

**THE WEST PAKISTAN WAQF PROPERTIES
(ADMINISTRATION) RULES, 1960¹
NOTIFICATION**

[30th May, 1960]

Notification No. 5293-Auqaf-901.-- In exercise of the powers conferred on him by section 19 of the West Pakistan Waqf Properties Ordinance, 1959, the Governor of West Pakistan is pleased to make the following rules namely :--

1. Short title and commencement.—(1) These rules may be called the West Pakistan Waqf Properties (Administration) Rules, 1960.

(2) They shall come into force at once.

2. Definitions.-- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(i) "Manager" means any person appointed by the Chief Administrator for administration, control, management and maintenance of a waqf property and includes a Deputy or Assistant Manager who holds independent charge of any waqf property.

(ii) "Ordinance" means the West Pakistan Waqf Properties Ordinance, 1959.

3. Appointment of Managers.— The Chief Administrator, after taking over and assuming the administration of a waqf property, may appoint a Manager to administer, control, manage and maintain the waqf property on behalf of and subject to the orders of the Chief Administrator.

4. Scheme for the management of waqf property.— (1) The Manager shall prepare, for settlement by the Chief Administrator, a scheme for the administration of the waqf property in his charge. The scheme shall be designed to give effect to such wishes of the person dedicating as can be ascertained and to which effect can reasonably be given. In the absence of evidence of express dedication, the waqf property shall be required to be used for the purpose for which it has been used or for any purpose recognised by Islam as religious, pious or charitable.

(2) Where the waqf property is a mosque, the scheme shall ensure that the religious services and other functions performed therein are continued.

(3) Where the waqf property is a shrine, or other religious institution, the scheme shall make provision for:

¹ Published in Gazette of West Pakistan, Extraordinary, 30th May, 1960. To continue in force in Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan under Art.19(2), P.O 1 of 1970.

(a) the conduct and regulation of the established rites and ceremonies in accordance with the tenets of the saint or sect concerned; and

(b) the proper custody of cash box or boxes placed at the shrines *or other religious institutions*² and the income therefrom.

5. Submission of scheme to the Chief Administrator.- (1) The Manager shall submit the scheme prepared by him to the Administrator who shall forward it with his recommendations to the Chief Administrator.

(2) The Chief Administrator may settle or may refuse to settle or may return for reconsideration any scheme submitted to him under sub-rule (1) or may call for such further details or information about the scheme or may direct that such further examination of the scheme as he may consider necessary.

³**[6. Appointment of Religious Purposes Committee.-** (1) Where a waqf property is a shrine, the Chief Administrator or an officer authorised by him in this behalf may, whenever he considers it necessary, appoint a Religious Purposes Committee consisting of not less than five and not more than seven members, for ensuring the performance of religious services and other functions or rites and ceremonies at the shrine.

(2) Where the waqf property is a mosque, the Religious Purposes committee shall consist of the Manager/Assistant Manager in charge of the mosque the khatib/Imam of the mosque, an Amin and a fourth member, the last two of whom shall be appointed from among the regular Namazis in the mosque, in the mosque by the Manager/Assistant Manager and the Imam/Khatib, after ascertaining the wishes of the Namazis in an open meeting after Maghrib prayers:

Provided that if there be any difference of opinion between the Manager/Assistant Manager and the Imam/Khatib as to the choice of the Amin, or the fourth member, the decision of the Khatib/Imam shall prevail.]

(3) One of the members of the Committee shall be appointed by the Chief Administrator as the Chairman of the Committee.

⁴[The Chairman shall be given a certificate under the signature of the appropriate Administrator of Auqaf, in the following form:—

"This is to certify that....., son of.....has been appointed as Chairman of the Religious Purposes Committee of....., mosque/shrine.....situated at (name of road, mohallah or village) District.....for the period from.....to....."

Central Zone.

² The Italicised words were inserted by Notification No. LVI (8) Auqaf 64 (SA), dated 22nd June, 1964, Published in PLD 1964 W.P Statutes 327.

³ Subs. by West Pakistan Government Notification No. 4 (1)Auqaf/SOD/66, dated 3rd July, 1969 Published in the Gazette of West Pakistan, August 8, 1969, Part 1, Page 1251.

⁴ (Insertion by Notification No. 1(II)Auqaf/62, dated 19th May, 1961 Extraordinary).

Administrator of Auqaf, Southern Zone.
 Northern Zone."]

(4) A member of the Committee shall hold office for one year from the date of his appointment.

(5) The Committee shall have such powers as may be delegated to it by Chief Administrator.

7. Lease of Waqf properties.- (1) Unless otherwise specifically provided in the scheme settled under rule 5, the following directions with regard to the lease of waqf property shall be deemed to form part of such scheme:--

(a) where the lease relates land:-

(i) the lease shall be in writing;

⁵[(ii) the period of lease shall not exceed three years; provided that the Chief Administrator may grant a lease for any longer period if in his opinion such action is necessary in the best interest of the waqf property;]

(iii) as far as possible the lease shall be made, through auction, in favour of the highest bidder, auction being held on the spot or at such other place close to it as may be easily accessible to the attending bidders;

(iv) the successful bidder shall deposit one year's rent in advance at the time of auction and this amount shall be adjusted towards the rent of the final years:

(b) where the lease relates to a house or shop:-

(i) the lease shall be in writing;

(ii) the period of lease shall not exceed two years;

(iii) the rent reserve shall be at the best available market rate;

(iii) other things being equal, preference shall be given to the old lessee whose lease is due to expire and who agrees to the renewal thereof;

(iv) the lessee shall deposit two month rent in advance and the same shall be adjusted towards the rent of the period of lease;

⁵ This is the substituted clause vide Notification No. LIV (79) Auqaf 35, dated 14th January, 1966 published in PLD 1966 W.P Statutes 131.

- (v) if the tenant fails to pay rent for two months, he shall be liable to ejection on one week's notice.

⁶[(2) The Chief Administrator may, if in his opinion the continuance of any lease of waqf property, made after the 4th November, 1961, is not in the interests of the waqf property, cancel the lease:-

- (i) by giving one month's notice to the lessee and the lease shall stand terminated on the expiry of such period; or
(ii) by tendering one month's rent to the lessee and the leases shall stand terminated forthwith on such tender.]

⁷[(3) (1) After the publication of the notification under section 6 of the Ordinance, the Manager may issue a notice requiring the occupant of the waqf property within seven days of the receipt of the notice, to deliver vacant possession thereof to him or to execute a lease deed in respect thereof in favour of the Chief administrator.

(2) If the occupant fails to comply with the notice issued under above sub-rule (1), the Manager may eject him with the use of such force as may be necessary.

(4) If a lease of a waqf property, *without permission of the Manager*⁸ sub-lets or in any way transfers the waqf property;

- (i) the lease in his favour shall stand terminated;
(ii) the rent, if any, paid in advance shall stand forfeited, and
(iii) the lessee, sub-lessee or transferee shall be liable to be ejected therefrom forthwith, with use of such force as may be necessary.]

⁶ Sub-rule(2) was added by Notification No. 1(11) Auqaf.61, dated 27th April, 1962. See Gazette of West Pakistan, Extraordinary.

⁷ Sub. rules (3) and (4) were added by Notification No. 1 (I) Auqaf.62 dated 12th December, 1962, see Gazette of West Pakistan Extraordinary, 12th December, 1962 published in PLD 1962 W.P Statutes 110.

⁸ Italicized words have since been omitted by W.P Government Notification No. 4(A),A.OSD.67 dated 24th December, 1969 Published in Gazette of West Pakistan, Part 1, January 23, 1970 p.164.