

(Repeal)

(3) It shall come into force on such day¹ as the Federal Government may, by notification in the official Gazette, specify in this behalf, hereinafter referred to as the commencing day.

Repeal, etc.

2.—(1) The Auqaf (Federal Control) Act, 1976 is hereby repealed.

LVI
of
1976.

(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 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.

Allocation
of officers,
etc., to
Provinces.

3.—(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.

(Repeal)

(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.

Remove
of difficul-
ties.

4. 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.

THE DEVELOPMENT OF INDUSTRIES (FEDERAL CONTROL) (REPEAL) ORDINANCE, 1979.

ORDINANCE No. XXVI OF 1979

[31st May, 1979]

An Ordinance to repeal the Development of Industries (Federal Control) Act, 1972.

XVI
of
1972

WHEREAS it is expedient to repeal the Development of Industries (Federal Control) Act, 1972 and to provide for matters connected therewith or 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.L.A. 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.—(1) This Ordinance may be called the Development of Industries (Federal Control) (Repeal) Ordinance, 1979.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date¹ as the Federal Government may, by notification in the official Gazette, appoint.

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

Definitions.

(a) "Act" means the Development of Industries (Federal Control) Act, 1972.

(b) "commencing day" means the day on which this Ordinance comes into force;

XVI
of
1972.

(c) "Corporation" means a company incorporated and registered under the Companies Act, 1913, the entire issued and paid-up share capital of which is held by the Federal Government and its nominees;

VII
of
1913.

(d) "managed company" means a company the aggregate face value of the shares of which owned by the Federal Government and by institutions owned or controlled by the Federal Government exceeds fifty per cent of the total voting rights in the issued and paid-up share capital of the company; and

(e) words and expressions used but not defined in this Ordinance shall have the same meaning as in the Act.

Dissolution
of the Board,
etc.

3.—(1) As from the commencing day, the Board shall stand dissolved and all members of the Board shall cease to hold office.

(2) The winding up of the affairs relating to the Board shall be carried out by an Administrator to be appointed by the President.

(3) The Administrator shall hold office during the pleasure of the President and shall, in the discharge of his functions, be subject to such directions as the President may give from time to time.

(4) The Administrator shall have all the powers of the Board, including the powers to incur expenditure, collect assets and discharge liabilities of the Board, to terminate orders, contracts, deeds, bonds, agreements, powers of attorney and grants of legal representations or any other instruments.

(5) The Administrator may fix a time limit within which creditors, if any, shall prove their claims against the Board.

(6) The Federal Government may, by order in writing, direct that the control and ownership of the properties, assets, including moneys in the Fund and documents which, immediately before the commencing day, belonged to the Board be transferred to it or such corporation or managed company as it may specify, whereupon such property, assets and documents shall stand transferred to and vest in the Federal Government, the corporation or, as the case may be, the managed company.

(7) The Federal Government shall appoint an auditor to carry out the audit relating to the affairs of the Board for the period to be specified by the Federal Government and the auditor shall, upon completion of the audit, submit his report to the Federal Government regarding the availability and distribution of assets of the Board.

(8) For the purposes of the audit, the administrator shall make all relevant documents available to the auditor.

4.—The Federal Government may, by order in writing, direct that the services of any officer or other employee of the Board shall, on such day as may be specified in the order, stand transferred to the corporation or managed company so specified on terms not less favourable than those to which he was entitled as an employee of the Board.

Employees
of the
Board.

(2) The Federal Government, in accordance with the terms of their appointment, terminate the services of such officers and employees of the Board as it may consider surplus.

5.—(1) The moneys and investments in the provident fund established by the Board for the benefit of its officers and employees shall stand transferred to and vest in the corporation or managed company to which their services are transferred under section 4, free from any trust that may have been constituted by the Board in respect thereof, and the trustees of the provident fund shall, as from the day of such transfer, stand discharged from the trust except as respects things done or omitted to be done before that day.

Provident
fund.

