

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

Dated the 15th April, 1981

No. 2442/LD/81. The following Ordinance made by the President on the 15th day of April, 1981, is hereby published for general information.

(ORDINANCE LXVIII OF 1981)

AN

ORDINANCE

to amend the Zakat and ushr Ordinance, 1981

WHEREAS it is expedient to amend the Zakat and Ushr Ordinance, 1981 (Ordinance XLIII 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 Ushr (Amendment) Ordinance, 1981.
(2) It shall come into force at once.
2. **Amendment of Section 2, Ordinance XLIII of 1981.**- In the Zakat and Ushr Ordinance, 1981 (Ordinance XLIII of 1981) hereinafter referred to as the said Ordinance, in Section 2, after clause (xv) the following shall be inserted, namely:-
"(xv-a) Tehsil Committee means a Committee constituted under Section 15."
3. **Amendment of Section 14 Ordinance XLIII of 1981.**- 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 Zakat Council.
(2) The District Committee shall, subject to such guidelines as may be given by the Council:-

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- (a) Oversee, generally, the functioning of, and, more particularly, the assessment of ushr and the collection of Zakat and Ushr and Attyat, and the disbursement and utilization of the money on the Local Zakat Fund, by the Local Zakat Committees in the District;
- (b) for the purpose 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 Fund 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:

Provided that, in any district where there is a district social welfare officer appointed by the Government, the District Committee may co-opt him as a member of the committee, *Ex-officio*.

- (3) The District Zakat and Ushr Committee shall consist of:-
 - (a) Chairman, The Chairman of the District Council shall be Chairman of the District Zakat Committee;
 - (b) Deputy Commissioner of the District;
 - (c) District Qazi of the District;
 - (d) Chairman of Tehsil Zakat and Ushr Committees of the District;
 - (e) Chairman of the Municipal 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 office 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 written 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 the Chairman or a member other than the *ex-officio* member, shall be filled in accordance with sub-section (7) of Section ___ by a person qualified to hold the office.

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

4. **Substitution of Section 15 Ordinance XLIII of 1981.-** In the said Ordinance of Section 15, the following shall be substituted, namely:-

“15. **Tehsil Zakat and Usher Committee.-** (1) There shall be constitute a Tehsil Zakat and Usher Committee in each Tehsil.

(2) Tehsil Zakat and Ushr Committee shall consist of:-

(a) Chairman, who shall be elected by the Chairman of the Markaz Committee and District Councilors of that Tehsil from amongst themselves in prescribed manner;

(b) Assistant Commissioner/Tehsildar;

(c) Tehsil Qazi;

(d) Chairman of the Markaz Councils;

(e) Chairman of the Town Committees;

(d) Chairman of the Markaz Councils;

(f) Chairman of the Town Committees.

(3) Tehsil Committee so constituted shall be duly notified by the District Committee concerned.

(4) The Tehsil Committee, shall, subject to such guidelines as may be given by the Zakat Council, or the District Committee:-

(a) Oversee assessment of Ushr and Collection of Zakat, Ushr and Atiyyat and disbursement and utilization of the money in the Local Zakat Funds by the Local Committees in the Tehsil;

(b) For the purposes mentioned in clause (a) make plans for the tehsil, in such form and manner as may be prescribed;

(c) Compile accounts of the Local Zakat Funds for the Tehsil, in such form or manner as may be prescribed; and

(d) Tender to the District Committee advice on any matter connected with the collection, disbursement or utilization of Zakat and Ushr.

(5) The Chairman and members of the tehsil committee not being *ex-officio* member shall hold office for a term of three years and shall be eligible for re-election.

(6) The Chairman or a member, not being an *ex-officio* member, may by writing under his hand addressed to the Tehsil Committee, resign his office:

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

(7) Any vacancy in the office of Chairman or member, other than an *ex-officio* member shall be filled by the election of a person qualified to hold the office.

