

Chapter No 1

PREMINIARY

1. Short Title extent, application and commencement.

(1) This ordinance may be called the Zakat and Ushr Ordinance, 1980.

(2) It extends to the whole of Pakistan, but ¹[as regards payment and recovery of Zakat and Ushr] applies only to Muslims citizen of Pakistan and a company, or other association of persons, or body of individuals, whether incorporated or not, majority of the shares of which is owned, or the beneficial ownership of which is held, by such citizens.

² [(2A) The Federal Government may, by notification in the official Gazette ,directed that this Ordinance shall also apply to any other territories, or areas specified in the notification, subject to such exception and modification as my be so specified]

(3) In respect of a person who may believe that the whole or any part of the recoveries effected from him in the manner laid down in this Ordinance are not according to his belief, such recoveries shall nevertheless be made, but shall be deemed to be contribution to Zakat Fund on the part of that person [(:)]

Provided that ----

- (a) no Zakat or Ushr shall be charged or collected on compulsory basis in respect of the assets or the produce of person who, not less than thirty days preceding the Valuation Date in the case of Zakat, and at any time before the valuation Date of Ushr, files with the Deducting Agency, or with the local Committee in the case of Ushr declaration, or an attested copy thereof, in the prescribed form, sworn by him before a magistrate, an Oath Commissioner, a notary public, or any other person authorized to administer Oath, in the presence of two witness who identify him, to the effect that he is a Muslim and followers of the recognized fiqhs, which he shall specify in the declaration, and that his faith and the said fiqh do not oblige him to pay the whole or any part of Zakat or Ushr in the manner laid down this ordinance; and

¹Inserted by Ordinance LII of 1980.

² Inserted through Finance Act,1990.

³Submitted for full stop by Ordinance LII of 1980.

Provided that no Zakat or Ushr shall be charged or collected on compulsory basis in respect of the assets or the produce of a person who, not less than thirty days preceding the valuation Date in the case of Zakat ,and any time before the valuation Date in the case of Ushr ,files with deducting agency or with the local committee in the case of Ushr declaration or an attested copy thereof, in the prescribed form sworn by him before a magistrate an Oath commissioner a notary public or any other person authorized to administer oath ,in the presences of two witness who identify him ,to the effect that he is a Muslim and followers one of the recognized fiqhs,which the shall specify in the declaration and that his faith and the said fiqh do not oblige him to pay the whole o9r any part of Zakat or Ushr in the manner laid down in his Ordinance}

(b) a declaration or an attested copy ,thereof ,filled as aforesaid in one Zakat year, whether before or after the commencement of the Zakat and Ushr (Third Amendment) Ordinance, 1983, shall continue to be valid for so long as—

- (i) the declaration or copy, and the asset liable to Zakat to which it relates, remain in the custody of the Deducting Agency ; or
- (ii) the person filing the declaration or copy continues to hold, in respect of the land to the produce of which it relates, the same status as he held at the time of filing the declaration, and the declaration of copy remains in the custody of the Local Committee :]

¹[Provided further that, where for any reason Zakat or Ushr is collected on compulsory basis from such a person and he does not wish to leave it in the Zakat Fund as sadaqah or Khairat in the name of Allah as a manifestation of the unity of the Ummah and claims refund, on the basis of a declaration as aforesaid filed by him within the period specified in the first proviso or within such further period as may be prescribed, the amount so collected shall be refunded to him in the prescribed manner.]

Explanation.—In this Ordinance, reference to Zakat deductible at source or to Ushr realizable on compulsory basis shall be construed to imply a reference to contributions to Zakat Fund also.

¹[(3A) The Federal Shariat Court may, on the application of any person, decide the question whether a declaration such as is referred to in the first or second proviso to sub-section (3) made by any person is valid according to the fiqh he professes to follow ; and, if the Federal Shariat Court decides that the declaration is not valid, such person shall, without prejudice to any other action that may be taken against him under any other law, be liable to pay Zakat or Ushr, as the case may be, in the manner laid down in this Ordinance.]

