

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

Dated 15th May, 1983.

No. 679/LD/83. The following Ordinance made by the President on the 12th day of May, 1983, is hereby published for general information:-

(ORDINANCE CXI of 1983)

**AN
ORDINANCE**

to amend the Zakat and Usher Ordinance, 1983.

WHEREAS it is expedient to amend the Zakat and Usher Ordinance 1983, (Ordinance XLVI of 1983), 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 Usher (Amendment) Ordinance, 1983.
(2) It shall come into force at once and shall be deemed to have taken effect on and from the 26th day of May, 1982.
2. **Amendment of Section 8, Ordinance XLVI of 1983.-** In the Zakat and Usher Ordinance, 1983 (Ordinance XLVI of 1983), 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 XLVI of 1983.-** 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 XLVI of 1983.**- In the said Ordinance in 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 XLVI of 1983.**- 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, the number of members other than the Chairman, the Deputy Commissioner, the District Qazi and the member nominated by the District Council be raised to four:

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

6. **Amendment of Section 15, Ordinance XLVI of 1983.**- 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 the Chairman of the Local committees as the Zakat Committees of the Tehsil, prescribed manner, by the Chairman of the Local Committees of the Tehsil, from amongst themselves and member to be nominated by the Tehsil Council of the Tehsil, from amongst its non-official Muslim members.”

“Provided that, in 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 nominated the Tehsildar of the Tehsil concerned, to be the member of any other of the said Tehsil Committees.”

- (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 persons secure an equal number of votes, the result of the election shall be determined by drawing lots.”

7. **Amendment of Section 16, Ordinance XLVI of 1983.**- In the said Ordinance, in Section 16,-

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

“(3) The Local Committee shall consist of seven members selected by the residents of the locality in the manner specified in sub-section (4) and one 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 a resident of a near-by locality.

- (b) in sub-section (4) for the words “given number of adult Muslims” the words “seven 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 of a Local Authority or of a Corporation set-up, owned or controlled by the Government shall not be eligible to be a members 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 so 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 section 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 term 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 XLVI of 1983.**- 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 XLVI of 1983.**- In the said Ordinance for the words “Markaz Committee” where-ever occurring the words “Tehsil Committee” shall be substituted.

Sd/ (Major General (Ret) Abdul Rehman Khan)
President,
Azad Jammu And Kashmir

Sd/- (Khalil Ahmed Qureshi) Secretary Law.