



The Uttar Pradesh Muslim Waqfs (Amendment) Act, 1963
Act 25 of 1963

Keyword(s):

The Uttar Pradesh Muslim Waqfs Act, 1960, Husainabad Endowment Act, 1878, Sunni Muslim, Shia Muslim

Amendments appended: 3 of 1970, 18 of 1972, 11 of 1974, 23 of 1995, 6 of 2005

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**THE UTTAR PRADESH MUSLIM WAQFS (AMENDMENT)
ACT, 1963***

[U. P. ACT No. XXV OF 1963]

[*Authoritative English text† of the Uttar Pradesh Muslim Waqfs
(Sanshodhan) Adhiniyam, 1963*]

AN
ACT

to amend the Uttar Pradesh Muslim Waqfs Act, 1960

U. P. Act
XVI of 1960.

IT IS HEREBY enacted in the Fourteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Muslim Waqfs (Amendment) Act, 1963.

Short title and
commencement.

(2) Sections 1, 7 and 8 of this Act shall come into force at once and sections 2 to 6 shall be deemed to have come into force on September 3, 1960.

2. For sub-section (2) of section 2 of the Uttar Pradesh Muslim Waqfs Act, 1960 (hereinafter referred to as the Principal Act) the following shall be substituted :

Amendment of
section 2 of U. P.
Act no. XVI of
1960.

“(2) This Act shall also apply to the endowments hitherto governed by the Husainabad Endowment Act, 1878, the trusts known as King’s side and the Queen’s side of Shahnajaf Trust, the Waqfs known as Waqf Abbu Saheb, Rauza Kazmani Waqf and Waqf Wazir Begum, Lucknow and any other endowment, trust or waqf hitherto administered by the Trustees appointed under the said Husainabad Endowment Act; and all these endowments, trusts and waqfs shall be deemed to be waqfs for the purpose of this Act :

Provided that the State Government shall have the power to make, by notification in the official *Gazette*, such adaptations, whether by way of modification, addition or omission, not affecting the substance of the provisions of this Act, as it may deem fit, in its application to the aforesaid endowments, trusts and waqfs.”

3. In clause (5) of section 3 of the Principal Act—

- (i) the words “or endowment” shall be deleted ; and
(ii) *for* the words “any endowment as such” the word “waqfs” shall be substituted.

Amendment of
section 3 of
U. P. Act no.
XVI of 1960.

(*For Statement of Objects and Reasons, please see *U. P. Gazette Extraordinary*, dated September 14, 1963.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on September 18, 1963 and by the Uttar Pradesh Legislative Assembly on October 17, 1963.)

(Received the Assent of the President on November 1, 1963, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated November 4, 1963.)

(†Published in the *Uttar Pradesh Gazette Extraordinary*, dated November 4, 1963.)

Amendment of section 10 of U. P. Act no. XVI of 1960.

4. In the proviso to sub-section (2) of section 10 of the Principal Act, *for* the words "Properties which were hitherto governed by the Husainabad Endowment Act, 1878, or which were administered by the Trustees appointed thereunder" the words and figures "waqfs, endowments and trusts referred to in sub-section (2) of section 2" shall be substituted.

Amendment of section 19.

5. In section 19 of the Principal Act—

(i) In sub-section (1), the words "or endowments" shall be deleted ; and

Act no. XV of 1878.

(ii) in clause (f) of sub-section (2), for the words "waqfs hitherto governed by the Husainabad Endowment Act, 1878 and the properties administered by the Trustees appointed thereunder", the words and figures "waqfs, endowments and trusts referred to in sub-section (2) of section 2" shall be substituted.

Amendment of section 47.

6. In section 47 of the Principal Act—

Act no. XV of 1878.

(i) In sub-section (1), *for* the words "properties which were hitherto governed by the Husainabad Endowment Act, 1878, or which were administered by the Trustees appointed thereunder" the words and figures "waqfs, endowments and trusts referred to in sub-section (2) of section 2" shall be substituted ; and

(ii) in sub-section (2), *for* the word "properties" the words "waqfs, endowments and trusts" shall be substituted.

Saving of adaptations and schemes of administration.

7. Any adaptations of the provisions of the Principal Act made under the proviso to sub-section (2) of section 2 or any scheme of administration settled under section 47 of the said Act or any action taken thereunder shall be deemed to have been so made, settled or taken under the said Act as amended by this Act, any judgment, order or decree of any court notwithstanding.

