

A  
BILL

*further to amend the Societies  
Registration Act, 1860*

WHEREAS it is expedient to amend the Societies Registration Act, 1860 (Act No. XXI of 1860), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Societies Registration (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Substitution of section 3 of the Act No. XXI of 1860.**---In the Societies Registration Act, 1860 (Act XXI of 1860), hereinafter referred to as the said Act, for section 3, the following shall be substituted, namely;

“3. **Registration.**---Upon such memorandum, certified copy and other prescribed documents being filed, the Registrar after making necessary enquiries shall either certify under his hand that the society is registered, or for the reasons to be recorded in writing, reject the application for registration. There shall be paid to the Registrar for every registration, a fee as Government may, from time to time determine and all such fee so paid shall be accounted to Government.”

3. **Insertion of new 3A and 3B to Act No. XXI of 1860.**---In the said Act after section 3, as so substituted, the following new sections 3A and 3B shall be inserted, namely:

“3A. **Appeal.**---If the Registrar rejects an application for registration or renewal of annual registration for reasons to be recorded in writing, the applicant shall within forty days from the date of the order of the Registrar, prefer an appeal to the Secretary Industries Commerce and Technical Education Department, and the order passed by the Secretary in appeal shall be final and given effect to, by the Registrar.

3B. **Maintenance of accounts and submission of annual reports.**---(1) The registered society and its members shall-

- (a) maintain audited accounts in the manner as may be prescribed;
- (b) submit its annual report and audited accounts to the Registrar at such time and in such manner as may be prescribed and to be published for general information;
- (c) keep all moneys received into separate account or accounts in the name of the society at such bank or banks as may be approved by the Registrar;

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- (d) keep record of all other donations in a manner as may be prescribed; and
- (e) furnish to the Registrar such particulars with regard to accounts and other record as the Registrar may require from time to time.

(2) The Registrar or any officer duly authorized in this behalf, may at any reasonable time inspect the books of accounts, projects, records and properties of the society and all other document relating thereto.”.

4. **Insertion of new section 4A to Act No. XXI of 1860.**---(1) In the said Act, after section 4, the following new section 4A shall be inserted, namely:

**“4A. Annual Renewal.**---(1) The Registrar may after-

- (i) certification of the annual list of the governing body of a society; and
- (ii) on payment of the annual fee to be determined by Government,-

grant renewal of registration.

(2) If the society fails to renew registration annually, an additional fee equivalent to the registration fee for each year shall be paid to the Registrar.

5. **Insertion of new section 11A to Act No. XXI of 1860.**---In the said Act after section 11, the following new section 11A shall be inserted, namely:

**“11A. Offence and penalties.**---(1) The Registrar or any other officer authorized by the Registrar in this behalf may file a complaint in a court of original civil jurisdiction of the district where the main office of the society is situated, against anyone who contravenes any of the provisions of this Act or the rules made thereunder.

(2) Any person, who contravenes any of the provisions of this Act, or the rules made thereunder, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred thousand rupees, or with both.

(3) Where the person committing an offence under this Act is a company, or other corporate body or an association of persons, every director, manager, secretary and other officer thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence”.

6. **Insertion of new section 12A to Act No. XXI of 1860.**---In the said Act, after section 12, the following new section 12A shall be inserted, namely:

**“12A. Amendment or change in the constitution or address of the society,**---(1) No amendment or change in the constitution or address of a society shall be valid unless it has been approved by the Registrar.

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(2) Any society intended to bring amendment or change in the constitution or address, shall make an application to the Registrar with payment of such fee as the Government may determine.

(3) If, the Registrar is satisfied that any amendment or change in the constitution or address of the society is not contrary to any of the provisions of this Act or the rules made thereunder and where it is clear to the Registrar that such change is necessary for making the society operational or in the public interest, may approve the same or otherwise reject it.

(4) Where the Registrar approves an amendment or change in the constitution or address of a society, he shall issue to the society a certified copy of amendment or change which shall be conclusive evidence of approval.”.

**7. Amendment of section 19 of the Act No. XXI of 1860.**---In the said Act, in section 19, for the words “of a one rupee”, the words “as determined by government”, and for the words “two annas”, the words “of fees as prescribed by the Government”, shall respectively be substituted.

**8. Amendment of section 21 of the Act No. XXI of 1860.**---In the said Act, in section 21, after sub-section 1, the following new sub-section 1-A shall be inserted, namely:

“1-A. The memorandum of association for registration of Deeni Madaris shall also contain the information as specified in Schedules- A and B appended to this Act.”.

**9. Insertion of new section 22 and 23 to Act No. XXI of 1860.**---In the said Act, after section 21, the following new sections 22 and 23 shall be inserted, namely;

**22. Delegation of Powers.**---Registrar may by order in writing delegate all or any of its powers under this Act, either generally, or in respect of any society as may be specified in the order to any of its subordinate officers of the Directorate of Industries and Commerce.

