



## **KHYBER PAKHTUNKHWA**

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### **GOVERNMENT OF KHYBER PAKHTUNKHWA AUQAF, HAJJ RELIGIOUS & MINORITY AFFAIRS DEPARTMENT**

#### **NOTIFICATION**

Peshawar, dated the 24/09/2020.

No SO(Auqaf-I)1-70/2020.-In exercise of powers conferred under section 25 of Khyber Pakhtunkhwa Waqf Properties Ordinance, 1979 read with section 6 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

#### **KHYBER PAKHTUNKHWA WAQF PROPERTIES (REGISTRATION) RULES 2020.**

1. **Short title and commencement.**---(1)These rules may be called the Khyber Pakhtunkhwa Waqf Properties (Registration) Rules, 2020.

(2) They shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the subject or context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say,-

(a) "Act" means the Anti-Money Laundering Act, 2010 (Act No. VII of 2010).

(b) "Mutawalli" means any person appointed, either verbally or under a deed or instrument by which a Waqf has been created or by a Court of competent jurisdiction to be the Mutawalli of a Waqf Property including manager; and

(c) "Ordinance" means the Khyber Pakhtunkhwa Waqf Properties Ordinance 1979 (Ordinance No. I of 1979).

(2) The words and expressions used and not defined in these rules but defined in the Ordinance shall have the same meaning respectively assigned to them in the Ordinance.

3. **Qualification of Waqif.**--- For the purpose of creating waqf the Waqif shall;-

(a) be a citizen of Pakistan having valid CNIC;

(b) be an adult;

- (c) be of sound mind;
- (d) be capable of handling his or her own financial affairs; and
- (e) not be a bankrupt or insolvent.

4. **Qualification of Manager or Mutawalli.**--- The Manager or Mutawalli as the case may be, of the Waqf Property shall;

- (a) be a citizen of Pakistan having valid CNIC;
- (b) have such qualifications as may be specified by a waqif in the Waqf deed;
- (c) have working knowledge of sharia; and
- (d) be perfect in physical and mental health.

5. **Obligation to furnish information and maintain particulars relating to the Waqf.**---(1) Every Manager or Mutawalli of the Waqf Property as the case may be, shall furnish to the Chief Administrator Auqaf through Administrator Auqaf within the local limits of whose jurisdiction the waqf property is situated, a statement as specified in Form-I, for the purposes of registration of the Waqf property as set out in sub-section 1 of section 6 of the Ordinance:

(2) The statement shall be maintained by the Manager or Mutawalli as the case may be, of the Waqf property for at least five years after the involvement of Manager or Mutawalli with the Waqf ceases.

(3) The statement as submitted in sub-rule 1, shall be accompanied by a copy of the deed or instrument creating the Waqf, or if no such deed or instrument has been scribed, or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the Manager or Mutawalli as the case may be, of the Waqf Property about the origin, nature and objects of the Waqf.

(4) The Chief Administrator may himself or through any officer authorized in this behalf may ask Manager or Mutawalli as the case may be, of the waqf property for additional information related to the Waqf, in writing, as and when required for the purposes of the Ordinance.

6. **Online registration.**---(1) Soon after the commencement of these rules, the Chief Administrator shall develop an online portal and mobile app providing facility to general public, for online registration of Waqf properties, information regarding internal and external procedures for such registration and other information through which administration of waqf Properties will be carried out.

(2) Until the Commissioning of the online portal under sub-rule (1), the Manager or Mutawalli of the waqf property as the case may be shall use manual forms as per provisions of rule 5 and rule 8 and after the development of online portal, the Manager or Mutawalli may submit the information either manually or through online portal to the Chief Administrator Auqaf.

(3) Competent Authorities and reporting entities may request access to the online portal for the registered information of the waqf property.