Repeal of U. P. Ordinance IV of 1963.

8. (1) The Uttar Pradesh Muslim Waqfs (Amendment) Adhyadesh, 1963, is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Adhyadesh shall be deemed to have been done or taken under this Act, as if this act had commenced on August 14, 1963.

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THE UTTAR PRADESH MUSLIM WAQFS (AMENDMENT) ACT, 1970

(U. P. ACT No. 3 OF 1970) ✓

[*Authoritative English Text of the Uttar Pradesh Muslim Waqf (Sanskodhan) Adhiniyam, 1970]

AN
ACT

further to amend the Uttar Pradesh Muslim Waqfs Act, 1960

U. P.
Act
no.
XVI
of
1960.

IT IS HEREBY enacted in the Twenty-first Year of the Republic of India as follows :

1. This Act may be called the Uttar Pradesh Muslim Waqfs (Amendment) Act, 1970.

Short title

2. (1) Section 11 of the Uttar Pradesh Muslim Waqfs Act, 1960, hereinafter referred to as the principal Act, shall be re-numbered as sub-section (1) thereof and in sub-section (1) as so renumbered—

Amendment of section 11.

(i) for the words "co-opted as hereinafter indicated" the words "co-opted or nominated, as hereinafter indicated" shall be substituted;

(ii) for clauses (iv) and (v) the following clauses shall be substituted, namely:—

"(iv) two members, one of whom shall have knowledge or practical experience in respect of finance and the other in respect of administration, to be nominated by the State Government;

(v) one member to be co-opted by the above ten members from amongst *mutawallis* of *waqfs* to which this Act applies having each an annual income of not less than rupees ten thousand." ;

(iii) in clause (vi) for the word "fourteen" the word "eleven" shall be substituted;

(2) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Until bye-laws are made under section 79 providing for the manner of election referred to in sub-section (1) the procedure for election shall be such as was in force immediately before the commencement of this Act, and in particular, the election of members by Sunni members of the State Legislature shall be governed by rule 46 of the United Provinces Sunni Central Board Rules, 1944."

3. (1) Section 12 of the principal Act shall be re-numbered as sub-section (1) thereof, and in sub-section (1) as so renumbered—

Amendment of section 12.

(i) for clause (ii) the following clause shall be substituted, namely:—

"(ii) one member to be nominated by the State Government;" ; and

(ii) for clause (iv) the following clause shall be substituted, namely:—

"(iv) three members, one of whom shall be a *mutawalli* of a *waqf* to which this Act applies having an annual income of not less than rupees ten thousand, one shall have knowledge or practical experience in respect of finance and administration, and the third shall be an *Alim*, to be co-opted by the above seven members."

[*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated March 3, 1970].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 13, 1970 and by the Uttar Pradesh Legislative Council on March 20, 1970.)

(Received the assent of the Governor on March 22, 1970, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette, Extraordinary*, dated March 22, 1970.

(2) After the said sub-section (1) the following sub-section shall be inserted, namely:—

“(2) Until bye-laws are made under section 79 providing for the manner of election referred to in sub-section (1) the procedure for election shall be such as was in force immediately before the commencement of this Act, and in particular, the election of members by Shia members of the State Legislature shall be governed by the rules agreed upon at a meeting of the Shia members of the Legislature on the 16th day of September, 1958.”

4. For section 13 of the principal Act, the following section shall be substituted, namely:—

“13. If any of the bodies referred to in clauses (i) to (iii) of sub-section (1) of section 11 and clauses (i) and (iii) of sub-section (1) of section 12 fails to return the requisite number of members within such time as may be prescribed, the deficiency shall be made good by nomination of a Sunni Muslim or Shia Muslim, as the case may be, by the State Government.”

