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Minutes of the meeting between officers of the  
Archaeological Survey of India, New Delhi and the  
Central Wakf Council held on 10.7.2008

A meeting was held on 10.7.2008 in the chamber of the Joint Director General, Archaeological Survey of India, Janpath, New Delhi in connection with the follow-up action on the recommendations of the Sachar Committee Report. Following officers attended the meeting –

Archaeological Survey of India

- (1) Dr. B.R.Mani, Jt. Director General,
- (2) Shri A.K.Sinha, Superintending Archaeologist and
- (3) Dr. A.R.Siddique, Dy. Superintending Archaeologist

Central Wakf Council,

- (1) Dr.M.R.Haque, Secretary CWC
- (2) Shri G.U.Islam, Development Officer, CWC.

- (1) The Secretary, Central Wakf Council informed that the invitation for the meeting was received in the afternoon on the previous day i.e. on 9.7.08. Even then in view of the importance of the meeting, he decided to himself attend the meeting. He was assured that in future due care will be taken to get the notice delivered well in advance.

- (2) Joint Director General(M) informed about the purpose of the meeting and the agenda papers including the list of Wakf properties under the control of Archaeological Survey of India were presented to the Secretary, Central Wakf Council. Secretary, Wakf Council assured that he would go through the note and the list and would respond accordingly. Secretary, Central Wakf Council, however felt that the list is incomplete. Joint Director General (M) agreed that it is quite possible that some of the Wakf properties may be missing in the list and an updated list would be provided later on.
- (3) Secretary, Central Wakf Council briefed about the Wakf Act, 1995 and the Central Wakf Council. He emphasized the need for synchronizing the provisions of the two Acts passed by the Parliament i.e. The Ancient Monuments & Archaeological Sites and Remains (AMASR) Act, 1958 and the Wakf Act, 1995. He said that the Archaeological Survey of India has the legitimate right and duty under the Act to protect and maintain the monuments of historical importance. However, the protection and management or to say the guardianship of monument cannot alter the character of Wakf property as a Wakf. This is because under the Wakf Act, 1995, Wakf is a permanent dedication of movable or immovable properties for religious, pious and charitable purposes, which is inalienable. The Supreme Court had long back ruled "Once a Wakf Always a Wakf". Therefore, a Mosque or Dargah would remain a Wakf even if it is under the protection and maintenance of the Archaeological Survey of India. He mentioned that in such cases, the Archaeological Survey of India should enter into an agreement with the respective Wakf Boards.

The Secretary, Central Wakf Council further explained that the Ancient Monuments and Archaeological Sites & Remains Act, 1958 provides for an agreement between ASI and the "owner". But, in case of ancient masjid and other Wakf properties, particularly those in regular use the ASI treats them as abandoned property. There is no

agreement between the owner and ASI in most of the cases which leads to claims and counter claims. The cause of concern of the community has been that the ASI neither maintains the Wakf properties under ASI properly nor takes due care of the sanctity of the places of religious importance. The problem is that these Wakf properties of historical importance can neither be left without proper protection and maintenance, resulting in degradation, nor the religious sentiments can be allowed to be hurt. It was agreed by the officers of the ASI that sometimes unintentionally people are allowed to walk into the places of religious importance with shoes and indulge in such activities, which hurt the religious sentiments. Therefore, it was agreed that due care may be taken at all such Wakf properties which are declared as protected by improving the security. In this regard, ASI may place signages at the entrance with certain restrictions such as (i) shoes not allowed inside premises; (ii) consuming alcohols and playing of cards are prohibited. In addition, no obscenity is permitted within the premises.

- (4) The Secretary, Central Wakf Council informed about the resolutions made by the Central Wakf Council and advise sent by it to the State Wakf Boards for maintaining the protected monuments and even those which are of historical importance but not protected by the ASI or other agencies as they are heritage of the past. He said that the officials of the Wakf Board are also required to be made sensitive and educated about the norms of maintaining such buildings. For this he suggested that a meeting of the Chief Executive Officers of the State Wakf Boards may be convened by the ASI in which the purpose, norms and methods of preservation/maintenance may be explained to them. The discussion may help the ASI and State Wakf Boards understand the problems of each other, which may be ultimately useful in the maintenance of the monuments of historical importance.