(4) It shall come into force on such date as the Federal Government may by notification in the official Gazette, appoint, and different dates may be appointed for different provisions of this Ordinance.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (i) 'Administrator-General' means the person appointed as such under section 13, and includes an officer authorized by him to exercise or perform any power or function of Administrator-General under this Ordinance ;

- (ii) 'annuity' means the sum payable periodically, according to the annuity policy conditions, to an annuitant during his life-time, or for a fixed number of years, as the case may be, and includes the scheme of postal annuities as notified by the Government;
- (iii) 'assets' means assets liable to Zakat as provided in this Ordinance ;
- (iv) 'atiyyat' means voluntary donations to the Zakat funds, otherwise than on account of Zakat or Ushr, and includes sadaqat-e-nafilah ;
- (v) 'Central Council' means the Council established under section 12 ;
- (vi) 'Chief Administrator' means a person appointed as such under section 15, and
- (vii) includes an officer authorized by him to exercise or perform any power or function of Chief Administrator under this Ordinance ;
- (viii) 'company' means a company as defined in the Companies Act, 1913 (VII of 1913) ;
- (viii) 'Deduction Agency' means a bank, post office or other institution referred to in the sixth column of the First Schedule;
- (ix) 'Deduction Date' means, in respect of the assets mentioned in the First Schedule, the date or dates on which Zakat is to be deducted at source and which is or are specified in the fifth column of that Schedule;
- (x) 'District Committee' means a Committee constituted under section 16; 1[or, in the case of the Islamabad Capital Territory, the Islamabad Zakat and Ushr Committee;]
- (xi) 'Government Security' has the same meaning as in the Securities Act, 1920(X of 1920) ;
- ²[(xii) 'Institution' means deeni madaris, educational, vocational and social welfare institutions, public hospitals, charitable institutions and other institutions providing health care ;]
- (xii) 'Insurer' means the State Life Insurance Corporation of Pakistan or Postal Life Insurance ;
- (xiii) 'Local Committee' means a Committee constituted under section 18 ;
- (xiv) 'locality' means the area within the jurisdiction of Local Committee ;

¹Added through the Finance Act, 1994

²Added through Finance Act, 1994.

(xv) 'maturity value' means the sum payable, according to stipulated conditions, on survival of the life assured to the specified age or to the end of the term of the policy ;

¹(xva) 'nisab', in relation to assets liable to Zakat, except agricultural produce and animals fed free in pastures, means 612.32 grams of silver, or cash or gold, or goods for trade, or any assets liable to Zakat under Shariah, the aggregate value of which is equal to the value of 612.32 grams of silver, as notified by the Administrator-General for each Zakat year or, in the case of a person whose assets liable to Zakat consist only of gold, 87.48 grams of gold ;]

(xvi) 'prescribed' means prescribed by rules ;

(xvii) 'produce' means gross agricultural, horticultural or forest produce ;

(xviii) 'Provident Fund' has the same meaning as in the Provident Funds Act, 1925 (XIX of 1925) ;

²[(xix) 'Provincial Council' means a Council constituted under section 14 ;

(xix) 'recognized Provident Fund' means a Provident Fund recognized as such, by the competent authority, under the Income Tax Ordinance, 1979 (XXXI of 1979) ;

(xx) 'return' means income, howsoever described, accruing on an asset;

(xxi) 'rule' means rules made under this Ordinance ;

³[(xxiii) 'sahib-e-nisab' means a person who owns or possesses assets not less than nisab, but does not include—

(a) the Federal Government, a Provincial Government or a local authority ;

(b) a statutory corporation, a company or other enterprise, owned wholly, directly or indirectly, by the Federal Government, a Provincial Government, a local authority or a corporation owned by the Federal Government or a Provincial Government, either singly or jointly with one or more of the other three.,

¹Inserted by Ord. LII of 1980,

²Added through Zakat and Ushr (Amendment) Ord., 1997.

³Substituted for the following by Ordinance III of 1980.

(xxiii) Sahib-e-nisab means a person who is liable to pay Zakat and Ushr under this Ordinance but does not include.

- (c) a subsidiary of a statutory corporation, a company or other enterprise referred to in sub-clause (b) and wholly owned by it ;
the National Investment (Unit) Trust ;
- ¹[(e) the Investment Corporation of Pakistan and its Mutual Fund ;]
- (f) a recognized Provident Fund ;
- (g) any Unit Fund maintained by the Defense Services, including the Civil Armed Forces ;
- (h) a Zakat Fund ;
- (i) an institution, fund, trust, endowment or society :
- (a) registered as a charitable organization under the societies Registration Act, 1860 (XXI of 1860), or as a company under section 26 of the Companies Act, 1913 (VII of 1913), or registered or approved as a charitable or social welfare organization under any other law for the time being in force, and
- (b) Approved by the Central Board of Revenue for the purposes of section 47 of the Income Tax Ordinance. 1979 (XXXI of 1979) ;
- (j) a deeni madrasah registered as such by the Zakat Department ;
- (k) a mosque ;
- (l) an orphanage registered as such under the law relating to orphanages;

(c) a subsidiary of a statutory corporation, a company or other enterprise referred to in sub-clause and wholly owned by it ;

(d) the National Investment (Unit) Trust ;

(e) the Investment Corporation of Pakistan and its Mutual Fund ;]

(f) a recognized provident Fund ;

any Unit Fund maintained by the Defense Services, including the Civil Armed Forces ;

(h) a Zakat Fund ;

(i) an Institution, fund, trust, endowment or society; registered as a charitable organization under the societies Registration Act, 1860 (XXI of 1860), or as a company under section 26 of the Companies Act, 1913 (VII of 1913), or registered or approved as a charitable or social welfare organization under any other law for the time being in force, and approved by the Central Board of Revenue for the purposes of section 47 of the Income Tax Ordinance, 1 979 (XXXI of 1979);

¹Substituted for the following sub-clause by SRO. 1043(I)/81, Gazette of Pakistan Part II of 5th February, 1981.