5. Section 14 of the principal Act, shall be renumbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so renumbered—

(i) for the words “from the day immediately following that on which the term of the members of the previous Board expires” the words “from the date of the notification of its constitution” shall be substituted;

(ii) after the proviso thereto the following proviso shall be inserted, and be deemed to have been inserted with effect from the 5th day of December, 1969, namely :

“Provided further that except as provided in sub-section (2), the outgoing members of the Board (including its President) shall, notwithstanding the expiration of their term, continue to hold office as members and President respectively until the constitution of the new Board is notified by the State Government in the Official Gazette.”;

(b) after sub-section (1) the following sub-section shall be inserted, namely:—

“(2) Where as a result of any interim order of any Court, either the State Government is unable to issue a notification of due constitution of the new Board or after such notification is issued the new Board is unable to function the State Government may for the duration of such order appoint a Sunni Muslim or a Shia Muslim, as the case may be, as Controller of the Board, and such Controller shall perform, exercise and discharge the function, powers and duties of the Board as well as of its President and members.”

6. In section 15 of the principal Act, in sub-section (2) the words “and shall hold office till a new President is elected by the Board as required by sub-section (1)” shall be omitted.

7. Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any court,—

(i) the elections last held or purporting to have been held before 31st December, 1969, under clauses (i), (ii) and (iii) of section 11 and under clauses (i) and (iii) of section 12 of the principal Act shall be deemed to be and always to have been as valid as if the provisions of this Act were in force at the time of such elections ;

(ii) the co-options under clauses (iv) and (v) of section 11 and clause (iv) of section 12 of the principal Act last made before the said date shall be deemed to be and always to have been as invalid as if the provisions of this Act were in force at the time of such co-options.

8. The State Government may, for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the principal Act to the provisions of that Act as hereby amended, by order direct that the principal Act or the rules made thereunder shall, during such period as may be specified in the order, not extending beyond one year from the commencement of this Act, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient.

9. The Uttar Pradesh Muslims Waqfs (Amendment) Ordinance, 1969, is hereby repealed.

Substitution of new section for section 13.

Amendment of section 14.

Amendment of section 15.

Transitory provision.

Removal of difficulties.

Repeal of U. P. Ordinance no. 11 of 1969.

उत्तर प्रदेश मुस्लिम वक्फ (संशोधन) अधिनियम, 1972

(उत्तर प्रदेश अधिनियम संख्या 18, 1972)

[उत्तर प्रदेश विधान सभा ने दिनांक 3 अप्रैल, 1972 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 10 अप्रैल, 1972 ई० की बैठक में स्वीकृत किया।]

["भारत का संविधान" के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 15 अप्रैल, 1972 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 19 अप्रैल, 1972 ई० को प्रकाशित हुआ।]

उत्तर प्रदेश मुस्लिम वक्फ अधिनियम, 1960 में अग्रेतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के तेईसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:—

1—यह अधिनियम उत्तर प्रदेश मुस्लिम वक्फ (संशोधन) अधिनियम, 1972 कहलायगा।

2—उत्तर प्रदेश मुस्लिम वक्फ अधिनियम, 1960 (जिसे आगे मूल अधिनियम कहा गया है) की धारा 11 में, उपधारा (1) में—

(क) खण्ड (1) के स्थान पर निम्नलिखित खण्ड रख दिया जाय, अर्थात्—

“(1) छः सदस्य, जिनमें से कम से कम एक राज्य विधान परिषद् का सदस्य होगा, जिनका निर्वाचन राज्य विधान मंडल के सुन्नी सदस्य अपने में से करेंगे।”

(ख) खण्ड (2) के स्थान पर निम्नलिखित खण्ड रख दिया जाय, अर्थात्—

“(2) दो सदस्य जिनका निर्वाचन उत्तर प्रदेश के सुन्नी एडवोकेट्स अपने में से करेंगे;”

(ग) खण्ड (5) में शब्द 'दस' के स्थान पर शब्द 'ग्यारह' रख दिया जाय;

(घ) खण्ड (6) में शब्द 'ग्यारह' के स्थान पर शब्द 'बारह' रख दिया जाय।

3—मूल अधिनियम की धारा 12 में—

(1) उपधारा (1) में—

(क) प्रारम्भिक पैरा में शब्द “आमेलित किये जायेंगे” के पश्चात् शब्द “या नाम-निर्दिष्ट किये जायेंगे या पदेन होंगे” रख दिये जायें ;

(ख) खण्ड (1) के स्थान पर निम्नलिखित खंड रख दिया जाय, अर्थात्—

“(1) राज्य विधान मंडल के समस्त शिया सदस्य;”

