

THE KHYBER PAKHTUNKHWA PROTECTION OF COMMUNAL
PROPERTIES OF MINORITIES ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. XLII OF 2014)

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PROPERTIES OF MINORITIES ACT, 2014.

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AN

ACT

to protect the properties of minority communities meant

for their communal use

Preamble.--- WHEREAS it is expedient to protect the properties of minority
communities meant for their communal use;

It is hereby enacted as follows:

1. Short title, extent, commencement and application.--- (1) This Act may be called
the Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act, 2014.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

(4) It shall apply to properties belonging to the minority communities in the
Province of the Khyber Pakhtunkhwa for their communal use.

2. Definition.---In this Act, unless there is anything repugnant in the subject or
context, -

(a) "Commission" means the Khyber Pakhtunkhwa Commission for Minorities
Affairs;

(b) "Government" means the Government of the Khyber Pakhtunkhwa; and

(c) "Property" means places of worship, monasteries, seminaries, vicarages,

dharamshalas, gaoshalas, burial places, community centers, social welfare,
educational, health and recreational institution meant for communal use of
minority communities and includes side buildings, vacant places, lands,
residential places or offices annexed to the said properties.

3. Composition of Commission.--- (1) As soon as may be after the commencement of
this Act, Government shall constitute a commission to be known as the Khyber
Pakhtunkhwa Commission for Minorities Affairs comprising the following:

(a) Minister for Minorities Affairs Chairman
Khyber Pakhtunkhwa;

(b) Secretary to Government, Augaf, Hajj, Member
Religious and Minorities Affairs Department,
Khyber Pakhtunkhwa;

(c) a representative of Home and Tribal Member

Affairs Department, not below the
rank of Additional Secretary;

(d) a representative of Law Parliamentary Member
Affairs and Human Rights Department,
not below the rank of Additional Secretary;

(e) a representative of Revenue and Estate Member
Department, not below the rank of
Additional Secretary;

(f) one Member of the Provincial Assembly Member
belonging to Hindu Community to be

nominated by Speaker of the Provincial

Assembly;

(g) one Member of the Provincial Assembly Member
belonging to Christian Community to be

nominated by Speaker of the Provincial

Assembly; and

(h) one representative of other minorities to Member
be nominated by Government.

(2) The non-official member who is to be nominated by Government shall hold
office for a term of three years and he shall be paid such honoraria as may be determined by
Government for attending the meetings of the Commission.

(3) The meeting of the Commission shall be held in such place and in such a
manner as may be prescribed.

4. Ban on sale or transfer of minority communities properties.--- (1) No property of

a minority community meant for its communal use shall be bought, sold or transferred by
any person without No Objection Certificate from Government:

Provided that nothing contained herein shall apply to a property bought, sold or
transferred for a Housing Scheme, meant for a minority community, approved by

Government.

(2) The No Objection Certificate referred to in sub-section (1), may be given by Government on the recommendations of the Khyber Pakhtunkhwa Commission for Minorities Affairs.

(3) For obtaining No Objection Certificate, application shall be made to the Secretary to Government of Khyber Pakhtunkhwa Augqaf Department, who shall process the same for obtaining the recommendations of the Commission thereon.

5. Act not to apply to evacuee trust properties.--- Nothing in this Act shall apply to the evacuee trust properties forming part of Trust Pool under the Evacuee Trust Properties

(Management and Disposal) Act 1975 (Act No. XIII of 1975).

6. Punishment.--- Whoever buys, sells or transfers any property belonging to a minority community meant for its communal use in violation of section 3, shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine which shall not be less than one hundred thousand rupees and such transaction of sale and transfer shall be of no legal effect.

7. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provision of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may deems necessary for the purpose of removing the difficulty.

8. Power to make rules.--- Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

9. Repeal_and_ Savings.---The Protection of Communal Properties of Minorities Ordinance, 2001 (Ordinance No. V of 2002) is hereby repealed to the extent of the province of Khyber Pakhtunkhwa.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules make and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, appointed, constituted, given, commenced or taken, under this Act, and shall have effect accordingly.

(3) Any document referring to the repealed Act, shall be construed as referring to the corresponding provisions of this Act.