7. **Furnishing a consolidated annual report.**--- At the end of each financial year, by 15th July, the District Collector (revenue), Deputy Commissioner and the Registrar (revenue) shall send a copy of all registered deeds, agreements, documents and mutations of waqf properties recorded as Waqf, during the financial year in respect of their respective districts to the Chief Administrator Auqaf as specified in Form-II, under sub-section (3) of section 6 of the Ordinance.
8. **Report of any change in the waqf property.**---(1) The Manager or the Mutawalli as the case may be, shall be bound to report to register any change in the waqf properties or the change of Manager or Mutawalli as the case may be, of waqf properties, within ten (10) days of such change took place, with the Chief Administrator Auqaf through Administrator Auqaf.
- (2) Every Manager or Mutawalli as the case may be, shall submit a statement of annual accounts of waqf registered under section 6 of the Ordinance to the Chief Administrator Auqaf by 15th of July of each financial year as specified in Form-III.
9. **Maintenance of updated information.**---The Manager or Mutawalli of the waqf property as the case may be shall ensure that the information of waqf property in his respective jurisdiction is accurate and up to date and in accordance with the details mentioned in Form-I.
10. **Waqf Manager or Mutawalli to provide information upon request.**--- The Manager or the Mutawalli as the case may be, of the waqf property through the Administrator Auqaf shall provide information on request, in the format and time requested up to a maximum of seven (7) days, about the waqf property to any regulator, investigating or prosecuting authority, Financial Management Unit of State Bank of Pakistan, or reporting entity, as defined in the Act, including but not limited to information pertaining to:
- (a) the beneficial ownership of the waqif;
  - (b) the residence of the waqif, Manager or Mutawalli of the waqf property; and
  - (c) any assets held or managed by the waqif.
11. **Chief Administrator Auqaf to maintain record.**--- The Chief Administrator Auqaf shall maintain a complete, accurate and up to date record of all properties submitted for registration under rule-5 and annual reports filed under rule 7, and make sure the safe custody of statements, audit reports and copies of deeds or instruments furnished by the Waqif.
12. **Chief Administrator Auqaf to provide information upon request.**---The Chief Administrator Auqaf shall provide any information about the Waqif to any regulator, investigating or prosecuting authority or Financial Management Unit of State Bank of Pakistan, as defined in the Act 2010, on request in the form and manner requested by such entity, no longer than seven (07) days of the request.
13. **Procedure for prosecution.**---(1) The Prosecution for offences under section 24 of the Ordinance, the Chief Administrator Auqaf may either himself or

through any other officer authorized by him in this behalf initiate the filing of a complaint in the Court.

(2) The complaint under sub-rule (1) shall sufficiently explain the particulars of the offence under the Ordinance.

(3) \* The Court on receipt of the complaint shall call upon the respondent at once, requiring him to submit his defense or reply to the complaint within fourteen (14) working days.

(4) The provisions of Code of Criminal Procedure, 1898, shall mutatis mutandis apply for the trial of offences under the Ordinance.

FORM-I  
(see sub-rule 1 of rule 5)  
APPLICATION FORM FOR REGISTRATION OF WAQF  
(UNDER SECTION-6)  
THE KHYBER PAKHTUNKHWA WAQF PROPERTIES ORDINANCE, 1979

To:  
The Chief Administrator Auqaf, Khyber Pakhtunkhwa

Affixed  
Photograph  
of Applicant

- 1) Name of the applicant(s) (Copy of CNIC must be attached): .....
- 2) Father's Name:- .....
- 3) Permanent Address of Applicant(s):- (i) Village / Premises No. ....  
Municipality: ..... Tehsil/Ward: .....  
(ii) PostOffice: ..... (iii) PoliceStation : .....  
(iv) District : .....
- 4) Phone / MobileNumber:- .....
- 5) Whether applicant is waqif or : .....  
mutawalli or descendent of waqif  
or beneficial owner of the waqf
- 6) Name of the Waqif (Donor):- .....
- 7) Whether Sunni or Shia Waqf:- .....
- 8) Whether: (i) Other than Waqf-Alal-Aulad, - .....  
(ii) Waqf by User, (iii) Waqf- Alal-Aulad,
- 9) Date of waqf deed: .....  
If registered, Deed Book No. .... Volume No. ....  
Pages No. : ..... Being No. ....  
Year: ..... Office of Registrar. ....  
Kind of Land with area (in kanal or sq. ft).....
- 10) Location of the waqf property along with GPS Coordinates: .....
- 11) Description of Waqf Properties: .....
- 12) Name with Address of the beneficial owner (s) of the waqf: .....

Note:-1- Attach the attested copies of revenue record i.e. Fard Malkiat (owner ship record) / Mutation in favour of Waqf, non-encumbrance certificate, aks shajra etc.

2- Separate sheets as required to describe the detail of the property should be enclosed describing in assets of the Waqf (other than land), such as securities, deposits in bank, shares in companies, business and loans to others etc.