"(e) an ICP Mutual Fund".

- (m) a Worker Participation Fund established under the Companies Profits (Workers Participation) Act, 1968 (XII of 1968) ; or
- (n) amount of a party to suit or case kept with or under the orders of a court pending decision of the suit or case ;
- (xxiv) 'security' means any stock, share, script, debenture, bond, pre-organization certificate, or instrument commonly known as security ;
- (xxv) 'share' means a share in the share-capital of a company, or in any body corporate established by or under a Federal Law or a Provincial Law, and includes stock ;
- '[(xxvi) 'sub-division' means a sub-division of a district as notified by the Provincial Government;]
- (xxvii) 'Surrender value' means the sum payable by an insurer on cancellation of a life-insurance policy or annuity, according to stipulated terms and conditions, at any time before maturity benefits become available ;
- (xxviii) 'Survival benefit' means the amount payable according to life-insurance policy conditions, during the currently of a policy, on survival of the life assured to the specified date as stipulated in the policy;
- ²[(xxix) Taluqa Committee' or 'Sub-divisional Committee' means a committee constituted under section 17 ;
- (xxixa) Tehsil Committee' means a Tehsil committee constituted under section 17 or, in the case of the Islamabad Capital Territory, the Islamabad Zakat and Ushr Committee;].
- ³[(xxx) 'Valuation Date' means—
in respect of assets liable to Zakat, the first day of the Zakat year; and
in respect of produce liable to Ushr, such date or dates as may be prescribed or as may be notified by the Administrator-General or by a Chief Administrator within his jurisdiction ;

¹Substituted for the following through the Finance Act, 1994 "(xxvi) 'sub-division' means a sub-division of the district of Lahore and the districts in the Karachi Division;"

²Added through Zakat and Ushr (Amendment) Ord. 1997.

³Submitted for the following by Ordinance LII of 1980.

- (a) in respect of assets liable to Zakat, the first day of the Zakat year; and
(b) in respect of produce liable to Ushr, such date or dates as may be prescribed or as may be notified by the Administrator-General or by a Chief Administrator within his jurisdiction.

for the evaluation of the assets or the produce for the purposes of this Ordinance :]

(xxx) 'Zakat Fund' means a Fund established under section 7 ; and

(xxxii) 'Zakat Year' means year according to the Hijra calendar for which Zakat is chargeable, commencing on the first day of Ramadhan-ul-Mubarak and ending with the last day of the following Sha'ban-ul-Moazzam ;

Provided that the First Zakat year shall commence with the commencement of this Ordinance and end with the last day of Sha'ban-ul-Moazzam, 1401 A.H.

CHAPTER II ZAKAT

3. Charge and collection of Zakat.—

(1) Subject to the other provisions of this Ordinance, Zakat in respect of assets mentioned in the First Schedule shall be charged and collected, on compulsory basis, for each Zakat year, at the rates and in the manner specified therein, and as may be prescribed, from every person ¹[who is on the Valuation Date, and for ²[whole of the] preceding Zakat year been, sahib-e-nisab,] and who owns or possesses such assets on the Valuation Date ³[:]

Provided that where an asset mentioned in the First Schedule has been assigned by the person owning or possessing it, in favour of another person. Zakat in respect of that asset shall be charged and collected on compulsory basis as if the asset had not been so assigned;

⁴[Provided further that, if an asset was owned or possessed by a person on the Valuation Date but is owned or possessed by some other person on the Deduction Date, the Zakat on such asset shall be charged and collected from such other person on behalf of the person owning or possessing it on the Valuation date :

Provided further that, if a person proves in the prescribed manner to the satisfaction of the Local Committee of the locality where he ordinarily resides that he was not a sahib-e-nisab on the Valuation Date or was not in ownership or possession of assets of the value of nisab for the whole of the preceding Zakat year. Zakat shall not be so charged and collected from him, or if collected shall be refunded to him in the prescribed manner:

Provided further that no Zakat shall be charged and collected from the assets of a person who died on or before the Deduction Date] ⁵[:]

⁶[Provided further that no Zakat shall be charged or collected on compulsory basis in respect of any of the assets mentioned in the First Schedule which—

(a) have been acquired against payment in foreign currency ; or
(b) are maintained in foreign currency and the return on which and the value on encashment, redemption or withdrawal of which, is payable in foreign currency] ⁷[:]

¹Substituted for the brackets and words, other than a person excluded from the definition of by Ordinance LII of 1980.

