

SHAKEEL IQBAL STAMP VENDOR

Lic No. 69 Shop No. 113 New Ruby Centre

Talpur Road, Boulton Market Karachi

S No. 230444 Date 25 JUN 2014

Issued to with Address

Through with Address

Purpose

Value Rs. Attached

Stamp Vendor's Signature

(NOT USE FOR FREE WILL & DIVORCE PURPOSE)

GHULAM HABIB (Advocate)
KBA No. 63

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WAQF RULES

1. **Short title.** – These shall be called Waqf Rules
2. **Definitions.** – In these Rules, unless there is anything repugnant in the subject or context, –
 - (i) **Accounting Year** means financial year of the Operator, i.e., 12 months commencing from January 1 till December 31.
 - (ii) **Board of Directors** means board of directors of Pak-Qatar General Takaful Limited;
 - (iii) **Commission** means Securities and Exchange Commission of Pakistan;
 - (iv) **Contribution** means the amount payable by a participant to an operator under a Takaful Fund;
 - (v) **Companies Ordinance** means the Companies Ordinance, 1984;
 - (vi) **Deficit** means the shortfall in the PTF, that is excess of payments over receipts and after accrual of all expenses and income in accordance with generally accepted accounting principles and applicable law for the time being in force;
 - (vii) **Distributable Surplus** means the portion of amount to be distributed after the necessary evaluation of the assets and liabilities of Participant Takaful Fund(s) determined by the Operator after the consultation with Shariah Advisor and appointed Actuary at the end of every fiscal year.
 - (viii) **Ordinance** means the Insurance Ordinance (XXXIX of 2000);

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(ix) **Operator and Trustee** means Pak-Qatar General Takaful Limited working in its capacity as Wakeel thereby operating the PTF. The terms Operator or Trustee may be used interchangeably;

(x) **Participant** means a person who participates in a Takaful scheme and to whom a Takaful Contract is issued;

(xi) **Participant membership documents (PMD)** means the documents detailing the benefits and obligations of a the Participant under a Takaful Scheme.

(xii) **Qard-e-Hasana** means an interest-free loan to the PTF from the Operators Fund, when the PTF is in deficit and insufficient to meet their current liabilities.

Participant Takaful Fund (PTF) means a separate fund set up into which the participant's risk related contributions are paid and from which risk related benefits are paid out; .

(xiii) **Operator** means Pak-Qatar General Takaful Limited. The term Operator or Settlor or Trustee may be used interchangeably.

(xiv) **Shariah Advisor** means a person appointed by the Operator under rule 26 of Takaful Rules;

(xv) **Operator Fund** means a fund set up by a General Takaful Operator which shall undertake all transactions which the Operator undertakes other than those which pertain to Participant Takaful Funds set up by the Operator;

(xvi) **Supplementary Rules** means sub-rules or other rules made under the Waqf Settlement Deed.

(xvii) **Takaful Rules** means Takaful Rules, 2012.

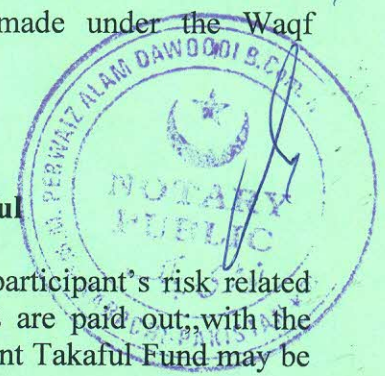
(xviii) **"Takaful Contract"** means any contract of General Takaful

(xix) **Waqf Fund** means a separate fund set up into which the participant's risk related contributions are paid and from which risk related benefits are paid out; with the requirements of Takaful Rules, 2012. Waqf Fund or Participant Takaful Fund may be used interchangeably.

(xx) **Waqf Deed** means Waqf Settlement Deed made by the Operator/ Settlor to establish Waqf Fund.

Unless the context otherwise requires, words or expressions contained in these rules shall have the same meaning as in the Companies Ordinance, 1984, Insurance Ordinance, 2000, Takaful Rules, 2012 and Waqf Deed; and words importing the singular shall include the plural, and *vice versa*, and words importing the masculine gender shall include feminine, and words importing persons shall include bodies corporate.

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business to which the PTF relates (including the income of the PTF), and the assets comprised in the PTF shall be applicable only to meet such part of the PTF's liabilities and expenses as is properly so attributable.