5. **Substitution of Section 16, Ordinance XLIII of 1981.-** In the said Ordinance, for Section 16 the following shall be substituted, namely:-

“16. **Local Zakat and Ushr committee:-**

(1) A Local Zakat and Ushr Committee shall be constituted for:-

- (a) Each Revenue Estate in settled rural area;
- (b) Each Deh or Village in non-settled area; and
- (c) Each Ward in Urban area:

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

Explanation.- In this sub-section:-

- (a) “Urban area” means area within the local limit of a Municipal/Town Committee.
- (b) “Rural area” means area other than Urban area;
- (c) “Settled rural area” means rural area for which revenue settlement record exists;

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- (d) “Non-settled rural area” means rural area other than settled rural area; and
 - (e) “Ward” means a distinct and compact locality the population of which does not exceed three thousand approximately.
- (2) The Local Committee shall, subject to such guidelines as may be given by the Zakat Council, District Committee or the Tehsil Committee:-
- (a) Determine Ushr demand compulsorily realizable under this Ordinance and collect Zakat and Ushr and Atiyyat and disburse and utilize the moneys in the Local Zakat Fund;
 - (b) for the purposes mentioned in clause (a) make plans for the locality;
 - (c) Prepare and maintain accounts of the Local Zakat Fund in such form and manner as may be prescribed; and
 - (d) Tender to the tehsil committee, as the case may be, advice on any matter connected with the collection, disbursement or utilization of Zakat and Ushr.
- (3) A Local Committee shall consist of not less than seven members:-
- (a) In Deh.- The following shall be the members of Local Zakat Committee:-
 - (i) Chairman, Vice-Chairman and Members of Dehi Council;
 - (ii) Member/members of Union Council who are resident of the locality;
 - (iii) Not more than three prominent Mutadayyan persons (preferably having administrative experience) of the locality to be selected by the Muslim residents of the locality in the manner specified in sub-section (4).
- (4) The District Committee shall constitute a team of two or more members to organize a public gathering of the adult Muslim residents of a locality and to call upon them to select, in the prescribed manner, given number of adult Muslims residing in that locality who enjoy their trust to be the members of the Local Zakat Committee.

Explanation.- The term while selecting the members shall keep in view the list of members of Dehi Council and see that all groups and tribes residing in the locality get due representation in the committee:

Provided that a person who is a member of a team constituted for the selection of members of Local Committee shall not be eligible to a member of such Local Committee, and a person who is a salaried employee of 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.

(5) The members of a Local Committee as given in subsection (3) above shall elect one of their members preferably a person who is literate, to be the Chairman of the Local Zakat Committee; and if two or more persons secure and equal number of votes, the result of the election shall be, determined by drawing lots.

(6) The Local Committee so constitute shall be duly notified by the District Committee concerned.

(7) Any adult Muslim resident of a locality who is aggrieved by the conduct the result of the proceedings for the selection of the members, or the election of the Chairman of the Local Committee concerned may prefer an appeal to the District Committee:

Provided that the District Committee shall not grant any injunctions or make any interim order, including a stay order, during the period an appeal is pending.

(8) The District Committee to which an appeal under subsection (7) is preferred shall decided the appeal within such time as may be prescribed; and the decision of the District committee shall be final and shall not be called in question before any Court or other authority.

(9) The Chairman and members of the Local Committee shall hold office for a term of three years and shall be eligible for re-election or re-selection, as the case may be.

(10) 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.

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(11) Any vacancy in the office of Chairman or member shall be filled by the election or selection, as the case may be, of a person qualified to hold the office, in accordance with the provisions of sub-section (4) or as the case may be, sub-section (5).

(12) The Chairman, or the member elected or selected, as the case may be, under sub-section (11) shall hold office for the unexpired term of his predecessor.”

(Muhammad Hayat Khan)
President
Azad Jammu & Kashmir.

Sd/- (Syed Muhammad Akram Shah)
Secretary Law.