²Inserted by S.R.O. 1044(1) 81 of 5 1981.

³Substituted for full stop by Ordinance LII of 1980.

⁴Added by Ordinance LII of 1980.

⁵Colon submitted for semi-colon by Ordinance XIII of 1981.

⁶Added by Ordinance XIV of 1984.

⁷Submitted for full-stop by section II of the Finance Act, 1987.

¹[Provided further that the Federal Government may, by notification in the official Gazette, exempt any class of bonds or certificates issued by the Federal Government or a statutory corporation, a company or other enterprise, owned, directly or indirectly by the Federal Government, a Provincial Government, a local authority or a corporation owned by the Federal Government or a Provincial Government, either singly or jointly with one or more of the other three, from deduction of Zakat on compulsory basis.]

(2) In determining the amount to be collected as Zakat on compulsory basis, the value of an asset on which Zakat is deductible at source may be reduced, to the extent and in the manner prescribed, only on account of debts which have been—

- (a) primarily secured by that asset;
- (b) used for the creation of an asset on which Zakat is deductible at source ; and
- (c) obtained from the Deducting Agency having custody of the asset securing the debt 2[] and of the asset created under clause (b).

³[(3) Where a person from whom Zakat has been deducted at source—

(a) proves that—

- (i) he is not a Muslim, or
- (ii) he is not a citizen of Pakistan, or
- (iii) the amount deducted from him is more than what is due under this Ordinance, either on account of an error apparent from the record, or on account of reduction provided for in sub-section (2) not having been duly allowed to him, or
- (iv) he falls under any of the exclusions given in sub-clauses (a) to (n) of clause (xxiii) of section 2, or
- (b) proves, as laid down in the third proviso to sub-section (1), that he is not a sahib-e-nisab or was not in ownership or possession of nisab for (c) the whole of the preceding Zakat year, or
- (c) files a declaration such as is referred to in the second proviso to subsection (3) of section 1, which has not been challenged in the Federal Shariat Court under sub-section (3A) of that section and claims refund,

¹Added by section II of the Finance Act, 1987.

²The words brackets and letter in clause (a) appearing after the word debt omitted by Ordinance III of 1980.

³Submitted for the following by Ordinance LII of 1980.

(i) he is not a Muslim, or (ii) he is not a citizen of Pakistan, or

(iii) the amount so deducted or, as the case may be, the amount so deducted in excess shall be refunded to him in the prescribed manner.]

the amount so deducted or, as the case may be, the amount so deducted in excess shall be refunded to him in the prescribed manner.]

(4) Where the recovery of Zakat deductible at source, in respect of any of the assets mentioned in the First Schedule, falls into arrears, the Administrator-General may forward to the Collector of the district concerned a duly signed certificate specifying the amount of arrears due and the particulars of the person from whom due, and the Collector shall, on receipt of such certificate, proceed to recover the amount so specified, as if it were an arrear of land revenue.

(5) A sahib-e-nisab may pay either to a Zakat Fund or directly to those eligible under Shariah to receive Zakat so much of the Zakat due under Shariah as is not deductible at source under this Ordinance, for example, that due in respect of assets mentioned in the Second Schedule.

¹[(6) Any amount deducted at source by the Deducting Agency from any person shall be treated as payment of Zakat of behalf of such person or, in the case of a person referred to in sub-section (3) of section 1, as contribution to Zakat Fund or Sadaqah or Khairat in the name of Allah, as the case may be, on the part of that person].

4. Secrecy of information.—Any information furnished or collected in connection with the deduction of Zakat at source under this Ordinance shall be treated as secret and shall not be used for any other purpose, including the assessment or collection of any tax.

¹Substituted for the following by Ordinance III of 1980.

CHAPTER III USHR

5. Charge and collection of Ushr.—

(1) Subject to the other provisions of this Ordinance, there shall be charged and collected, on compulsory basis, in such manner as is laid down in section 6, and as may be prescribed, from every land-owner, grantee, allottee, lessee, lease-holder or land-holder (other than a person excluded from the definition of sahib-e-nisab) Ushr at the rate of five per cent of his share of the produce, as on the Valuation Date :

Provided that if any plot of land is used principally for growing one crop and a small portion thereof, not exceeding one-fourth of an acre, is used for growing another crop, Ushr shall not be charged in respect of the produce of such small portion.