- 13) Details of Accounts as required under section 6 (1) (c) (d)(e)(f)(g) of the ordinance ..... (extra sheet may be used)
- 14) The amount of the Government revenue and cesses, and of all rents, annually payable \_\_\_\_\_  
in respect of the Waqf property; \_\_\_\_\_
- 15) The amount set apart under the Waqf for-  
 (i) the salary of the Mutawalli / Manager and allowances to individuals;  
 (ii) purely religious purposes;  
 (iii) charitable purposes;  
 (iv) any other purposes; and
- 16) Details of beneficiaries of Waqf;  
 (i) name of beneficiaries.  
 (ii) nature of benefit provided to beneficiaries.  
 (iii) present financial status of the beneficiaries.  
 (iv) bank detail of the beneficiaries.
- 17) Gross annual income of the Waqf Property: Rs. ....  
 (Rupees only).  
 a) Rent from house /shops. Rs.....  
 b) From Agriculture land. Rs. ....  
 c) From Nazrana. Rs. ....  
 d) From Donation. Rs. ....  
 e) From any other source. Rs.....  
 (details to be mentioned)
- 18) Expenses annually incurred in realization of the income:  
 a) Pay of Staff, if any: Rs.....  
 b) Utilities expenses Rs.....  
 c) Other expenses. Rs. ....
- 19) Rent and taxes annually payable:.  
 a) Govt. revenues: Rs. ....  
 b) Municipal Taxes: Rs.....  
 c) Cess for Public work etc. Rs. ....  
 d) Local Tax etc. Rs.....
- 20) Expenditure as per waqf deed:  
 a) Remuneration of Mutawalli: Rs. ....  
 b) Allowance to individuals if any: Rs. ....  
 c) Name of Beneficiary / Beneficiaries and amount of allowance, if any to the descendent of the Waqif.  
 Rs.....  
 d) Expenses purely for religious purpose:  
 Rs. ....  
 e) Expenses purely for charitable purpose:  
 Rs. ....

- f) Any other purpose (other fixed expenditure):  
Rs .....
- g) Outstanding dues against the Waqf:  
Rs. ....

I / We.....

Son of .....

of Village / Premises No. and Street .....

P.O. .... P.S. ....

District .....

Solemnly declare that the statement made above on the Form-I and submitted herewith, are true to my knowledge and belief and that I have concealed nothing.

Signature .....

Address .....

Date .....

**Note-** A copy of the Waqf deed, copy /copies of the statement khatooni / revenue record or the Municipal Assessment Registers or the registers of revenue paying estates, as the case may be and other documents showing title and possession in regard to the Waqf properties shall be forwarded with every such application. Where no deed was drawn up at the time of the creation of the Waqf, the applicant should write a brief history and a detailed description of all necessary facts to the best of his knowledge.

**FORM-II**  
(see rule 7)  
**LIST OF WAQFS**

To:  
**The Chief Administrator Auqaf, Khyber Pakhtunkhwa**

List of Waqfs created during the financial year \_\_\_\_\_ to \_\_\_\_\_ are submitted as  
under

S. No.	Name and details of the Waqf	Name of Waqif	Registered deed No./ mutation No.

**Note:** Copies of registered waqf deeds as mentioned above are attached herewith.

District Collector (seal and signature)  
District \_\_\_\_\_



**FORM-III**  
**(see sub-rule 2 of rule 8)**  
**STATEMENT OF ANNUAL ACCOUNTS**

For the year : \_\_\_\_\_  
(July to \_\_\_\_\_ June)