(ग) खण्ड (4) में, शब्द “उपर्युक्त सात सदस्यों” के स्थान पर शब्द “पूर्ववर्ती खण्डों में अभिदिष्ट सदस्यों” रख दिये जायें;

(2) उपधारा (2) निकाल दी जाय।

4—मूल अधिनियम की धारा 13 में शब्द तथा अंक “धारा 12 की उपधारा (1) के खण्ड (1) और (3)” के स्थान पर शब्द तथा अंक “धारा 12 की उपधारा (1) के खण्ड (3)” रख दिये जायें।

5—उत्तर प्रदेश मुस्लिम वक्फ (संशोधन) अध्यादेश, 1972 एतद्द्वारा निरस्त किया जाता है।

विधान पुस्तकालय
(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

संक्षिप्त नाम

उ० प्र० अधि-
नियम संख्या 16,
1960 की धारा
11 का संशोधन

धारा 12 का
संशोधन

धारा 13 का
संशोधन

उत्तर प्रदेश अध्यादेश
संख्या 5, 1972
का निरसन

[उद्देश्य और कारणों के विवरण के लिए कृपया दिनांक 1 अप्रैल, 1972 ई० का सरकारी असाधारण गजट देखिये।]

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विधान सभा
(राजकीय प्रकाशन)
उत्तर प्रदेश सरकार

UTTAR PRADESH MUSLIM WAQFS (AMENDMENT) ACT, 1974

(U. P. ACT No. 11 OF 1974)

[Authoritative English Text of the Uttar Pradesh Muslim Waqfs (Sanshodhan) Adhiniyam, 1974]

AN
ACT

further to amend the Uttar Pradesh Muslim Waqfs Act, 1960

IT IS HEREBY enacted in the Twenty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Uttar Pradesh Muslim Waqfs (Amendment) Act, 1974.

Short title.

2. In section 11 of the Uttar Pradesh Muslim Waqfs Act, 1960, hereinafter referred to as the principal Act-

Amendment of section 3 of U.P. Act no. XVI of 1960.

(a) in sub-section (1), in the opening paragraph, the words "in the manner prescribed" shall be omitted;

(b) in sub-section (1), for clause (ii), the following clause shall be substituted, namely :-

"(ii) two Sunni Advocates enrolled with the Uttar Pradesh State Bar Council, to be elected by Sunni members of the High Court Bar Association, Allahabad and Avadh Bar Association, Lucknow ;";

(c) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) The election and co-option under sub-section (1) shall be held and made within such time and in such manner as the State Government may by general or special order direct, and any question or dispute relating to any such election or co-option, shall be referred to the State Government whose decision shall be final."

3. In section 12 of the principal Act-

Amendment of section 12.

(a) in sub-section (1), in the opening paragraph, the words "in the manner prescribed" shall be omitted;

(b) in sub-section (1), in clause (v), for the words "the above ten member", the words "the members referred to in the foregoing clauses" shall be substituted;

(c) after sub-section (1), the following sub-section shall be inserted, namely :-

"(2) The election and co-option under sub-section (1) shall be held and made within such time and in such manner as the State Government may, by general or special order direct, and any question or dispute relating to any such election or co-option shall be referred to the State Government whose decision shall be final."

4. In section 13 of the principal Act, for the words and figures "clauses (i) to (ii)", the word and figure "clause (iii)" shall be substituted, and for the words "within such time as may be prescribed", the words "within such time as may be specified by the State Government in that behalf" shall be substituted.

Amendment of section 13.

[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated June 7, 1974.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on June 7, 1974 and by the Uttar Pradesh Legislative Council on June 12, 1974.)

(Received the assent of the Governor on June 24, 1974 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated June 26,

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Amendment of section 15.

5. In section 15 of the principal Act, in sub-section (1), for the words "a meeting of the members", the words "a meeting of such members" shall be substituted.

Insertion of new section 22-A.,

6. After section 22 of the principal Act, the following section shall be inserted, namely :—

"22-A. A person who is a member of the Board in his capacity as a member of the State Legislature or as an Advocate or as a *Mutwalli* or as a representative of any other body shall cease to be member of the Board on his ceasing to hold that capacity."

Amendment of section 79.

7. In section 79 of the principal Act, in sub-section (2), clause (a) shall be omitted.

Omission of sections 7 and 8 of U.P. Act no. III of 1970.

