

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to amend the Islamabad Capital Territory Waqf Properties Act, 2020 (XXIX of 2020)

Whereas it is expedient further to amend the Islamabad Capital Territory Waqf Properties Act, 2020 ( XXIX of 2020), for the purposes hereinafter appearing;

It is hereby enacted is follows: -

1. **Short title and commencement:** - (1) This Act shall be called the Islamabad Capital Territory Waqf Properties (Amendment) Bill, 2022.

(2) It shall come into force at once.

2. **Amendment in Section 2, Act XXIX of 2020.-** In the Islamabad Capital Territory Waqf Properties Act, 2022 , hereinafter referred to as the said Act, in section 2, for paragraph (e) and (h) the following shall be substituted namely :-

(e) “competent authorities” mean the concerned police station;

(h) “investigation or prosecuting agency” means the concerned police station.

3. **Amendment of Section 3, Act XXIX of 2020.-** In the said Act, in section 3, in sub-section (1), the words “and may by order, vest in him, the waqf properties situated in the territorial limits of ICT including all rights, assets, debts, liabilities and obligations relating thereto”, shall be omitted.

4. **Omission of Section 8, Act XXIX of 2020.-** In the said Act, section 8 shall be omitted.

5. **Amendment of Section 13, Act XXIX of 2020.-** In the said Act, for section 13, the following shall be substituted:-

“ 13. Petition to High Court.- Any person who is claimant of any interest in waqf property for which a decision has been passed by the Chief administrator may appeal before High Court within thirty days against such decision.”

6. **Omission of Section 14, Act XXIX of 2020.-** In the said Act, section 14 shall be omitted.

7. **Omission of Section 16, Act XXIX of 2020.-** In the said Act, section 16 shall be omitted.

8. **Amendment of Section 21, Act XXIX of 2020.-** In the said Act, in section 21, sub-sections (2) and (3) shall be omitted.

9. **Omission of Section 24, Act XXIX of 2020.-** In the said Act, section 24 shall be omitted.

10. **Amendment of Section 25, Act XXIX of 2020.-** In the said Act, section 25 shall be omitted.

11. **Omission in Section 27, Act XXIX of 2020.-** In the said Act, in section 27, in sub-section (2), the paragraph (i), (j) and (k) shall be omitted.

### **STATEMENT OF OBJECTS AND REASONS**

The existing law relating to trust property discouraged the property trusted for mosques, religious madrassas and other institutions established for the promotion of Islamic education by framing unnecessary rules and regulations against the spirit of Islamic welfare state and to which contradicts with basic human rights. Trusts have a very important place in Islamic teaching as trusted property only given for the will of Allah purely but in the current law the concept of Islamic trusts is not acknowledged at all.

Administrator has been given unlimited powers to run the affairs of Mosques, madrassas, religious institutions and institutions for welfare of humanity. Religious madrassas, which provide education, housing, food for millions of students and make a selfless efforts to make society an Islamic welfare state, cannot be left at the mercy of a single individual.

Trust registration under this law is a very difficult process. It has been made binding that already registered institutes must follow the said difficult process again. An institute of trust has been made commercial by making it a corporate institute that is against the Islamic spirit. Administrator has been authorized to exercise his powers regarding possession of trust property, its management, control and maintenance at anytime.

It is obligatory to seek prior permission from Chief Administrator regarding ceremonies, religious and spiritual customs in accordance with existing law has been authorized Session Court has been authorized to impose fine to twenty five millions rupees in case of violation of the law.

The order of Chief Administrator cannot be challenged in any count. Government made arrangement to nationalize the institutions establishes under waqf. Chief Administrator has been also authorized to direct to develop curriculum to educate in Islamic Institutions.

Furthermore, there is a great persuasion in Islamic Teaching to spend on charity, aims to generalized Islamic teachings and projects of public welfare and prosperity. Therefore, the act to devote and spend amount and properties for the development of mosques, Deeni Madrassas and Islamic teachings should be encouraged instead of discouraging. In existence of present law, it is not only difficult but impossible to establish and run institutions, and waqf properties in ICT.

The Bill seeks to achieve the above said objectives.

**Sd/-**

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