- (b) The risk related component of contributions and Operator's fees shall be credited to the PTF and from which benefits shall be paid out.
- (c) The Operator shall assess, classify, and determine risk prudently in accordance with sound Underwriting Guidelines and Shariah Principles issued by the Shariah Advisor .
- (d) The Operator shall be entitled to appoint intermediaries for soliciting subscribers or participants or members and to perform such functions necessary and incidental thereto.
- (e) The Operator shall perform all functions necessary for the operations of the PTF, including but not limited to:
 - (i) Receiving contributions from the Participants;
 - (ii) Utilizing these contributions for the benefits of all the Participants;
 - (iii) Acting as Modarib or Wakeel in order to manage the funds in the best interest of the PTF;
 - (iv) The Operator shall define, design, implement, manage, administer, run, control, govern, modify Takaful Schemes for the benefits of all the Participants, whether existing or prospective, with the approval of the Shariah Advisor;
- (f) The Takaful Operator shall be required to invest his available funds in the PTF in the modes and products that adhere to principles established by the Shariah Advisor and all such modes and products shall be approved by the Shariah Advisor of the Takaful Operator. The following guidelines shall be followed for investments of the funds in the PTF, namely:-
 - (a) Investment in Shariah compliant Government securities.-Any Shariah compliant Government instrument such as Islamic bonds and securities.
 - (b) Investments in immovable property.-The Operator shall be allowed to invest in immovable property subject to the following conditions, namely:-
 - (i) the use and intended use of the property should be in compliance with the Islamic principles; and
 - (ii) return on rented property may be in the form of fixed rent and a prior undertaking for charity from the lessee should be obtained to cover the late payment loss
 - (c) Investment in Joint Stock Companies.-The Operator may invest its funds in joint stock companies. However, investments in non-Shariah compliant preferred stocks, debentures and interest based redeemable capital securities are not allowed. For investments in the common stocks of joint stock companies, the following guidelines should be followed in consultation with the Shariah Advisor, namely:-
 - (i) The main business of the investee company must not generally violate Shariah principles. Therefore, it is not permissible to acquire the shares, debentures or certificates of the companies providing financial services like conventional banks or the companies involved in business prohibited by Shariah like alcohol production, gambling or night club activities, etc;-
 - (ii) The Shariah Advisor of the Operator shall take into consideration factors such as the proportion of income of the investee company from interest bearing accounts or non-Shariah based activities, the debt to equity ratio and cash or cash equivalents of the investee company; and



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(d) Investments in redeemable capital.- The Operator may also make its portfolio investments through various mutual funds operating under the Shariah principles and approved by the Commission. Before making any investment therein, the Operator shall have the procedures and practices being followed by such funds scrutinized by its Shariah Advisor.

(e) Investments in redeemable capital.-The Operator may invest their funds in Shariah compliant instruments like Musharika Certificates, Term Finance Certificates (TFCs), Participation Term Certificates (PTCs) etc. However, in case of investment in redeemable capital it shall be necessary that the certificates are issued in compliance with the Islamic injunctions and the scheme of their issue be examined by the Shariah Advisor of the Takaful Operator. The basic conditions as laid down earlier for investments in the common stock of joint stock companies should also be followed.

(f) Placement of excess funds with banks and Islamic financial institutions.- The Operator may invest a portion of their funds in liquid or short notice deposits schemes of Islamic banks and their branches or other Islamic financial institutions, placements in PLS saving accounts of Islamic banks and placement in current accounts of traditional banks without any return thereon.

(g) Financing under Islamic modes through the Islamic banks and financial institutions. The Operators may make arrangements with the Islamic banks operating in Pakistan to directly finance under musharika, murabaha, ijara (lease), salam, istisna contracts approved by the Shariah Advisor.

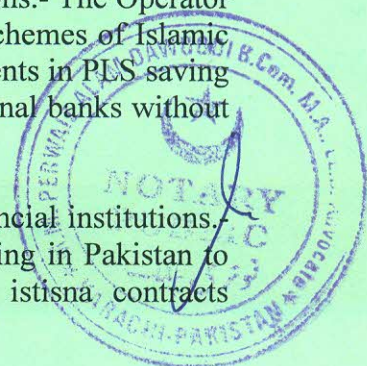
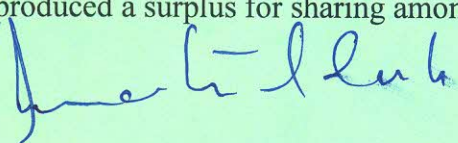
- (a) Takaful Operator shall appoint a Shariah Compliance Auditor who will conduct its audit for each accounting period, which shall be conducted before the close of accounts and annual audit to make the adjustments advised by the Shariah compliance auditor.
- (b) The Operator shall not accept any risk in respect of any general business unless and until the contribution payable is received by the Takaful operator or is guaranteed to be paid by such participant.

Provided, where the contribution payable, as aforesaid is received by any person, including a Takaful agent or a Takaful broker, on behalf of the Operator, such receipt shall be deemed to be receipt by the Takaful operator for the purposes aforesaid and the onus of proving that the contribution payable was received by a person, including a Takaful broker, who was not authorized to receive such contribution shall lie on the Operator.

Provided further, any benefit, which may become due to a participant on account of the cancellation of a policy or alteration in its terms and conditions or for any other reason shall be paid as a benefit by the Operator, from the PTF, directly to the participant and a proper receipt shall be obtained by the Operator from the participant and such payment shall under no circumstances be paid or credited to any other person, including a Takaful broker.

- (c) Atleast at the end of each accounting year the Operator shall evaluate the assets and liabilities of the PTF and determine whether the operation for that particular period had produced a surplus for sharing amongst the participants.