8. Sections 7 and 8 of the Uttar Pradesh Muslim Waqfs (Amendment) Act, 1970 shall be omitted.

Transitory provisions.

9. Notwithstanding anything contained in the principal Act, or in any judgment, decree or order of any court—

(i) the nominations of members for the Sunni Central Board of Waqfs and the Shia Central Board of Waqfs made by the State Government by G. O. no. 40 (70)-68, dated August 12, 1969 and both G. Os. bearing no. 40 (11)-69, dated January 13, 1970 shall stand rescinded ;

(ii) any election made or purporting to have been made under clause (i) or clause (iii) of sub-section (i) of section 11 or under clause (iii) of sub-section (1) of section 12 of the principal Act before the commencement of the Uttar Pradesh Muslim Waqfs (Amendment) Ordinance, 1974 shall stand cancelled ;

(iii) any co-options made or purporting to have been made under clause (v) of sub-section (i) of section 11 or under clause (iv) of sub-section (1) of section 12 of the principal Act before the commencement of the Uttar Pradesh Muslim Waqfs (Amendment) Ordinance, 1974, shall stand cancelled ;

(iv) the State Government shall reconstitute each Board by notification under section 14 of the principal Act as soon as may be after its members and the President are elected, nominated or co-opted, as the case may be.

Power to remove difficulty.

10. If any difficulty arises in regard to the reconstitution of the Sunni Central Board of Waqfs or the Shia Central Board of Waqfs in accordance with the principal Act as amended by this Act, the State Government may by order make such provision or give such direction as appears to it to be necessary or expedient for removing the difficulty :

Provided that no order shall be made under this section after the expiration of one year from the commencement of this Act.

Repeal and saving.

11. (1) The Uttar Pradesh Muslim Waqfs (Amendment) Ordinance, 1974 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.

U.P. Ordinance of 1974

No. 1667 (2)/XVII-V-1-1 (KA) 38-1995

Dated Lucknow, August 25, 1995

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Muslim Waqf (Sanshodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 23 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 25, 1995.

THE UTTAR PRADESH MUSLIM WAQFS (AMENDMENT)
ACT, 1995

(U. P. ACT NO. 23 OF 1995)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Muslim Waqfs Act, 1960.

WHEREAS elections, nominations and co-option of the members to constitute the Sunni Central Board of Waqfs were held in the year 1989;

AND WHEREAS on October 19, 1989 the election of the President of the said Board was held;

AND WHEREAS due to orders of the Hon'ble Allahabad High Court in Writ Petition No. Nil of 1989 Wasee Ahmad *versus* State of Uttar Pradesh the constitution of the said Board could not be notified;

AND WHEREAS the Controller was performing, exercising and discharging the functions, powers and duties of the said Board as well as of its President and members since the year 1989;

AND WHEREAS the State Legislative Assembly was dissolved in November, 1989, as a consequence of which the members of Legislative Assembly who were elected as members of the said Board ceased to be such members;

AND WHEREAS the member of the State Legislative Council who was elected as member of the said Board also ceased to be the member of the Board consequent upon his ceasing to be the member of such Council;

AND WHEREAS the term of the members of the Board is five-years from the date of notification of its constitution and a period of more than five years has elapsed since the election, nomination or co-option of members and election of the President held in the year 1989 and the notification regarding constitution of the Board could not be issued;

IT IS HEREBY enacted in the Forty-sixth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Muslim Waqfs (Amendment) Act, 1995.

(2) Sections 2, 3, 4, 6, 7, 8, 9 and 10 shall be deemed to have come into force on July 11, 1995, section 5 shall be deemed to have come into force on June 16, 1994 and the remaining provisions shall come into force at once.

Amendment of section 11 of U.P. Act No. 16 of 1960

2. In section 11 of the Uttar Pradesh Muslim Waqfs Act, 1960, hereinafter referred to as the principal Act, in sub-section (1) for clause (iii) the following clause shall be substituted namely :—

“(iii) one member from amongst the persons who in the opinion of the State Government are recognised scholars of Islamic theology, to be nominated by the State Government;”.

Amendment of section 13

3. In section 13 of the principal Act—

(a) for the words and figures “If any of the bodies referred to in clause (iii) of sub-section (1) of section 11 and” the words “If the body referred to in” shall be substituted;

(b) for the words “Sunni Muslim or Shia Muslim, as the case may be” the words “Shia Muslim” shall be substituted.