Explanation.—In this section and section 6, land-owner, grantee, 'allottee', 'lessee', 'lease-holder' and 'land-holder' shall have the same meaning as in the laws relating to land administration and 'land-holder' includes a person in possession of any plot of land who has grown a crop on such plot.

(2) An individual land-owner, grantee, allottee, lessee, lease-holder or land-holder shall be exempt from the compulsory levy of Ushr if—

- (a) he is eligible under shariah to receive Zakat; or
- (b) the produce from his land is less than five wasqs (= 849 kilograms) or wheat, or its equivalent in value in the case of other crops liable to Ushr.

(3) The currency equivalent of five wasqs of wheat in value shall be such as may be notified for each Zakat year by the Administrator-General.

(4) Ushr shall be the first charge on the produce.

(5) Ushr shall be collected in cash :

Provided that where the produce consists of wheat or paddy, ushr at the option of the ["Provincial Council"] may be collected in kind.

(6) A Sahib-e-nisab may pay either to the Local Zakat Fund or directly to those eligible under Shariah to receive Zakat, so much of the Ushr due under Shariah as is not compulsorily realizable under this Ordinance, for example, in respect of item 9 of the Second Schedule.

¹Substituted for the word "District Committee" through the Zakat and Ushr (Amend) Ord. 199

¹(6) **Mode of assessment and collection of Ushr.**—The Provincial Revenue Department shall assess and collect Ushr in respect of a land-owner, guarantee, lessee, lease-holder or land holder in the prescribed manner, and maintain the record containing such information for a crop season as may be required for the purposes of this Ordinance.

(2) In the case of lease in force immediately before the commencement of this Ordinance, or, after the commencement of the Finance Act, 1990, the liability of the lessor and lessee to pay Ushr shall be equitably apportioned between them by the Tehsildar or as the case may be, Mukhtiakar.

(3) An assessee aggrieved by the assessment under sub-section (1), or as the case may be, a lessor or lessee aggrieved by the apportionment under sub-section (2), may, within thirty days of the Provincial Revenue Department announcing the assessment, or, as the case may be, apportionment, apply, in the prescribed form and manner to the Assistant Commissioner or sub-divisional Magistrate for a revision of the assessment or apportionment:

Provided that no such application shall be admitted unless the applicant has deposited into the ²[District] Zakat Fund not less than fifty per cent of his liability as assessed or apportioned by the Provincial Revenue Department.

(4) The Assistant Commissioner or Sub-divisional Magistrate may, at any time, either of his own motion or on the application of an adult Muslim residing within his jurisdiction, make an order enhancing the liability assessed under sub section (1) or apportioned under sub-section (2):

Provided that no such order shall be made unless the person affected has been given an opportunity of showing cause against it and of being heard.

(5) The Assistant Commissioner or Sub-divisional Magistrate to whom application is made under sub-section (3) or sub-section (4), or who takes up a matter under sub-section (4) of his own motion, shall give his decision within a period not exceeding one month counted from the date on which he receives the application or, as the case may be, so takes up the matter; and such decision shall be final and shall not be questioned before any court or other authority.

(6) The demand as determined under sub-section (1) or as the case may be, under sub-section (1) or sub-section (5), shall be paid by the assessee and collected by the Provincial Revenue Department in such manner as may be prescribed and deposited into the District Zakat Fund.

(7) Where the recovery of Ushr compulsorily realizable under this Ordinance falls into arrears, the Tehsildar or, as the case may be, Mukhtiarkar shall proceed to recover the amount so specified as if it were an arrears of landrevenue].

¹Substituted vide section 8 of the Finance Act, 1990.

²Substituted for the word "Local" through the Finance Act, 1994.

CHAPTER IV
ZAKAT FUNDS

¹[7. **Establishment of Zakat Funds.**—There Shall be established the following Zakat Funds, namely,—

- (a) a Central Zakat Fund to which shall be credited—
 - (i) The Zakat deducted at source;
 - (ii) the Zakat paid into it voluntarily including voluntary contribution made by Pakistani citizens and other persons residing abroad;
 - (iii) the transfers, if any, from the Provincial Zakat Funds; and
 - (iv) the grants, atiyyat and any other receipts including voluntary contributions made by Pakistani citizens and other persons residing abroad;
- (b) a Provincial Zakat Fund for each Province to which shall be credited—
 - (i) the transfers to it from the Central Zakat Fund;
 - (ii) The Zakat paid into it voluntarily;
 - (iii) the transfers, if any, from the District Zakat Fund;
 - (iv) the transfers, if any, from the Local Zakat Fund; and
 - (v) the grants, atiyyat and any other receipts;
- (c) a District Zakat Fund for each District to which shall be credited.—
 - (i) the transfers to it from the Provincial Fund;
 - (ii) the proceeds of Ushr to be deposited in the personal ledger account of District Zakat Fund;
 - (iii) the Zakat paid into it voluntarily;
 - (iv) the transfers, if any, from the Local Zakat Funds; and
 - (iv) the grants, atiyyat and any other receipts; and

¹Substituted through Zakat and Ushr (Amendment) Ord. 1997.