The Takaful Operator would periodically perform surplus calculation for the PTF by the Operator/Accountant. Atleast at the end of each accounting year the Takaful Operator shall evaluate the assets and liabilities of the PTF and determine whether the operation for that particular period had produced a surplus for sharing amongst the participants.



The surplus for each period would be calculated in the following manner:

Balance in Fund brought forward
Add: Takaful Contributions received in the PTF
Add: Investment income earned by investment of the PTF itself
Add: Receipts from retakaful pools as their share of any claims paid out or as shares of surplus earned on retakaful arrangements
Add: Reserves required by preceding year's Actuarial Valuation to be brought forward
Add: Any Qard-e- Hasana / donation made by the Takaful Operator

Less: Incurred Claims
Less: Takaful Operator's Fees
Less: Repayment of Qard-e-Hasna
Less: Takaful Operator's share in Investment income earned by investment of the PTF itself
Less: Amounts paid out to retakaful pools as retakaful contributions
Less: Any donation paid by the PTF on the advice of the Shariah Advisor
Less: Reserves required by actuarial valuation to be carried forward

The Operator may hold a portion of the surplus as a contingency reserve. The basis of this would be defined and reviewed by the Operator/Accountant each year in consultation with the Shariah Advisor. The rest of the surplus would be called the 'Distributable Surplus'.

The Distributable Surplus shall be expressed as a single rate (being referred to as the 'Distributable Surplus rate') being computed as the total Distributable Surplus generated in the PTF during the period per unit total net contributions received during the same period.

The net contribution for each Participant would be calculated as follows:

Takaful Contributions received in the PTF
Less: Change in Technical Reserves
Less: Earned portion of Takaful Operator's fee
Less: Incurred Claims

In case the net contribution for the Participant is negative, no surplus would be paid to that Participant in this Scheme. The losses on any Scheme in one Scheme year shall not be carried forward.

In case there is a deficit in the PTF, the Takaful Operator shall donate an interest-free loan to be called Qard-e-Hasna to make good the shortfall in the fund. The loan shall be repaid from the future surpluses generated in the PTF without any excess on the actual amount given to the PTF.

- (d) Takaful operator may require such technical reserves to be setup in the PTF, as may be deemed appropriate, that is to say:-
- (i) Unearned contributions reserves;
 - (ii) Incurred but not reported claims' reserve;
 - (iii) Deficiency reserve;
 - (iv) Reserve for Qard-e-Hasna to be returned in future; and
 - (v) Surplus equalization reserve.

4. General

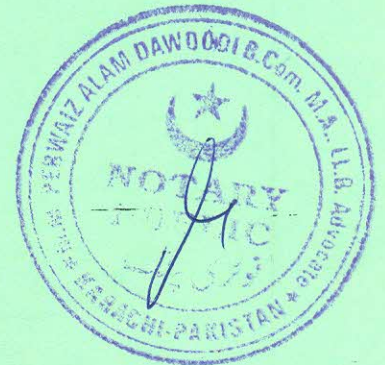
- 4.1. These rules shall be governed by the laws in Pakistan applicable from time to time on the Operator and Waqf Fund.
- 4.2 The Operator shall have the right to modify, change, add, subtract these as may be deemed necessary with due consultation of The Shariah Advisor.

IN WITNESS HEREOF these rules are executed hereunto on.

For and on behalf of
Pak-Qatar General Takaful Limited (the Settlor)

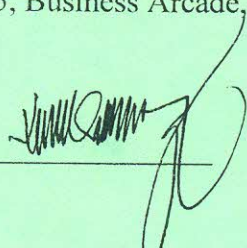


Mr. Said Gul
Chief Executive Officer



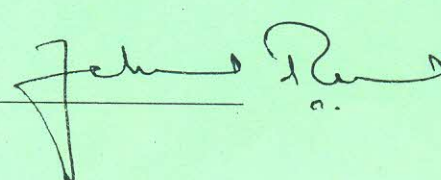
Witness 1: Name & Address:

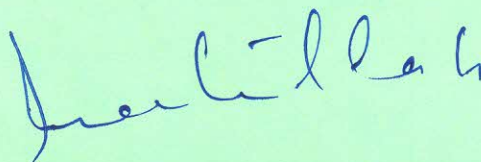
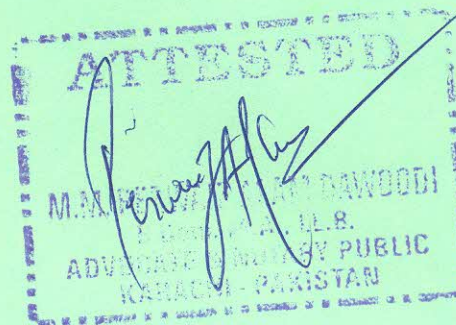
Muhammad Kamran Saleem
Suite 101-105, Business Arcade, Block 6, PECHS, Shahra Faisal, Karachi

Signature: 

Witness 2: Name & Address:

Jehanzaib Ahmed
Suite 101-105, Business Arcade, Block 6, PECHS, Shahra Faisal, Karachi

Signature: 



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