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Subject : Islamic Personal Law

Assignment Topic : Waqaf Act

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Waqaf Act

- Introduction

Waqaf means permanently giving your property for religious or charitable use in islam – like a mosque , schools , graveyard , or helping the poor. Once it's made waqf , you can't take it back or sell it. Waqf Act is the law made by government to manage and protect these waqf properties. In Pakistan , this is mainly covered by The Waqfs Ordinance 1979 and provincial laws.

- Definition

Waqf is the permanent dedication of a property by a Muslim for religious , charitable , or pious purposes under Islamic law.

Essential Elements of Waqf

1. Waqif (The person making waqf)

   Must be a Muslim , adult , of sound mind , and legal owner of the property . You can't give what isn't yours .

2. Mauquf (The property)

   Must be permanent and valuable – like land , building , cash , shares. Temporary things like food or fuel can't

be waqf.

3. Mauquf Alaih (The purpose/beneficiary)

   Purpose must be religious , charitable , or pious under islam – mosque , school, graveyard , poor people. Can't be for illegal or sinful use.

4. Declaration /Ijab

   Clear words or writing by waqif saying " I make this waqf permanently " .Intention must be obvious – no confusion .

5. Permanence and Irrevocability

   Once made waqf is forever . Ownership shifts to " God " and waqif can't take it back , sell it , or cancel it .

- Types of Waqf

1. Waqf al – Khairi (Public / Charitable Waqf)

   Purpose : For general public benefit or religious use .

   Examples : Mosque , madrasa , graveyard , hospital , water well for everyone.

   Beneficiary : No specific person – whole community or poor people .

2. Waqf al – Ahli / Waqf al – Aulad (Family Waqf)

   Purpose : To support the waqif's own family or children .

   Examples : Income from a shop given to waqif's kids , then to their kids.

3. Waqf al – Mushtarak (Mixed Waqf)

Purpose : Mix of public + family benefit .

Example : 60 % income to family , 40 % income to a mosque .

Beneficiary : Both specific familyand general public.

- Waqif (Founder)

The person who creates the waqf . "donor" or "founder" who permanently gives away their propertyfor religious or charitable use.

- Mutawalli

The person appointed to manage , protect , and run a waqf property after the waqif creates it .

- Powers of Waqf Board

1. Register waqfs

   Every waqf must be listed with the board . Board keeps full records of all waqf land , buildings , income .

2. Supervise Mutawallis

   Appoint remove , or take action against a Mutawalli if he's dishonest or careless . Can demand accounts and audit them.

3. Protect property

   Stop illegal sale , transfer , or takeover of waqf land .Can files cases in court or take back encroached waqf property.

4. Manage income

   Ensure rent /profit from waqf is used only for the stated religious / charitable purpose . Can approve budgets and development plans .

- Duties of Mutawalli

1. Act Honestly

   Must work in good faith . Negligence , fraud , or corruption = Board or court can remove him.

2. No personal gain

   Can't sell , gift , mortgage , or transfer waqf property. Can take reasonable pay if waqif allowed it , but no misuse .

3. Obey Waqf Board

   Follow Board's orders, give info when asked , allow inspection , Board is the boss.

4. Follow waqf deed

   Do exactly what the waqif wrote . If waqf says "income for madrasa" , can't spend it on something else .

5. Keep Accounts

   Maintain clear record of all income and expenses . Submit annual accounts to Waqf Board.

- Registration of Waqf

Under law ,every waqf must be officially registered with the Waqf Board. Lf it's not registered , the Board can't protect it.

- Basic Steps to Register
- Apply to Waqf Board .
- Attach documents
- Board officer surveys the property
- Entry in Register
- Published so knows it's waqf property now.

- Conclusion

Waqf is a permanent dedication of property by a Muslim for religious or charitable purposes under lslamic law . Once made , it becomes irrevocable and belongs to " God " forever. Waqf Act exists to ensure waqf income is used only for the community's benefit – mosques , schools , poor – and not stolen or wasted .