

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 23rd June, 1988.

No. 329-193/LD/Leg(O)/88, The following Ordinance made by the President on the 23rd day of June, 1988, is hereby published for general information:-

(ORDINANCE XXXVII OF 1988)

AN

ORDINANCE

to amend the Zakat and Ushar Act, 1985.

WHEREAS it is necessary to attend the Zakat and Ushr Act, 1985 (Act XIX of 1985) in the manner hereinafter appearing:-

AND WHEREAS the legislative Assembly is not in session and the 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, 1988.
(2) It shall come into force at once.
2. **Amendment of Section 1, Act XIX of 1985.**- In the Zakat and Ushr Act, 1985 (Act XIX of 1985), hereinafter referred to as the said Act, in Section I, after sub-section (2) the following proviso shall be added, namely:-

“Provided that the non-State Subject students studying in various educational institutions of Azad Jammu and Kashmir, shall be eligible to get the Zakat from the Zakat fund.”
3. **Amendment of Section 3, Act XIX of 1985.**- In the said Act, in Section 3, in sub-section (4), between the words “falls into arrears” and “comma” the words “or the Zakat fund is mis-appropriated, embezzled or used for the purpose not specified by the Shariah and the law for the time being in force” shall be inserted.
4. **Amendment of Section 9, Act XIX of 1985.**- In the said Act, in Section 9,-
 - (a) in provision to clause (b), for the words “two percent” the words “five percent” shall be substituted; and
 - (b) after clause (b), the word “and” at the end shall be omitted and thereafter the following new clause (bb) shall be added, namely:-

“(bb) the Zakat Council may place at the disposal of Chief Administrator and Chairman of each District Zakat Committee, an amount upto rupees twenty thousand and five thousand respectively per year to meet with the urgent needs of poors, needy and indigents.”

5. **Amendment of Section 10, Act XIX of 1985.**- In the said Act, in section 10, after sub-section (2) the following new sub-sections (3), (4) and (5) shall be added.-

“(3) where a local Zakat Committee cannot be constituted under the law for any reason the Tehsil Zakat Committee, shall function as such for that area till the constitution of the said local Zakat Committee subject to a period not exceeding three months.

(4) where a Tehsil Zakat Committee cannot be constituted under the law for any reason, the District Zakat Committee shall function as such for that area till the constitution of the said Tehsil Zakat Committee subject to a period not exceeding three months.

(5) where there is a dispute in selection of the members of a local Zakat Committee, the District Zakat Committee may constitute such committee by nomination of suitable persons from amongst the permanent residents of that area.”

6. **Amendment of Section 13, Act XIX of 1985.**- In the said Act, in Section 13, after sub-section (7), the following new sub-section (8) shall be added.

“(8) The Government may remove any member of Zakat Council as it may deem fit.”

7. **Amendment of Section 15, Act XIX of 1985.**- In the said Act, in Section 15.-

(a) in sub-section (1), for the words “Zakat Council” the word “Government” shall be substituted; and

(b) for sub-section (3), the following shall be substituted, namely,-

“(3) The District Zakat and Ushr Committee shall consist of chairman, who shall be non-official and shall be nominated by the Government in consultation with the Zakat Council, Deputy Commissioner of the District, the District Qazi and one non-official member from each Tehsil in the District to be nominated by the Government in consultation with the Chairman.”

(c) in sub-section (4) for the word “Council” the words “Secretary Zakat Council” shall be substituted.

- (d) in sub-section (6) for the word "Council" the words "Secretary Zakat Council" shall be substituted.
- (e) after sub-section (8) the following new sub-section (9) shall be added:-
 - “(9) The Government may, after giving an opportunity of being heard, may remove any non-official member or Chairman of the District Zakat Committee as it may deem fit.”

8. **Amendment of Section 16, Act XIX of 1985.**- In the said Act, is Section 16,-

- (a) in sub-section (8) for the word "election" the word "nomination" shall be substituted; and
- (b) in sub-section (9) for the word "elected" the word "nominated" shall be substituted.
- (b) in sub-section (8).
 - (i) for the words "District Zakat Committee" where ever occurring the words "Chief Administrator Zakat" shall be substituted;
 - (ii) between the word "may" and "prefer" the words "within thirty days" shall be inserted; and
- (c) for sub-section (9) the following shall be substituted.-
 - “(9) The Chief Administrator Zakat on an appeal under sub-section (8), shall decide the appeal within such time as may be prescribed and his decision shall be final and shall not be called in question before any Court or other authority.”

9. **Amendment of Section 17, Act XIX of 1985.**- In the said Act, in Section 17,-

- (a) in sub-section (4) for the word "engaged in political activities" the word "be office bearer of a political party" shall be substituted;

10. **Amendment of Section 22, Act XIX of 1985.**- In the said Act, in Section 22,-

- (a) for sub-clause (vi) of sub-section (3) the following shall be substituted, namely.-
 - “(vi) is an office bearer of a political party,”
- (b) clause (f) shall be substituted as under:-
 - “(f) has become physically disabled from performing functions as Chairman or member, the Council in case of a Local or Tehsil Zakat Committee and the Government in case of a District Zakat Committee, remove such Chairman or member from office,”

Volume VIII (1985-88)

- (c) after sub-section (7) a new sub-section (8) shall be added, namely.-

“(8) The Zakat Council may after giving an opportunity of showing cause and being heard, remove any non-official member or Chairman of a Tehsil or Local Zakat Committee as it may deem fit.”

11. **Repeal.**- Azad Jammu and Kashmir Zakat and Ushr (Amendment) Ordinance 1988 (Ordinance XV of 1988) is hereby repealed.

Sd/-
(Sardar Muhammad Abdul Qayyum Khan)
President.
Azad Jammu and Kashmir

Sd/-
Deputy Secretary Law