- (d) a Local Zakat Fund for each Local Committee to which shall be credited—
- (i) the Zakat paid- into it voluntarily;
 - (ii) the transfers to it from the District Zakat Fund;
 - (iii) the transfer to it from the Provincial Zakat Fund and;
 - (iv) the grants, atiyyat and any other receipts.

8 Utilization of Zakat Funds.—The moneys in a Zakat Fund shall be utilized for the following purposes, namely,—

(a) assistance to the needy, the indigent and the poor particularly orphans and widows, the handicapped and the disabled, eligible to receive zakat under Shariah for their subsistence or rehabilitation, either directly or indirectly through deeni madaris or educational, vocational or social institutions, public hospitals, charitable institutions and other institution providing health care :

Provided that the lists of the individuals to be assisted directly and of the institutions through which assistance is to be given from a Zakat Fund shall be prepared and maintained in such form and manner as may be prescribed;

(b) assistance to the needy persons affected or rendered homeless due to natural calamities like floods and earthquakes and for their rehabilitation ; expenditure on the collection, disbursement and administration of Zakat and Ushr:

Provided that—

- (i) the expenditure on the administrative Division and the Central Council shall be met by the Federal Government;
- (ii) the expenditure on the administrative organization of a Chief Administrator, the Provincial Council, and a District Committee shall be met by the Provincial Government; and
- (iii) the funds not exceeding ten per cent approved in the budget shall be retained in the Provincial Zakat Fund to meet such additional

expenditure of a Local Committee as may be approved by the Central Zakat Council :

Provided also that the banking services and the services connected with the assessment, collection or disbursement of Zakat and Ushr realizable on compulsory basis under this Ordinance shall be rendered free of charge, except that the Administrator-General, in regard to Ushr, may authorize payment of remuneration for any specified services

(d) investment in any non-interest bearing instruments as is permitted under Shariah ; and

(e) any other purpose permitted by Shariah.]

¹[9. Disbursements from Zakat Funds. —

(1) The Central Zakat Council shall prepare budget for each financial year and may, from the Central Zakat Fund, make disbursements and transfer funds to Provincial Zakat Fund in such form and manner as may be prescribed and as would help in ensuring satisfaction of the needs of the needy and the poor throughout the country, as far as possible, on a uniform basis.

(2) A Provincial Council may from the Provincial Zakat Fund make disbursements and transfer funds to District Zakat Fund on the basis of population in such form and manner as may be prescribed and as would help in ensuring satisfaction of the needs of the needy and the poor throughout its jurisdiction, as far as possible, on a uniform basis :

Provided that a Provincial Council may, in exceptional circumstances, transfer funds from the Provincial Zakat Fund through crossed cheques to the Central Zakat Fund.

(3) A District Committee may make disbursements and transfer funds from District Zakat Fund to a Local Zakat Fund or to an institution or incur other administrative expenditure subject to such conditions as may be prescribed and may, whenever directed by the Central Council, transfer any funds surplus to its needs to the Provincial Zakat Fund.

(4) A Local Committee may disburse or incur expenditure from the Local Zakat Fund as may be prescribed:

Provided that a Local Committee may, if so required by the Provincial Council or the District Committee, transfer any funds surplus to its needs from the Local Zakat Fund to the Provincial Zakat Fund or, as the case may be, District Zakat Fund surplus to its needs :

¹Substituted through Zakat and Ushr (Amendment) Ord. 1997.

Provided further that the Central Council or Provincial Council or a District Committee shall disburse Zakat through a Bank or a Post Office or any other financial institution as may be determined by the Central Zakat Council in such form and manner as may be prescribed.].

¹[10. **Accounts.**—(1) The accounts of the Central Zakat Fund, a Provincial Zakat Fund, a District Zakat Fund, and a Local Zakat Fund shall be maintained and operated, respectively, by the Administrator-General, the Chief Administrator, the District Committee and the Local Committee, in such form and manner as may be prescribed.].

(2) The records of the accounts of the Zakat Funds shall be preserved for such period, and shall be made available for audit or inspection to such persons or agencies, and in such manner, as may be prescribed.

11. **Audit.**—(1) To carry out audit of the Central Zakat Fund annually or at shorter intervals, the Central Council, and to carry out audit of a Provincial Zakat Fund annually or at shorter intervals, the Provincial Council, shall request the Auditor-General of Pakistan and Local fund audit to conduct the audit.

