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## PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

September 10, 2020

No. PAP /Legis-2(66)/2020/2358. The Punjab Waqf Properties (Amendment) Bill 2020, having been passed by the Provincial Assembly of the Punjab on September 02, 2020, and assented to by the Governor of the Punjab on September 08, 2020, is hereby published as an Act of the Provincial Assembly of the Punjab.

## THE PUNJAB WAQF PROPERTIES (AMENDMENT) ACT 2020

ACT XX OF 2020

*[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated September 10, 2020.]*

An  
Act

*further to amend the Punjab Waqf Properties Ordinance, 1979.*

It is necessary further to amend the Punjab Waqf Properties Ordinance, 1979 (IV of 1979), for the purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

**1. Short title and commencement.**— (1) This Act may be cited as the Punjab Waqf Properties (Amendment) Act 2020.

(2) It shall come into force at once.

**2. Amendment of section 2 of Act IV of 1979.**— In the Punjab Waqf Properties Ordinance, 1979 (IV of 1979), for brevity referred to as 'the Ordinance', in section 2:

(a) after clause (a), the following clauses (a-i), (a-ii) and (a-iii) shall be inserted:

"(a-i) 'authorities' means an 'investigating or prosecuting agency' and the 'Financial Monitoring Unit' as defined in the Anti-Money Laundering Act, 2010 (VII of 2010);

(a-ii) 'beneficial owner' means a natural person who owns or controls a waqf property, whether directly or indirectly or by exercising effective control of that waqf property through such other means, as may be prescribed;

- (a-iii) "beneficiary" means a person who gets any benefit from the waqf property or whose name is listed in the waqf document as beneficiary of such property;";
- (b) after clause (b), the following clauses (b-i) shall be inserted:  
 "(b-i) "Collector" means the Chief Officer-in-charge of the revenue administration of the district as define in the Punjab General Clauses Act, 1956 (VI of 1956);";
- (c) after clause (c), the following clauses (c-i) and (c-ii) shall be inserted:  
 "(c-i) "investigating or prosecuting agency" means the investigating or prosecuting agency as defined in the Anti-Money Laundering Act, 2010 (VII of 2010);  
 (c-ii) "Manager" means a person appointed by the Chief Administrator for the administration, control, management and maintenance of a waqf property; and
- (d) after clause (d), the following clause (d-i) shall be inserted:  
 "(d-i) "reporting entity" means a person or entity as defined in the Anti-Money Laundering Act, 2010 (VII of 2010);".

**3. Amendment of section 4 of Ordinance IV of 1979.**— In the Ordinance, in section 4, for subsection (1), the following shall be substituted:

"(1) Government may appoint an Administrator or Administrators for such area or areas and Deputy Administrators for such districts as may be specified in the notification to assist the Chief Administrator, on such terms and conditions as may be prescribed, and an Administrator or Deputy Administrator so appointed shall, subject to the general or special orders of the Chief Administrator, be competent to discharge such duties and exercise such powers of the Chief Administrator as may be assigned to him and while discharging such duties or exercising such powers shall have the same privileges and be subject to the same liabilities as the Chief Administrator:

provided that Government may assign duties of the Deputy Administrator to the Assistant Commissioner (Headquarter) of each District to perform the functions of Deputy Administrator.

Provided further that no person all be appointed as Deputy Administrator unless he is a Muslim."

**4. Substitution of section 6 of Ordinance IV of 1979.**— In the Ordinance, for section 6, the following shall be substituted:

**"6. Registration of waqf properties.**— (1) Every person creating a waqf or every Manager shall get the waqf property registered with the Chief Administrator within ninety days of the creation of the waqf in such manner as may be prescribed.

(2) Any person creating a waqf or any Manager who does not get the waqf property registered with the Chief Administrator under subsection (1) within the stipulated period, shall be punished with fine of rupees fifty thousand for each day for the first ninety days after expiry of such stipulated period and thereafter with a fine of rupees one hundred thousand for each day.

(3) The Collector in respect of his respective district shall furnish, in the prescribed manner, a consolidated annual report of all waqf properties recorded as waqf during the year to the Chief Administrator.

(4) Every person creating a waqf or every Manager shall maintain and update the record concerning the waqf property and provide to the Chief Administrator on demand, and shall report any change in the waqf property to the Chief Administrator in such manner as may be prescribed.

**5. Amendment of section 7 of Ordinance IV of 1979.**— In the Ordinance, in section 7, after subsection (2), the following subsection (3) shall be inserted:

"(3) The Chief Administrator shall maintain a centralized record of all properties registered under section 6 and taken over under subsection (1) in such manner as may be prescribed, and until so prescribed as may be

determined by the Government; and at the end of each financial year shall submit a report to this effect to the Government."

6. **Insertion of section 7-A in Ordinance IV of 1979.**— In the Ordinance, after section 7, the following section 7-A shall be inserted:

**"7-A. Provision of miscellaneous information.**— Before entering into a business relationship or carrying out any occasional transaction with a reporting entity, any person creating a waqf or any Manager shall disclose his status as such to the reporting entity."

