

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

Dated the 26<sup>th</sup> January, 1982

No. 80/LD/82. The following Ordinance made by the President on the 26<sup>th</sup> day of January, 1982, is hereby published for general information.

**(ORDINANCE XIX OF 1982)**

AN

**ORDINANCE**

to amend the Zakat and Ushar Ordinance, 1981.

WHEREAS it is expedient to amend the Zakat and Ushar Ordinance, 1981, (Ordinance CCIX of 1981) 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 Ushar (Amendment) Ordinance, 1982.  
(2) It shall come into force at once.
2. **Amendment of Section 8, Ordinance, CCIX of 1981.-** In the Zakat and Ushar Ordinance, 1981, (Ordinance CCIX of 1981), hereinafter referred to as the said Ordinance, in Section 8, for the third proviso, the following shall be substituted, namely:-  
“Provided that the expenditure on the Zakat Council and the Administrative organizations of the Zakat including District, Tehsil and Local Committees, shall be met from the two percent of the total annual collections in the Zakat Funds. Any additional requirement of the funds for this purpose shall be provided by the Government.”
3. **Amendment of Section 12, Ordinance CCIX of 1981.-** In the said Ordinance, in Section 12, in sub-section (2):-
  - (a) in clause (b) for the word “four” the word “five” shall be substituted; and

(b) after clause (e) the following new clause (ee) shall be inserted, namely:-

“(ee) the Secretary to the Government in the Local Government Department”;

4. **Amendment of Section 13, Ordinance CCIX of 1981.-** In the said Ordinance, Section 13, for sub-section (2) the following shall be substituted, namely:-

“(2) The Chief Administrator shall have the status, grade and powers of the Financial Commissioner for the purposes of this Ordinance and other terms and conditions of service shall be such as may be determined by the Government.”

5. **Amendment of Section 14, Ordinance CCIX of 1981.-** In the said Ordinance, in Section 14, for sub-section (3) the following shall be substituted, namely:-

“(3) The District Committee shall consist of a Chairman, who shall be non-official and shall be nominated by the Zakat council, the Deputy Commissioner of the District, the District Qazi, one non-official member from each Tehsil in the District to be nominated by the Zakat Council in consultation with the Chairman and one member to be nominated by the District Council of the District from amongst its non-official muslim members:-

Provided that, where the number of tehsils in a district is less than four, number of members other than the Chairman, the Deputy Commissioner, the District Qazi and the member nominated by the District Council, shall be raised to four:

Provided further that the Chairman shall be an adult Muslim who ordinarily resides in the district and the member from a tehsil, shall be adult Muslim who ordinarily resides in that Tehsil.”

6. **Amendment of Section 15, Ordinance CCIX of 1981.-** In the said Ordinance in Section 15:-

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

“(2) The Tehsil Committee shall consist of the Assistant Commissioner Tehsil Qazi, Five members to be elected in the prescribed manner, by Chairman of the Local Committees of the Tehsil, from amongst themselves and one member to be nominated by the

Tehsil Council of the Tehsil, from amongst its non-official Muslim members:

Provided that, if there are more than two Tehsil Committees, within the jurisdiction of an Assistant Commissioner he shall be a member of only such of the Committees as the Zakat Council may specify and may nominate the Tehsildar of the Tehsil concerned, to be the member of any other of the said Tehsil Committee.”

- (b) after sub-section (2) the following new sub-section shall be inserted, namely:-

“(3) The non-official members of the Committee shall elect one of their members to be the Chairman of the Committee; and, if two or more person secure an equal number of votes, the result of the election shall be determined by drawing lots.”

7. **Amendment of Section 16, Ordinance CCIX of 1981.-** In the said Ordinance Section 16:-

- (a) for sub-section (3) the following shall be substituted namely:-

“(3) the Local Committee shall consist of seven members selected by residents of the locality in the manner specified in sub-section (4) and member to be nominated by the Union Council in whose jurisdiction the locality is situated, from amongst its non-official Muslim Members, being a member who is resident of the locality, or if there is no such member, a member who is a resident of a nearby locality.

- (b) in sub-section (4) for the words “given number of adult Muslims” the words “seven Adult Muslims” shall be substituted;

- (c) after sub-section (4), the following proviso shall be added, namely:-

“Provided that a person who is a member of a team constituted for the selection of members of a local committee shall not be eligible to be a member of such local committee and a person who is a salaried employee of the Government or of a Local Authority or of a Corporation set-up, owned or controlled by the Government, shall not be eligible to be a member of a local committee.

- (d) after sub-section (4), amended as aforesaid, the following new sub-section (4-A) shall be inserted, namely:-

“(4-A) If, at the time of selection, any Adult Muslim resident of the locality present in the gathering raises objection with respect to another person to present that such other person:-

- (a) is not a Muslim;
- (b) is not an Adult;
- (c) is not a resident of the locality;
- (d) is an undischarged insolvent; or
- (e) is of unsound mind; or,

being a person proposed to be selected as a member of the local Committee, suffers from any of the said disqualifications, or has, during the period of three years preceding the date of selection, been ordered to execute a bond under Sections 108, 109 or 110 of the Code of Criminal Procedure, 1898, (Act V of 1898), or been convicted for an offence involving moral turpitude, or been declared a goonda under the law relating to the control of Goondas, the team of persons organizing the gathering shall make a summary inquiry and give a decision on the objection raised; and, in case the members of the team are equally divided in their opinion, the member of the team nominated by the District Committee to be its Convener shall have a second vote.”

8. **Amendment of Section 19, Ordinance CCIX of 1981.-** In the said Ordinance, in Section 19, for clauses (a), (b) and (c) the following shall be substituted, namely:-

- “(a) in the case of a Council, by the Chief Administrator;
- (b) in the case of a District Committee, by the Deputy Commissioner;
- (c) in the case of a Tehsil committee, by the *ex-officio* member, that is, the Assistant Commissioner, Sub-Divisional Magistrate or the Tehsildar as the case may be; and
- (d) in the case of a Local Committee, by the member elected by the members present.”

9. **General Amendment of Ordinance CCIX of 1981.** In the said Ordinance for the words “Markaz Committee” wherever occurring the words” Tehsil Committee” shall be substituted.

(Mohammad Hayat Khan)  
President  
Azad Jammu and Kashmir

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Sd/- (Syed Atta Mohy-ud-  
Din Qadri)  
Dy Secretary Law