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THE AUQAF (FEDERAL CONTROL) (REPEAL) ORDINANCE, 1979
ORDINANCE NO. XXII OF 1979
[10th April, 1979]

An Ordinance to repeal the Auqaf (Federal Control) Act, 1976

WHEREAS it is expedient to repeal the Auqaf (Federal Control) Act, 1976 and to provide for matters incidental thereto ;

And WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.LA. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Auqaf (Federal Control) (Repeal) Ordinance, 1979.

(2) It extends to the whole of Pakistan, except the Islamabad Capital Territory.

(3) It shall come into force on such day as the Federal Government may, by notification in the official Gazette, specify in this behalf, hereinafter referred to as the commencing day.

2. Repeal, etc.—(1) The Auqaf (Federal Control) Act, 1976 (LVI of 1976) is hereby repealed.

(2) Upon the repeal of the Act,—

(a) the administration, control, management and maintenance of all waqf property situated in a Province which vested in the Administrator-General of Auqaf for Pakistan, hereinafter referred to as the Administrator-General, immediately before the commencing day, shall stand transferred to the Government of that Province or to such authority as may be specified by or under the law of that Province ;

(b) any contract made by or on behalf of the Administrator-General before the commencing day for purposes which as from that day are exclusively relatable to waqf property situated in a Province shall be deemed to have been made on behalf of that Province or of such authority as may be specified by or under the law of that Province, and all rights and liabilities which have accrued or may accrue under such contract shall, to the extent to which they would have been the rights and liabilities of the Administrator-General, be the rights and liabilities of such Province or such authority ;

(c) all rights, assets, debts, liabilities and obligations of the Administrator-General in respect of any waqf property shall vest in the Province in which such

"Le. \StApril, 1979. by S.R.O. No. 317(1) 79, dated the 11th April, 1979, see Gaz. of P, 1979, Ext., Pt. II.

property is situated or in such authority as may be specified by or under the law of that Province ; and

(d) all suits and other legal proceedings instituted by or against the Administrator-General before the commencing day with respect to any waqf property shall be deemed to be suits and proceedings instituted by or against the Province in which such property is situated or by or against such authority as may be specified by or under the law of that Province.

3. Allocation of officers, etc., to Provinces.—(1) The Federal Government may make such orders as it may consider necessary to provide for the allocation to the Provinces of the Chief Administrators of Auqaf, Administrators of Auqaf, Deputy Administrators of Auqaf and other officers and servants employed for the purpose of this Act:

Provided that no such order shall be made after the expiry of one year from the commencing day.

(2) The terms and conditions of service of the persons allocated to the Provinces under sub-section (1) shall not be altered by the Provinces to their disadvantage.

4. Removal of difficulties. If any difficulty arises in carrying out any of the purposes, or in giving effect to any of the provisions, of this Ordinance, the Federal Government may make such orders not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of one year from the commencing day.