(2) To carry out audit of a District Zakat Fund within a Province annually or at shorter intervals, the Provincial Council shall request the Auditor-General of Pakistan to conduct the audit.

(3) To carry out audit of the Local Zakat Funds within a district annually or at shorter intervals, the District Committee shall request the Auditor-General of Pakistan to conduct audit of the local fund.

(4) The audit performed by Auditor-General under sub-sections (1), (2) and (3) shall include propriety audit.

(5) The annual report of the Auditor-General on the Central Zakat Fund shall be laid before the Majlis-e-Shora (parliament), that on a Provincial Zakat Fund before the Provincial Assembly concerned, and that on a District Zakat Fund or a Local Zakat Fund before the District Council concerned established under the law relating to local government.

(6) Nothing in this section shall be deemed to prevent—

(a) the Central Council from getting audited any of the Provincial, District or Local Zakat Funds ;

(b) the Provincial Council from getting audited any of the District or Local Zakat Funds within its jurisdiction ; or

¹Substituted through Zakat and Ushr (Amendment) Ord. 1997.

(c) a Local Committee from getting its own Local Zakat Fund audited.

(7) Notwithstanding anything contained in the preceding sub-sections, the Auditor-General shall conduct annual audit of the Central Zakat Fund, the Provincial Zakat Fund, District Zakat Funds and Local Zakat Funds including the accounts of a Deducting Agency or an institution receiving Zakat.

**CHAPTER V
ORGANIZATION AND ADMINISTRATION**

12. Central Zakat Council.—

(1) The Federal Government shall, by notification in the official Gazette, establish, a Central Zakat Council to provide policy guidelines for, and to exercise general superintendence and control over matters relating to Zakat and Ushr, particularly the Zakat Funds and maintenance of their accounts.

¹[2]. The Central Council shall consist of—

- (a) a Chairman ;
- (b) four persons to be nominated by the President, of whom three shall be Ulema nominated in consultation with the Council of Islamic Ideology ;
- (c) one person from each Province, to be nominated by the President;
- (d) two women, who shall not be less than forty-five years of age, to be nominated by the President;
- (e) the Chief Administrators ;
- (f) the Secretary to the Government of Pakistan in the Ministry of Finance ;
- (g) the Secretary to the Government of Pakistan in the Ministry of Religious Affairs, Zakat, Ushr and Minorities Affairs ;
- (h) the Secretary to the Government of Pakistan in the Ministry of Health;
- (i) the Secretary to the Government of Pakistan in the Ministry of Education ; and
- (j) the Administrator-General, who shall also be the Secretary General of the Council.

(3) The Chairman of the Central Council shall be a person who is, or has been, a Judge of the Supreme Court of Pakistan, to be nominated by the President in consultation with the Chief Justice of Pakistan.

(4) The Chairman and members of the Central Council, other than ex-officio members, shall hold office during the pleasure of the President for a term of three years, and shall be eligible for reappointment for another term.]

¹Substituted through Zakat and Ushr (Amendment) Ord., 1997

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

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

- (6) Any vacancy in the office of Chairman or member, other than an ex-officio member, shall be filled by the nomination, in accordance with sub-section.

(2) or sub-section (3), as the case may be, of a person qualified to hold the office.

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

¹[13. **Administrator-General.**—

(1) For carrying out the purpose of this Ordinance, the Secretary, Religious Affairs, Zakat, Ushr and Minorities Affairs Division, Government of Pakistan, shall perform the functions of the Administrator-General under this Ordinance.

(2) The Administrator-General shall be the Chief Executive in respect of matters relating to Zakat and Ushr and shall act under the general superintendence and control of, and in accordance with the policy guidelines given by, the Central Council.]

[14. **Provincial Zakat Council.**—(1) In each Province, the Provincial Government shall, by notification in the official Gazette, establish a Provincial Zakat Council, to exercise general superintendence and control over matters relating to Zakat and Ushr, particularly the Zakat Funds in the Province and the maintenance of their accounts, in accordance with the policy guidelines given by the Central Council.

(2) The Provincial Council shall consist of—

- (a) a Chairman ;
- (b) five persons, of whom three shall be ulema, to be nominated by the Governor;
- (c) two women, who shall not be less than forty-five years of age, to be nominated by the Federal Government ;
- (d) the Secretary to the Provincial Government in the Finance Department;

¹Substituted through Zakat and Ushr (Amendment) Ord., 1997).

²Substituted through Zakat and Ushr (Amendment) Ord., 1997).

(e) the Secretary to the Provincial Government in the Local Government Department;

(f) the Secretary to the Provincial Government in the Social Welfare Department; and the Chief Administrator, who shall also be the Secretary of the Council.