- (5) The Jt. Director General, Archaeological Survey of India informed that no alteration of any kind on public demand is allowed by Archaeological Survey of India which may give a modern look to the monument and change its original character. He explained in brief the conservation policy of the monuments and role of the Archaeological Survey of India towards the maintenance and upkeep of the monuments. The Jt. Director General (M) informed that the adequate funds and time to time instructions/directions are provided to the Circles of the Archaeological Survey of India for better maintenance of the centrally protected monuments having ownership as Wakf on need basis.
- (6) The Secretary, Central Wakf Council also suggested that the ASI may issue directions to their respective State level officers to hold periodical meetings with the State Wakf Boards both on Wakf properties under the control of ASI and also the historical buildings under the control of the Wakf Board for their upkeep and maintenance.
- (7) The Superintending Archaeologist(M) informed that the adequate attention is given towards the maintenance of centrally protected monuments whose ownership rests with Wakf. Superintending Archaeologist(M) reiterated that when he was Superintending Archaeologist, Delhi Circle, the Delhi Wakf Board officials were requested to inspect the monuments having ownership as Wakf on day to day maintenance and preservation carried out by the ASI. While appreciating this, Secretary, Central Wakf Council advised that this should be done by all State level officers.

- (8) On a query by the Deputy Superintending Archaeologist(M) as to how Central Wakf Council would be helpful in preservation of protected monuments, the Secretary, Central Wakf Council stated that the ASI and CWC should understand each other through meetings and discussions as both of them have the common intention to maintain the originality of the monuments for future generation.

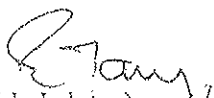
The meeting ended with a vote of thanks to the Chair.



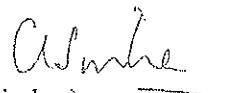
(Dr. M.R. Haque)  
Secretary,  
Central Wakf Council



(B.R. Mani)  
Jt. DG(M), ASI



(G.U. Islam)  
Development Officer  
Central Wakf Council



(A.K. Sinha)  
Superintending Archaeologist

Minutes of the meeting between officers of the Archaeological Survey of India, New Delhi and the Central Wakf Council and Delhi Wakf Board and Ahmedabad Sunni Muslim Wakf Committee held at 11.30 a.m. on 19.12.2008

A meeting was held on 19.12.2008 in the Conference Hall of Archaeological Survey of India, Janpath, New Delhi in connection with the follow-up action on the recommendations of the Sachar Committee Report.

Following officers attended the meeting –

Archaeological Survey of India

- Smt. Anshu Vaish, Director General
- Shri Vijay S. Madan, Addl.D.G.
- Shri B.R.Mani, Jt.DG(M)
- Shri C. Dorje, Director(M)
- Shri A.K. Sinha, Superintending Archaeologist(M)
- Shri V. Bakshi, Asstt.Director(M)
- Shri D.N. Dimri, Superintending Archaeologist, Agra Circle
- Shri Jitendra Nath,Dy. Superintending Archaeologist, Vadodara Circle
- Shri S.N. Kesarwani, Superintending Archaeologist, Chandigarh Circle
- Shri R. Krishnaiah, Superintending Archaeologist, Srinagar Circle
- Dr. S.K. Sharma, Dy. Superintending Archaeologist, Jaipur Circle
- Shri C.B. Patil, Dy. Superintending Archaeologist, Bangalore Circle
- Shri Muhammed K.K. Superintending Archaeologist, Delhi Circle

Central Wakf Council,

- Dr.M.R.Haque, Secretary CWC
- Justice Naseemuddin
- Shri Shakil Ahmad Syed

Delhi Wakf Board

- Shri Allah Noor S/Assistant
- Mohd. Arif

Ahmedabad Sunni Muslim Wakf Committee

- Shri Hajimohammad
- Shri Inayatkhan
- Shri Rais Munshi

1. At the outset, Dr. Haque, Secretary, CWC objected to the presence of representatives of the Ahmedabad Sunni Wakf Committee as, according to him, only the representatives of State Wakf Boards should attend such meetings. He doubted the locus-standi of Ahmedabad Sunni Muslim Wakf Committee. The representatives of Ahmedabad Sunni Muslim Wakf Committee informed that they had been interacting with the ASI in respect of Wakf properties in Ahmedabad and the interactions had proved very fruitful.

However, Dr. Haque, Secretary, CWC reiterated that only the State Wakf Board should be invited to such meetings. DG, ASI assured him that in the next meeting Gujarat Wakf Board would also be invited.

