

THE NATIONAL ZAKAT FOUNDATION (MERGER IN THE
BAIT-UL-MAL) ORDINANCE, 2001

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THE NATIONAL ZAKAT FOUNDATION (MERGER IN THE
BAIT-UL-MAL) ORDINANCE, 2001

ORDINANCE No. XVIII OF 2001

[6th April, 2001]

An Ordinance to provide for merger of the National Zakat Foundation in the Bait-ul-Mal

WHEREAS it is expedient to merger of the National Zakat Foundation in Bait-ul- Mal, and for matter connected therewith or ancillary thereto;

AND WHEREAS the National Assembly and the Senate stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No. 1 of 1999.

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 Emergency of the fourteenth day of October, 1999 and the Provisional-Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order 9 of 1999, and in exercise of all other powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Order may be called the National Zakat Foundation (Merger in the Bait-ul-Mal) Ordinance, 2001.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context—

(a) “appointed day” means the 31st day of March, 2001;

(b) “Bait-ul-Mal” means the Bait-ul-Mal established under the Pakistan Bait-ul- Mal Act, 1991 (1 of 1992); and

(c) “Foundation” means the National Zakat Foundation established vide Notification No.S.R.O.162(1)/82, dated the 18th February, 1982.

3. Merger of Foundation in the Bait-ul-Mal.— (1) Notwithstanding anything contained in any other law for the time being in force the in the Bait-ul-Mal and assets, properties, movable and immovable, debts, rights and liabilities of whatever kind to which the Foundation, immediately before the appointed day was entitled or subject shall vest in Bait-ul-Mal and become the property, rights and liabilities of the Bait-ul-Mal;

(2) All contracts, bonds, agreements, power of attorneys, grants and all other instruments of

whatever kind subsisting, owed or incurred by the Foundation or to which the Foundation may have been a party or which relate or connected with the Foundation shall remain in force and effect against

the Bait-ul-Mal as they were before the appointed day against the Foundation as if instead of Foundation the Bait-ul-Mal had been a party thereto.

(3) All suits, appeals or other legal proceedings of whatever nature by or against or relating to the Foundation which shall be pending on the appointed day in any Court, Tribunal or other authority shall be continued, prosecuted and in force in the same manner and to the same would have been continued, prosecuted or enforced, by Foundation as if this Ordinance would not have been promulgated, against the Bait-ul-Mal and the same shall not abate, be discontinued any way prejudiced or affected by the provisions of this Ordinance.

4. Transfer etc., of employees of the Foundation.— (1) Notwithstanding anything contained in any law or terms and conditions of service, agreement, contracts or other instrument, every person employed in, or under, the Foundation immediately before the appointed day including persons on deputation to other organizations shall stand transferred to and become an employee of, the Bait-ul-Mal on the same terms and conditions, including remuneration, tenure of service, rights and privileges as to pension and gratuity and other matters as were applicable to him immediately before the appointed day, until his employment in the Bait-ul-Mal is terminated in accordance with his condition of service or his terms and conditions as are altered, by regulation, which shall not be less favourable than those by which was governed immediately before his transfer to the Bait-ul-Mal.

(2) Any person referred to in sub-section (1) who is on deputation with the Foundation shall continue in the employment of Bait-ul-Mal on deputation in accordance with the terms of his deputation:

Provided that if, within three months from the commencement of this Ordinance, he opts to be transferred to the service of Bait-ul-Mal on the terms and conditions referred to in sub-section (1) he shall stand so transferred.

(3) Any person referred to in sub-section (1), may, within three months, from the commencement of this Ordinance, opt not to be transferred to the service of Bait-ul-Mal and the option so exercised shall be final.

(4) The service of an employee who opts under sub-section (3) not to be transferred to the Bait-ul-Mal shall stand terminated on the day on which his option is accepted by the Bait-ul-Mal and he shall be entitled to be paid by the Bait-ul-Mal compensation equal to three months remuneration.

Explanation.— The compensation payable to an employee in this subsection shall be in addition to and not in derogation of his right as to pension, gratuity, provident fund money or other benefit to which he may be entitled under his conditions of service.

(5) The terms of service of an employee under sub-section (4) shall be deemed to be discharged from service owing to abolition of a permanent post for the purpose of admissibility to compensation/pension.

(6) No person referred to in sub-section (1) who stands transferred to Bait-ul-Mal shall, notwithstanding anything contained in any law, contract, agreement, or terms of conditions of service, be entitled to compensation because of his transfer.