**23. Power to make rules.**---Government may , by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.”.

**“SCHEDULE-A  
(see section 21 (1-A))  
REGISTRATION FORM**


1. Name of Institution Madrassa/Darul Uloom/Jamia \_\_\_\_\_
2. Complete Address \_\_\_\_\_  
\_\_\_\_\_
3. Date of Establishment/Commencement of academic activities \_\_\_\_\_
4. Sect / Sub-Sect / Maslak \_\_\_\_\_
5. Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_  
Mobile Number of the head/Mohtamim \_\_\_\_\_ Email Address \_\_\_\_\_
6. Branches of Institution (if any) \_\_\_\_\_ Attach list \_\_\_\_\_ (Annexure # 1)
7. Administrative Structure \_\_\_\_\_ (Annexure # 2)

**Signature with Stamp  
Mohtimam / Nazim Aala  
Head of Institution / Madrassa**

**Date:** \_\_\_\_\_

**Note:**

- (A) Madrassa / Jamia means the educational institution which provides religious education with boarding and lodging facilities OR that institution which is affiliated with one of the five tanzeems / board and conduct examination of its male/female students thereunder.
- (B) No separate registration for the branches of an institution will be required.

  
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**AFFIDAVIT**

I do hereby solemnly affirm and declare that:

- (i) The details given in the form are correct to the best of my knowledge and integrity as per record.
- (ii) I shall prepare the income and expenditure details of the institution honestly and shall preserve record of everything.
- (iii) Annual Audit of income and expenditure of the institution shall be carried out through Government Certified Auditor and copies thereof shall be submitted to the concerned Government Agency as per procedure.
- (iv) No education or training based on militancy, terrorism, anti state activity and sectarian hatred whatsoever shall be provided in the institution.

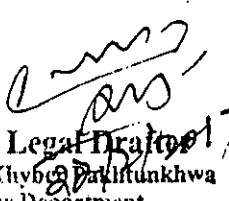
(Note: Discussions and research treatises / thesis based on logic and reasons for academic purposes of different maslaks / sect / sub-sect of Muslims or other religions are exempted from it.)

- (v) The institution is neither linked to any banned or proscribed organization nor will it be so kinked to any such organization in future.
- (vi) Our Institution is established under the law of the land and it shall always abide by the Constitution and laws of the land.
- (vii) In case of any violation of law, the relevant Government Agency shall have the right to take disciplinary and panel action.

Date \_\_\_\_\_

**Signature with Stamp**  
**Mohtimam / Nazim Aala**  
**Head of Institution / Madrassa**

*[Handwritten Signature]*  
 Asstt. Legal Officer  
 Govt. of Khyber Pakhtunkhwa  
 Law Department

  
Asstt: Legal Drafter  
Govt. of Khyber Pakhtunkhwa  
Law Department


**Annexure# 1**  
**List of Sub-Branches of the Institution**

S.No.	Branch Name	Address	Phone No	Fax Number	Email Address	Nazim Name	CNIC NO. of Nazim	Mobile Number of Branch Nazim	Signature

Signature with Stamp  
Mohimam / Nazim Aala  
Head of Institution / Madrassa

**Annexure#2**  
**Data of Administration**

S.No.	Name	Father Name	Designation	Education	Residential Address (if residence is other than institution)	CNIC No.	Mobile Number	Email Address	Signature

  
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**Signature with Stamp**  
**Mohtimam / Nazim Aala**  
**Head of Institution / Madrassa**

## NECESSARY INSTRUCTION BEFORE FILLING THE FORM

- (1) Under the Law of the country, head of the institution already registered shall fill data form and affidavit.
- (2) For new registration the applicant/head of institution will fill the Registration Form along with Data Form.
- (3) Attested copies of documentary proof of ownership/waqaf /Aryat/ lease shall be provided.

### Necessary Attachment

Two attested copies of following documents shall be attached with Registration Form:

- (i) Aims and objectives of institution.
- (ii) Institution rules and regulations.
- (iii) Administrative structure of institution and members attested CNIC's copies.
- (iv) Photocopy of bank challan of Rs. \_\_\_\_\_ paid as registration fee.



**SCHEDULE-B**  
(see section 21 (1-A))

**DATA FORM**

**Basic Information**

1. Name of Institution/Madrassa/Jamia \_\_\_\_\_
2. Level of Madrassa/Darul Uloom/Jamia \_\_\_\_\_ Ibtidai/Wastani/Fawqani/Aala \_\_\_\_\_
3. Complete Address of Madrassa/Darul Uloom/Jamia \_\_\_\_\_  
\_\_\_\_\_

4. Sect / Sub-Sect / Maslak \_\_\_\_\_
5. Telephonic Number \_\_\_\_\_ Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_
6. Branches of Madrassa/DarulUloom(if any) \_\_\_\_\_ Attach list (Detail Annexure # 1 ) \_\_\_\_\_

Note:

(A) If Institution/Madrassa/DarulUloom is already registered, attach registration number or attested copy of trust deed.

(B) If initial registration is required, fill and attach registration form.