2. Jt. DG, ASI informed that the Central Wakf Council had provided a list of 172 Wakf properties in Delhi and 89 in Gujarat. On verification it has revealed that out of 172 monuments in Delhi, 94 monuments are centrally protected as monuments of national importance and the rest 78 are unprotected. Out of 89 monuments listed in Gujarat, 24 are not under central protection. The process of physical survey of Wakf properties in Delhi jointly with Delhi Wakf Board has already commenced. He also informed that the Archaeological Survey of India has nominated a nodal officer to interact with the Central Wakf Council at national level and SA(s) of the respective Circles of the Archaeological Survey of India with Wakf Boards at State level.

He further stated that the SAs of the respective circles have been directed to convene regular meetings with the respective Wakf Boards and review the state of preservation of the centrally protected monuments which are also Wakf properties.

3. SA, Delhi Circle informed that the survey of 32 properties out of 172 have been completed. Out of these, 8 or 9 appear to be duplicate entries. In some cases the names of the Wakf properties differ from the names of the centrally protected monuments. He informed that the process of survey is likely to be completed by the 2<sup>nd</sup> week of January, 2009.

Dy.S.A., Vadodara Circle informed that the Central Wakf Council has forwarded a list of 89 Wakf properties made available by Gujarat Wakf Board. Out of 89 monuments listed, 24 are not under central protection. Secretary, Sunni Muslim Wakf Committee, had provided a list of only eight monuments which were under the management of the Wakf Committee. He further informed that as per the list of protected monuments published by Bombay Presidency, only two monuments are Wakf as owner (Muhafiz Khan Mosque, Ahmedabad and Jami Mosque, Ahmedabad). SA Vadodara Circle was directed to conduct a joint survey of Wakf properties in Gujarat with Gujarat Wakf Board officials based upon the list provided by the Central Wakf Council.

4. The Secretary, CWC wished to know the number of centrally protected mosques in Gujarat. It was informed that it is difficult to state the number without proper examination. It was also clarified that worship is



permissible only at those centrally protected mosques where worship was in vogue prior to their declaration as monuments of national importance. As per the Government policy, revival of worship is not permissible under the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

5. In response to item No.3 to conduct a joint survey of Wakf properties in Gujarat with Gujarat Wakf Board officials and in Delhi with Delhi Wakf Board, based upon the list provided by the Central Wakf Council, DG opined that this survey may be conducted by the respective Circles based upon the revenue records available with ASI and the protection status of these properties. It was agreed that ASI will conduct a survey of only those properties which are declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

6. Director(M) informed that the Superintending Archaeologist, Agra, Srinagar, Vadodara, Bangalore and Lucknow have already held meetings with the representatives of the State Wakf Boards. Secretary, CWC, advised that SA, Agra Circle should also have a meeting with U.P. Shia Wakf Board.

DG, ASI desired that Patna Circle may also be directed to interact with the State Wakf Board for a similar meeting.

Superintending Archaeologist, Chandigarh Circle informed that correspondence has been made with the State Wakf Board vide letters dated 22<sup>nd</sup> April, 08 and 19<sup>th</sup> Sept.08 for holding a meeting with the representatives of Punjab and Haryana Wakf Boards. But no response has

been received till date. He was directed by DG, ASI to endorse copies of the correspondence made to CWC for information.

SA, Jaipur Circle also informed that twice letters have been sent to State Wakf Board, Rajasthan for holding a meeting but so far there is no response.

7. S.A., Srinagar informed that meetings with State Wakf Board are being convened regularly. Secretary, CWC informed that the J&K Wakf Board does not come under the ambit of Wakf Act, 1995.

8. The Ahmedabad Sunni Muslim Wakf Committee submitted that repairs of Sidi Sayed Mosque and strengthening of watch and ward arrangements are vital issues. The Ahmedabad Sunni Muslim Wakf Committee also submitted the profile of their Wakf Committee for information. Dy. SA, Vadodara Circle informed that the work on Sidi Sayed Mosque is likely to commence shortly. He also informed that meeting at local level shall be held and the watch and ward requirement will be looked into. He further informed that on the request of the Committee, permission had recently been given to install CCTVs at Jama Masjid considering the security of the monument.

The meeting ended with vote of thanks to the Chair.