To:  
**The Chief Administrator Auqaf, Khyber Pakhtunkhwa**

Name of Waqf : \_\_\_\_\_

Registration No. \_\_\_\_\_

Phone Number : \_\_\_\_\_

Name & Address of the Mutawalli: \_\_\_\_\_

Name: \_\_\_\_\_

Village / Street: \_\_\_\_\_

Post Office: \_\_\_\_\_

Police Station: \_\_\_\_\_

Town: \_\_\_\_\_

District: \_\_\_\_\_

Signature of the Manager/Mutawalli

**RECEIPTS**

Opening Balance:		
A) Cash in Hand:		Rs. ....
B) Cash at Bank:		Rs. ....
Name of the Bank .....	A/C No. ....	
Total = (A+B) Rs. ....		
2) Rent from house properties:		
A) No. of tenants (list of Tenant enclosed)		Rs. ....
B) Outstanding rent (of the previous year)		Rs. ....
C) Demand of Current Year Rent		Rs. ....
D) Total (B+C)		Rs. ....
E) Collection during the year		Rs. ....
F) Outstanding Balance (of the Current year (D-E))		Rs. ....
3) From agriculture Land		
Total Enrolled Waqf Properties	:	
A) Agricultural land	:	
B) Non Agricultural Land	:	
C) Pond / Garden etc.	:	
D) Encroachment etc.	:	
Total :		
4) Nazrana.		Rs. ....
5) Income from Hoarding.		Rs. ....
6) Interest received		Rs. ....
A) From Fixed Deposit		Rs. ....
7) Annuity from Govt.		Rs. ....
8) Income from any other source (Details to be mentioned)		Rs. ....
9) Donation:		
A) Donation from Tenants:		Rs. ....
B) Donation / Subscription from public		Rs. ....
C) Donation / Subscription from members		Rs. ....
D) Friday Collection		Rs. ....
E) Deposit Money received:		Rs. ....
F) Sale proceeds of (Specify the source)		Rs. ....
Total (A to F)		Rs. ....
10) A) Loan if any (Details to be mentioned)		Rs. ....
B) Recovery of Advance		Rs. ....
Total (A+B)		Rs. ....
Grand Total		Rs. ....

Signature of the Manager/Mutawalli

PAYMENTS

- 1) Statutory Dues :
  - A) Arrear Govt. Tax paid: Rs. ....
  - B) Current Govt. Tax paid: Rs. ....
  - C) Arrear Municipal Corporation Tax: Rs. ....
  - D) Current Municipal Corporation Tax: Rs. ....
  - E) Water Tax / Cannel Cess paid: Rs. ....
  - F) Income Tax paid: Rs. ....
  - G) other Tax (please specify): Rs. ....

Total = (A to G) Rs. ....
- 2) Maintenance of Waqf Properties:
  - A) Cultivation Expenses Rs. ....
  - B) Repairing Expenses of Waqf Building Rs. ....
  - C) Other Expenses if any Rs. ....

Total (A to C) Rs. ....
- 3) Development of Waqf Properties Rs. ....
- 4) Masjid
  - A) Salary of Imam Rs. ....
  - B) Salary of Moazzen Rs. ....
  - C) Electricity / Fuel Rs. ....
  - D) Ramzan & Taraviv Etc. Rs. ....
  - E) Other Expenses Rs. ....

Total (A to E) Rs. ....
- 5) Expenditure as per Waqif Direction.
  - A) Religious Rs. ....
  - B) Charitable Rs. ....
  - C) Education Stipend Rs. ....
  - D) Trust / Madrassa Rs. ....
  - E) other (please specify) Rs. ....

Total (A to E) Rs. ....
- 6) Interest received
  - A) Donation / Subscription to Charitable Institution. Rs. ....
  - B) Rs. ....

Total (A+B) Rs. ....
- 7) Allowances.
  - A) Beneficiary Paid Rs. ....
  - B) Other allowance Rs. ....
  - C) Mutawalli remuneration Rs. ....
  - D) T.A Rs. ....

Total (A to D) Rs. ....
- 8) Office Expense
  - A) Pay of Staff Rs. ....
  - B) Wages Rs. ....
  - C) Electricity Rs. ....
  - D) Telephone Rs. ....
  - E) Other. Rs. ....

Total (A to E) Rs. ....
- 9) Other Dues:
  - A) Waqf Contribution: Rs. ....
  - B) Administrative Charge: Rs. ....
  - C) Rs. ....

Total (A to C) Rs. ....
- 10) Law Cost
  - A) Recovery Cases Rs. ....
  - B) Ejectment Suits Rs. ....
  - C) Ether Suits Rs. ....

Total (A to C) Rs. ....

11) Refund of :		
A) Advance / Loan		Rs. ....
B) Deposit		Rs. ....
C) Rent / etc.		Rs. ....
	Total (A to C)	Rs. ....
Closing Balance		
Cash in Hand		Rs. ....
Cash at Bank		Rs. ....
	Total	Rs. ....
	Grand Total	Rs. ....

Signature of the Manager/Mutawalli

**Secretary,  
Auqaf, Hajj, Religious & Minority Affairs  
Department**