiyaddain and many more are very happy and saticefied. It looks that they don't have even **issued show cause notices by the Board for their role**, even their name has been reflected in serious of land sales.

- 8) No regular C.E.O. is in the Board as per section 23 of Wakf Act 1995, since last 10 years.
- 9) The present CEO is teacher, has joined job since last two months, but he has failed to tell even a single provision/section of wakf Act.
- 10) The Present C.E.O. has no information about the spelling etc. of wakf Act or central waqf Council.
- 11) Present Chairman of the Board Wasim Rizvi is facing at least 11 criminal Cases of serious nature before the different police station ranging form selling of wakf land to illegal developing of wakf land.
- 12) The chairman has no monthly salary or any specific source of income, as he is ‘advocate’ by profession, still is expending 2/3 lakh per month on his wife and children.
- 13) Admittedly the Shia Central Wakf Board has not able to help the needy viz. divorcee, widow, orphans since last 10 year. The contribution of the board for social upliftment is zero.
- 14) No register is maintained properly, all the 12 registers Sec 37 has been tampered and white washed.
- 15) There is a office of the Board at Indira Bhawan for nearly 6 to 7 million beneficiaries, It’s None of official Phone line is active till 30/03/17, **05223016211**, **05223016212** as it is mentioned/available on the website of Shia Central Waqf Board.
- 16) In the Board Office, All the staff has no characterized duty out of a mob of 50 persons present in the office. On enquiry it was informed to me that only 30/ 32 individuals are officials and rest were supporters of Wasim Rizvi. When asked to allow them the meet me one by one, Chairman has not introduced the said 30 staff to the visiting members.
- 17) C.B. C.I.D.- lucknow has not able to investigate on even a single point in all the six FIR against Waseem Rizvi and others due to pressure from the Ex Minister Azam khan or otherwise.

URGENT NEEDS & SUGGESTION FOR SHIA WAQF BOARD;

- I) Custodial investigation is necessary in the 7 FIR and 70 more serious types allegations are in pipeline likely to be converted into FIR.
- II) C.E.O. as per section 23 of Wakf Act is needed urgently.
- III) In such adverse circumstances the Dissolution of the present 'Waqf Board' as per section 99 of Wakf Act is imperative and need of the beneficiaries..
- IV) All ready Accused, Tainted and chargesheeted in at least two to three counts, senior wakf officers viz Bakar Raza, Ghulam Hasnain, wakf officer Akhtar Rizvi **of Kanpur**, are mandatorily debarred from activities of wakf and the Wakf Board, after looking their serious malpractices in the FIRs.
- V) Syed Wasim Rizvi must be removed from Mutwalliship of the Wakf Miya Darab Ali khan & Karbala DayanatuDaulla Bahadur Waqf, Lucknow and also from other wakf entities.
- VI) An '**open advertisement**' should be published in leading newspapers of UP by the Administrator/New Shia Board, inviting for the complaint and the hearing of the misdeeds of the wakf officials. Giving detailed complaint mechanism system for redressal.
- VII) Some member of the Shia Board, has been accused of selling wakf land,
- VIII) A '**Commission of Enquiry**' should be constituted under the commission of enquiry Act to find the last 20 year irregularities and for prospective legal action in the cause.
- IX) Since the Uttar Pradesh C.B. C.I.D. has not investigated the 6/7 FIRs against the said accused Wasim Rizvi, Ghulam Saiyaddain , Bakar Raza and other accomplices till date, Hence it is need of hour and imperative for the interest of justice to transfer the SHIA WAQF BOARD's Scams for further investigations to C.B.I. & Enforcement Directorate under the provisions of 173 of Cr.P.C.

- X) All the Electronic data, & documents should be safeguarded from being further tempering by accused. Immediate action by the State Government in respect of safeguarding the documentary and electronic evidences is needed.

CONCLUSION

There are circumstance and multiple grounds exiting to invoke jurisdiction of Section 99 of Waqf Act 1995 to dissolve the Shia Central Waqf Board and appoint Administrator till commencement of fresh Board. Till pending the investigations into all complaints/ FIRs, all alleged accused officials of Shia Waqf Board must not be allowed to enter in and around the waqf offices of Lucknow & branch offices of Uttar Pradesh.



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