7. **Substitution of section 8 of the Ordinance IV of 1979.**— In the Ordinance, for section 8, the following shall be substituted:

**"8. Eviction of persons wrongfully in possession of waqf properties.**— (1)

If any person is in occupation of, or enters upon, or is using any immovable waqf property to the occupation or use of which he is not, or has ceased to be, entitled by virtue of any provision of this Ordinance, the Chief Administrator or any other person authorized by him may, with the assistance of the district administration or an investigating or prosecuting agency, after giving such person a reasonable opportunity of showing cause against the action proposed to be taken, shall get it evicted with use of such force as may be necessary.

(2) Any crop standing, or a building, or other structure erected on a waqf property in respect of which action is taken under subsection (1) shall stand forfeited to the Chief Administrator."

8. **Insertion of section 8-A in Ordinance IV of 1979.**— In the Ordinance, after section 8, the following section 8-A shall be inserted:

**"8-A. Lease of waqf property and use of derived income.**— The Chief Administrator may lease out the waqf property taken over under section 7 for such period as may be prescribed, and the income derived from such property shall be used for any purpose recognized by Islam as religious, pious and charitable as the Chief Administrator may deem fit."

9. **Substitution of section 9 of Ordinance IV of 1979.**— In the Ordinance, for section 9, the following shall be substituted:

**"9. Power to terminate a lease or resume a tenancy for breach of conditions.**— (1) If the Administrator is satisfied that the lessee or the tenant of any immovable waqf property has committed a breach, of the conditions of lease or tenancy, the Administrator may give to such lessee or tenant a notice to appear before the Administrator and state his objections, if any, before an order for the termination of lease or resumption of the tenancy is made.

(2) The lessee or the tenant to whom a notice is given under subsection (1) may undertake in writing to the Administrator that the breach of the conditions of the lease or tenancy specified in such notice is likely to be rectified and he shall rectify such breach.

(3) If the Administrator is satisfied that the breach is likely to be rectified, he shall allow to the lessee or the tenant, as the case may be, a period not less than thirty days or more than sixty days to rectify such breach, and may make an order terminating the lease or resuming the tenancy if the lessee or the tenant fails to rectify the breach within the stipulated time.

(4) Where an order terminating the lease or resuming the tenancy has been made under subsection (3), the Administrator may forthwith resume the possession of a waqf property, subject to the payment of compensation to be fixed by the Administrator for standing and un-gathered crops or for the improvements of the waqf property, if any, that have been made by the lessee or the tenant under the terms of the lease or the tenancy or made with the permission of the Administrator.

(5) If a lease or tenancy of a waqf property is terminated or resumed and is allotted to any other person, the amount of the compensation, if any, paid

to the outgoing lessee or tenant under sub-section (4) may be recovered from such person to whom such property is allotted.”.

**10. Insertion of section 20-A and 20-B in Ordinance IV of 1979.**— In the Ordinance, after section 20, the following sections 20-A and 20-B shall be inserted:

**“20-A. Provision of information to authorities.**— (1) The Chief Administrator shall provide such information about waqf properties to the authorities in such manner as may be prescribed or as may be required by the authorities.

(2) A Manager shall provide the following information to the authorities for the purposes of domestic and international cooperation from time to time in such manner as may be prescribed:

- (a) beneficial ownership of waqf property;
- (b) the residences of the staff who have control over the waqf properties;
- (c) any assets held or managed by a reporting entity in relation to waqf property; or
- (d) any other information ancillary to the above.

**(20-B). Provision of information to reporting entities.**— (1) The Chief Administrator shall provide upon request to the reporting entity information about the beneficial ownership and assets of the waqf in the prescribed manner.

(2) The reporting entity may obtain information from a Manager including the beneficial ownership, details of waqf assets and details of beneficiaries or such other information as may be prescribed.”.

**11. Amendment of section 24 of the Ordinance No. IV of 1979.**— In the Ordinance, in section 24:

- (a) for subsection (2), the following shall be substituted:

“(2) Any person who wilfully contravenes any of the provisions of section 20 shall be punished with imprisonment which may extend to five years but shall not be less than one year and shall also be liable to fine which may extend to three times of the amount of income derived from the waqf property but which shall not be less than the benefits derived from the waqf property”.

- (b) after subsection (2), the following subsections (3), (4) and (5) shall be inserted:

“(3) Any person who intentionally fails to comply with the provisions of section 6 or intentionally conceals any information or provides incomplete or incorrect information to the Chief Administrator as required under this Ordinance, shall be punished with imprisonment which may extend to five years or with fine to pay such amount as may be calculated by the concerned Collector or any other authority duly authorized by the Chief Administrator to do so for the period of factum of waqf property or with both.

(4) The offences punishable under this Ordinance shall triable by a Court of Session.

(5) For contravention of any provision of this Ordinance for which no penalty is provided, shall be punished with fine which may extend to rupees twenty five million.”.

**12. Extraordinary measure.**— Notwithstanding anything contained in this Act and the Ordinance, all existing waqf properties shall be registered with the Chief Administrator within ninety days of the commencement of this Act in such manner as may be specified by the Chief Administrator.