4. After section 13 of the principal Act, the following sections shall be inserted, namely :—

Insertion of new sections 13-A and 13-B

“13-A. As soon as may be after the election, nomination and co-option of the members and the election of the President has been completed, the State Government shall, by notification in the *Official Gazette* notify that the Board has been duly constituted.

13-B. Whereas a result of any order of any Court or for any other reason the State Government is unable to issue a notification of due constitution of the Board and more than five years have elapsed from the date of election of the President, the constitution of the Board shall not be notified and the election, nomination and co-option of the members and the President shall be made afresh to constitute a new Board.”

5. In section 14 of the principal Act in sub-section (2) for the words “on year” the words “two years or upto the constitution of the Board, whichever is earlier,” shall be substituted.

Amendment of section 14

6. In section 21 of the principal Act—
(a) in sub section (2)—

Amendment of section 21

(i) for the words “The Board may remove any of its members, if he—” the words “The Board may remove its President or any of its members, if he—” shall be substituted;

(ii) in clause (b) after the words “or is incapable of acting or acts” the words, “whether as a President, member or otherwise” shall be inserted;

(b) in sub-section (3) after the words “The removal of” the words “the President or” shall be inserted.

7. For section 23 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 23

“23. On the office of the President or any member becoming vacant by his removal, resignation, death or otherwise, a new President or member shall be elected, nominated or co-opted, as the case may be, in his place, in the manner provided in this Act and such President or the member shall hold office so long as the President or the member whose place he fills would have been entitled to hold office, if such vacancy had not occurred.”

8. In section 24 of the principal Act for the words “any vacancy amongst its members” the words “any vacancy in the office of the President or any member” shall be substituted.

Amendment of section 24

9. Notwithstanding anything contained in the principal Act, or in any judgment, decree or order of any court—

Transitory provisions

(i) any election, nomination or co-option of any member or the President of the Sunni Central Board of Waqfs, as the case may be, made or purporting to have been made under the principal Act before the commencement of the Uttar Pradesh Muslim Waqfs (Amendment) Act, 1995 shall stand cancelled;

(ii) the State Government shall reconstitute the Sunni Central Board of Waqfs and the Shia Central Board of Waqfs by notification under section 13-A of the principal Act as soon as may be, after its members and the Presidents are elected, nominated or co-opted as the case may be.

10. (1) If any difficulty arises in regard to the reconstitution of the Sunni Central Board of Waqfs or the Shia Central Board of Waqfs in accordance with the principal Act as amended by this Act, the State Government may, by order, make such provisions or give such directions as appears to it to be necessary or expedient for removing the difficulty :

Power to remove difficulty

Provided that no such order shall be made under this section after the expiration of one year from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, before both the houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

Repeal and savings

11. (1) The Uttar Pradesh Muslim Waqfs (Amendment) Ordinance, 1995 is hereby repealed,

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

U. P.
Ordinance
no. 30 of
1995

By order,
N. K. NARANG,
Pranukh Sachiv.

Dated Lucknow, March 18, 2005

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Muslim Waqf (Nirsan) Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 6 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 17, 2005.

THE UTTAR PRADESH MUSLIM WAQFS (REPEAL) ACT, 2005

(U.P. ACT NO. 6 OF 2005)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to repeal the Uttar Pradesh Muslim Waqfs Act, 1960.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows :—

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Muslim Waqfs (Repeal) Act, 2005.

(2) It shall be deemed to have come into force on January 1, 1996.

Repeal of U.P.
Act no. 16 of
1960

2. The Uttar Pradesh Muslim Waqfs Act, 1960 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Muslim Waqfs Act, 1960 (U.P. Act. no. XVI of 1960) has been enacted to provide for better governance, administration and supervision of certain classes of waqfs in Uttar Pradesh. -

Since the said Act has ceased to operate in the light of the provisions of sub-section (3) of section 112 of the Waqf Act, 1995 (Act no. 43 of 1996) and has become redundant with effect from January 01, 1996 (the date of commencement of the said central Act of 1996), it has been decided to repeal the said Act of 1960.

The Uttar Pradesh Muslim Waqfs (Repeal) Bill, 2005 is introduced accordingly.

By order,

D. V. SHARMA,

Pramukh Sachiv.