(2) An officer or other employee transferred to a corporation or managed company under section 4 shall be deemed to have become, on the date of such transfer, a member of the provident fund established by such corporation or managed company and, in the records of such provident fund, a separate account shall be opened for such officer or other employee and be credited with the amount of the accumulated balance standing, immediately before the said date, to the credit of such officer or other employee in the provident fund established by the Board.

6.—(1) All orders, contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting and having effect immediately before the commencing day to which the Board is a party shall be of full force and effect against or in favour of a corporation or managed company which may be designated by the Federal Government for the purposes by notification in the official Gazette and may be enforced or acted upon as fully and effectively as if references in such orders, contracts, deeds, agreements, powers, grants and instruments to the Board were references to such corporation or managed company.

Contracts
and proceedings.

(2) All suits, appeals or other proceedings of whatever nature instituted by or against the Board and pending immediately before the commencing day shall not abate, be discontinued or be in any way prejudicially affected by reason of the dissolution of the Board, but the suit, appeal or other legal proceeding may be continued, prosecuted and enforced by or against corporation or managed company which may be designated by the Federal Government for the purpose by notification in the official Gazette.

7.—(1) No court shall call into question or permit to be called in question, any order made or anything done or any action taken under this Ordinance.

Bar of jurisdiction.

(2) No court shall grant any injunction, make any order or entertain any proceedings in relation to anything in good faith done or intended to be done under this Ordinance.

Indemnity.

8. No suit, prosecution or other legal proceeding shall lie against the Federal Government, the Board, a corporation, a managed company or any other person for anything in good faith done or intended to be done under this Ordinance.

Removal of difficulties.

9. If any difficulty arises in giving effect to any provision of this Ordinance, the Federal Government may make such order or issue such directive, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

Repeal.

1. The Development of Industries (Federal Control) Act, 1972 is hereby repealed. XVI of 1972.

THE FINANCE ORDINANCE, 1979.

ORDINANCE NO. XXX OF 1979

[28th June, 1979]

An Ordinance to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 1979, and to amend certain laws.

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 1979 and to amend certain laws for the purpose hereinafter appearing;

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

NO. THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. 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, namely:—

Short title, extent and commencement.

1.—(1) This Ordinance may be called Finance Ordinance, 1979;

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

Amendment of Act I of 1944.

2.—The following amendments shall be made in the Central Excises and Salt Act, 1944 namely:— I of 1944.

(1) In section 3A, for sub-section (2) the following shall be substituted, namely:—

(2) The regulatory duty levied under sub-section (1) shall—

(a) be in addition to any duty levied under section 3; and

(b) be leviable on and from the day specified in the notification issued under that sub-section, notwithstanding the fact that the issue of the official Gazette in which such notification appears is published at any time after that day.

and the notification by which such duty was levied shall, if not earlier rescinded, stand rescinded on the expiry of the financial year during which it was issued.

(2) for section 9 the following shall be substituted, namely:—

“ 9. *Offences and penalties.*—Whoever commits any of the following offences, namely:—

(a) contravenes any of the provisions of a notification issued under section 6, or of section 8, or of a rule made under clause (iii) of sub-section (2) of section 37;

(b) evades the payment of any duty payable under this Act;

(c) renders or provides excisable services liable to duty without issuing to the person to whom the services have been rendered or provided a bill of charges in the prescribed form;

(d) removes any excisable goods in contravention of any of the provisions of this Act or any rule made thereunder or in any way concerns himself with such removal;

(e) acquires possession of, or in any way concerns himself in transporting, depositing, keeping, concealing, selling or purchasing, or in any other manner deals with, any excisable goods which he knows or has reason to believe are liable to confiscation under this Act or any rule made thereunder;

(f) fails to supply any information which he is required by rules made under this Act to supply; or (unless with a reasonable belief, the burden of proving which shall be upon him, that the information supplied by him is true) supplies false information;

(g) attempts to commit, or abets the commission of, any of the offences mentioned in clauses (a) and (b) of this section; and

(h) makes or attempts to make a deduction in the duty payable under sub-section (4) of section on account of removal of goods for export or to a licensed warehouse or a licensed factory, otherwise than in accordance with the provisions of the appropriate notification under the said section (4);

shall, for every such offence, be punishable with imprisonment for a term which may extend to—