

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.**

Dated the 16th July, 1980.

No. 3950/LD/80. The following Ordinance made by the President on the 16th day of July, 1980, is hereby published for general information :-

**(ORDINANCE CXXII OF 1980)**

AN

ORDINANCE

to amend the Zakat and Ushr Ordinance, 1980

WHEREAS it is expedient to amend the Zakat and Ushr Ordinance, 1980 (Ordinance CXII of 1980) in the manner hereinafter appearing;

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

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and Commencement.-** (1) This Ordinance may be called the Zakat and Ushr (Amendment) Ordinance, 1980.  
(2) It shall come into force at once and shall be deemed to have taken effect on and from the 21st day of June, 1980.
2. **Amendment of Section 2, Ordinance CXII of 1980.-** In the Zakat and Ushr Ordinance, 1980 (Ordinance CXII of 1980), hereinafter referred to as the said Ordinance, in Section 2, after clause (xv) the following new clauses shall be inserted, namely:-  
"(xv-a) 'Markaz' means a Markaz as defined in the Local Government Ordinance, 1980;  
(xv-b) 'Markaz Committee' means a Committee constituted under Section 14-A".
3. **Amendment of Section 14, Ordinance CXII of 1980.-** In the said Ordinance, for Section 14, the following shall be substituted, namely :-

**"14. District Zakat and Ushr Committee.**- (1) In each district, a district Zakat and Ushr Committee shall be constituted by the Council.

(2) The District Committee shall, subject to such guidelines as may be given by the Council –

- (a) Oversee, generally, the functioning of, and, more particularly, the assessment of Ushr and the collection of Zakat, Ushr and atiyyat, and the disbursement and utilization of the moneys in the Local Zakat Funds, by the Local Committee in the district ;
- (b) For the purposes mentioned in clause (a), make plans for the district, in such form and manner as may be prescribed;
- (c) Compile accounts of the Local Zakat Funds, for the district, in such form and manner as may be prescribed;
- (d) Arrange in the prescribed manner, audit of the Local Zakat funds in the district; and
- (e) Tender to the Council advice on any matter specified by it.

(3) The District Zakat and Ushr Committee shall consist of:-

- (a) Chairman. The Chairman of the District Council shall be the Chairman of the District Zakat and Ushr Committee.
- (b) Deputy Commissioner of the District.
- (c) One representative of each markaz council who shall be elected by the members of the Markaz Zakat and Ushr Committee.
- (d) The Chairman of the Municipal/Town Committee;

Provided that, in any District where there is a District Social Welfare Officer appointed by the Government, the District Committee may coopt him as an ex-officio member of the Committee.

(4) The District Committee so constituted shall be duly notified by the Council.

(5) The Chairman and other members of the District Committee not being the ex-officio member shall hold offices for a term of three years and shall be eligible for re-appointment for a similar term.

(6) The Chairman or a member, not being the ex-officio member, may by writing under his hand addressed to the council, resign his office.

Provided that he shall continue to hold office until his resignation is accepted by the Council.

(7) Any vacancy in the office of Chairman or a member, other than the ex-officio member, shall be filled in accordance with clause (c) of sub-section (3) by a person qualified to hold the office.

(8) The Chairman or member nominated under sub-section (7) shall hold office for the un-expired term of his predecessor.

4. **Insertion of Section 14-A, Ordinance CXII of 1980.-** In the said Ordinance, after Section 14, the following new section 14-A, shall be inserted, namely;

**"14-A. Markaz Zakat and Ushr Committees.-** (1) There shall be constituted a Markaz Zakat and Ushr Committee in each Markaz.

(2) The Markaz Zakat and Ushr Committee shall consist of;

(a) Chairman, who shall be elected by the members of the Markaz Council and District Councilors of that Markaz from amongst themselves;

(b) Assistant Commissioner/Tehsildar;

(c) The members of the Markaz Council;

(d) The members of District Council elected from that Markaz.

(3) The Markaz Committee, so constituted shall be duly notified by the District Committee concerned.

(4) The Chairman and members of a Markaz Committee not being the ex-officio member shall hold office for a term of three years and shall be eligible for re-appointment for similar term.

(5) The Chairman or a member, not being the ex-officio member may by writing under his hand addressed to the Markaz Committee, resign his office;

Provided that he shall continue to hold office until his resignation is accepted by the Markaz Committee.

(6) Any vacancy in the office of Chairman or member, other than the ex-officio member, shall be filled by the election, in accordance with clauses (c) and (d) of sub-section (2).

(7) The Chairman or the member elected under sub-Section (6) shall hold office for the unexpired term of his predecessor.

5. **Substitution of Section 15, Ordinance CXII of 1980.-** In the said ordinance, for Section 15 the following shall be substituted, namely :-

**"15. Local Zakat and Ushr Committees.-** (1) A Local Zakat and Ushr Committee shall be constituted for.-

- (a) each revenue estate in settled area;
- (b) each dehi or village in non-settled rural area; and
- (c) each ward in urban area;

Provided that, if in the opinion of the Council, the population of a revenue estate, dehi or village is too large or too small to have one Local Zakat and Ushr Committee such revenue estate, dehi or village may be divided into two or more localities or grouped with any other revenue estate, dehi or village to form one locality.

**Explanation.-** In this sub-section:-

- (a) 'Urban area' means a area within the local limits of a Municipal Committee or Town Committee;
- (b) 'rural area' means other than urban area;
- (c) 'settled rural area' means rural area for which revenue settlement record exists;
- (d) 'non-settled ruler area' means rural area other than settled rural area; and
- (e) 'ward' means a district and compact locality, the population of which does not exceed five thousand approximately.

(2) A Local Committee shall consist of:-

- (a) in Dehi:- The Chairman of the Union Council shall be the Chairman of the Local Zakat and Ushr Committee;
- (b) members of the union councils;
- (c) the Chairman of Dehi Council.

(3) In cities or towns.-

- (a) The Chairman of the Municipal or town committee; and
- (b) members of the Municipal or town committee.

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(4) The Chairman and other members of the Local Committee shall hold office for a term of three years and shall be eligible for re-appointment for a similar term.

(5) The Chairman or a member may, by writing under his hand addressed to the Local Committee, resign his office:

Provided that he shall continue to hold office until his resignation is accepted by the Local Committee.

(6) Any vacancy in the office of Chairman or member shall be filled by the election in accordance with the provisions of Local Government Rules.

(7) The Chairman or the member elected under sub-section (6) shall hold office for the unexpired term of his predecessor.

(Mohammad Hayat Khan)  
President,  
Azad Jammu & Kashmir.  
Sd/- (Khalil Ahmed Qureshi)  
Secretary Law.