7. Establishment / Commencement of academic activities \_\_\_\_\_
8. Area \_\_\_\_\_ ownership / waqaf/ Ariyat/ lending / on lease \_\_\_\_\_
9. **Buildings Details**  
Total Rooms \_\_\_\_\_ (A) Offices \_\_\_\_\_ (B) Class Rooms \_\_\_\_\_ (C) Residential Block \_\_\_\_\_

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(D) Library \_\_\_\_\_ (E) Darul Afta \_\_\_\_\_ (F) Play Ground and Other facilities \_\_\_\_\_

**10. Number of Staff**

Teaching \_\_\_\_\_ Non-Teaching \_\_\_\_\_ (Detail Annexure # 2 & 3).

Note: Foreign Teachers (if available) \_\_\_\_\_ (Detail Annexure # 4).

**11. Number of Student Male / Female (Detail Annexure # 5)**

(A) Tahfeez Ul Quran ul Kareem \_\_\_\_\_ (B) Tajweed Ul Quran Ul Kareem \_\_\_\_\_

(C) Matwasta \_\_\_\_\_ (D) SanwiaAama \_\_\_\_\_

(E) SanwiaKhasa \_\_\_\_\_ (F) Alaya \_\_\_\_\_

(G) Aalmia \_\_\_\_\_ (H) Takhsees \_\_\_\_\_

(I) Number of foreign students (if available) \_\_\_\_\_ (Detail Annexure # 6)

Note: Details of facilities to the students: Education/Books/Boarding & lodging/Dress/Treatment \_\_\_\_\_

(A) Annual Holidays Duration \_\_\_\_\_

(B) Estimated Annual Expenditure \_\_\_\_\_

**12. Sources of Income**

(A) \_\_\_\_\_ (B) If Government or Zakat Department provides grant (if yes, details) \_\_\_\_\_

(C) Grant / Donation from foreign Government/Institutions (if yes, details) \_\_\_\_\_

(D) Details of Bank Accounts:

Title of Accounts \_\_\_\_\_ Account Number \_\_\_\_\_ Bank Name \_\_\_\_\_

13. Attach Mosque \_\_\_\_\_ Area \_\_\_\_\_ Capacity of worshippers \_\_\_\_\_

14. Whether facility of modern education is available (if available, details)?

15. Whether computer and technical education facility is available (if available, details)?

16. Attach the following details.

(A) Details of Branches of Madrassa/Institution (Annexure # 1)

(B) Teaching Staff details (Annexure # 2)

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- (C) Non-Teaching Staff details (Annexure # 3)
- (D) Foreign Teachers details (Annexure # 4)
- (E) Class/level wise details of Male / Female students (Annexure # 5)
- (F) Details of Foreign Male / Female students (Annexure # 6)
- (G) Administrative Structure details (Annexure # 7)


**Note**

- (A) If Institution/Madrassa is already registered under law of the land, Mohtimam is required to fill data form and affidavit only.
- (B) For new registration, the applicant/ Mohtimam of Institution/Madrassa is required to fill up registration form and affidavit with this data form.
- (C) Building (Property) Ownership / Waqaf / lending / lease, attested copies of documentary proof.
- (D) Darajat / Levels detail:
  - \* Aala: That which gives education upto Takhsees level
  - \* Fawqani: That which gives education upto Aalmia level
  - \* Wastani: That which gives education upto Sanwia Khasa
  - \* Ibtidai: That which gives education from Tahfeezul Quran to Motawasita.
- (E) Data Form shall be filled and submitted once in the month of Zul Hijja each year.
- (F) Law of registration shall be applied to those religious institutions wherein the male / female students are being provided with boarding and lodging facilities along with education OR those who are affiliated their male / female students with Wifaq/Tanzeem/Rabita/board for the conduct of examination and awarding certificates / degrees.

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Govt. of Sindh  
Karachi

Date: \_\_\_\_\_

Signature with Stamp  
Mohtimam / Nazim Aala  
Head of Institution / Madrassa

  
**Asstt: Legal Drafter**  
 Govt of Sindh, Karachi  
 LEGAL DEPARTMENT

**Annexure# 1**  
**List of Sub-Branches of the Institution**

S.No.	Branch Name	Address	Phone No	Fax Number	Email Address	Nazim Name	CNIC NO. of Nazim	Mobile Number of Branch Nazim	Signature



**Annexure#7  
Data of Administration**

S.No.	Name	Father Name	Designation	Education	Residential Address (if residence is other than institution)	CNIC No.	Mobile Number	Email Address	Signature

*[Handwritten Signature]*  
 Asstt. Legal Officer  
 Govt. of Khyber Pakhtunkhwa  
 Law Department

**STATEMENT OF OBJECTS AND REASONS**

It is expedient to amend the Societies Registration Act, 1860. Hence, this Bill.

Peshawar,  
 dated the: \_\_\_\_\_ / \_\_\_\_\_ /2017.

**MINISTER-IN-CHARGE.**