

## **Proposed opinions and suggestions of Waqf Professional Forum**

**Held on 18<sup>th</sup> November 2019, in Prideinn Paradise, Mombasa,  
Kenya.**

1. Page 1131- section 6 = The commission shall consist of nine members involving gender balancing and youth sectors...
2. Page 1132 - section 2 = ...consultation with recognized muslim leader with background of sharia ..... provided that:- **a) no muslim civil servant....**
3. Page 1130 - section 5(c) = Mobilization of funds to replace borrowing money.
4. Page 1141- section 28 (a)= at the rate of 15 per centum...
5. *Page 1140 - section 23 = not exceed thirty percent (should be changed)*
6. Involving youth in public participation.
7. The word Kenya in the Document should be included.
8. Clusters of region for the benefit of wakf deeds.
9. Exemption of taxes –
10. If the president is involved then a government budget should be included.

## **Other Opinions**

1. Appointment of the commissioners by the President (clause 6) is not the most desirable option, but the most practical. We have to remember that there will most likely be very strong competition for those positions, driven not merely by aptitude and eligibility but also regional sentiments and religious affiliations.
2. The total exclusion of the Chief Kadhi is not a wise move. He ought to be consulted in the formation of the selection panel (clause 7(2))
3. Yearly election of the chair (clause 9) is a very good proposal, since it will allow rotation and in any case the Director General has a long term tenure. The AG will have to design water tight rules for the chair person election procedure.
4. It will be important to stress that commissioners are not full time employees; the point is now implied rather than specific.
5. Determination of the Director-General's remuneration (clause 11) will need to be guided by the financial capacity of the organisation, considering its charitable nature.
6. The power to sell assets (clause 20) will be open to abuse. Again this is an area which will need to be clarified and further restricted through subsidiary legislation.
7. The wording "Surplus Account" needs a revisit since it implies the existence of surplus or extra money which could be squandered without any consideration of the needs of Waqf beneficiaries. A more responsible word is needed.