(3) The Chairman of the Provincial Council shall be a person who is, or has been, a Judge of a High Court, to be nominated by the Governor in consultation with the Chief Justice of the High Court.

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

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

(6) Subject to sub-section (5) the Chairman or, as the case may be, a member shall continue to hold office until his resignation is accepted by the Governor.

(7) Any vacancy in the office of Chairman or member, other than an ex-officio member, shall be filled by the nomination, in accordance with sub-section (2) or sub-section (3) as the case may be, of a person qualified to hold the office.

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

(9) In the Islamabad Capital Territory, the functions of the Provincial Council shall be performed by the Central Council.

15. **Chief Administrator.**—(1) In each Province, for carrying out the purposes of this Ordinance, there shall be appointed by the Governor, in consultation with the Federal Government, a Chief Administrator.

(2) The Chief Administrator shall have the status and grade of, be ex-officio, Member, Board of Revenue and his tenure and other terms and conditions of service shall be such as may be determined by the Provincial Government.

(3) The Chief Administrator shall act under the general superintendence and control of the Provincial Council and perform, as the Chief Executive of the Council, such functions as are assigned to him by or under this ordinance.

16. District Zakat and Ushr Committee.—(1) In each district, a District Zakat and Ushr Committee, and in the Islamabad Capital Territory, an Islamabad Zakat and Ushr Committee, shall be constituted by the Provincial Council concerned.

(2) The District Committee shall, subject to such guidelines as may be given by the Central Council or the Provincial Council,—

(a) oversee, generally, the functioning of administrative organization of Zakat and, more particularly, the assessment of Ushr and atiyat and the disbursement and utilization of the moneys in the District Zakat Fund and the Local Zakat Fund ;

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

(c) prepare and maintain accounts of the District Zakat Fund in such form and manner as may be prescribed ;

(d) compile accounts of the Local Zakat Funds, for the district, in such form and manner as may be prescribed ;

(e) arrange, in the prescribed manner, audit of the Local Zakat Funds in the district; and

(f) tender to the Provincial Council advice on any matter specified by it.

Explanation.—In this sub-section and in the succeeding provisions of this Ordinance, reference to "District Committee" shall be deemed to include a reference to the Islamabad Zakat and Ushr Committee.

(3) The District Committee shall consist of—

(a) a Chairman, who shall be non-official, the Deputy Commissioner of the district and two women from within the district- who shall not be less than forty-five years of age and one non-official member from each tehsil, taluqa or sub-division in the district:

Provided that, where the number of tehsil, taluqas or sub-divisions in a district is less than five, the number of members other than the Chairman and the women members shall be raised to seven:

Provided further than, 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,

(b) the District Zakat Officer, who shall also be the Secretary of the Committee;

Explanation.— Subject to sub-section (7), the District Committees existing before the 5th November, 1996 shall cease to function and new District Committees shall be constituted under this section.

(4) The Chairman shall be nominated by the Provincial Council and the members shall be nominated by the Provincial Council in consultation with the Chairman:

Provided that the Chairman shall be an adult Muslim who ordinarily resides in the district and the member from a tehsil, taluqa or sub-division shall be an adult Muslim who ordinarily resides in that tehsil, taluqa or sub-division,

(5) The district Committee so constituted shall be duly notified by the Provincial Council concerned.

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

Provided that in the event of delay in the constitution of the new Committee under sub-section (3), the Provincial Council may ask a District Committee to continue to function for a period not exceeding six months after the expiry of the term of its office.

(7) The Chairman or a member, not being an ex-officio member, may, by writing under his hand addressed to the Provincial Council, resign his office

(8) Subject to sub-section (7) the Chairman or, as the case may be, a member shall continue to hold office until his resignation is accepted by the Provincial Council.

(9) Any vacancy in the office of Chairman or member, other than an ex-officio member, shall be filled by the nomination, in accordance with sub-section (4) of a person qualified to hold the office.

(10) The Chairman or member nominated under sub-section (9) shall hold office for the unexpired term of his predecessor.

(11) The District Committee shall hold meetings of the Committee at least once in every three months.

17. Tehsil, Taluqa or Sub-divisional Zakat and Ushr Committee.—(1)

There shall be constituted.—

- (a) a Tehsil or taluqa Zakat and Ushr Committee in each tehsil or taluqa ;

Provided that, if the Provincial Council so directs in respect of any sub-tehsil, a Tehsil Zakat and Ushr Committee may be constituted in the sub-tehsil ; and, where a committee is constituted in a sub-tehsil, such committee and such sub-tehsil shall be deemed to be a Tehsil Zakat and Ushr Committee and a tehsil, respectively, for the purposes of this Ordinance ; and

- (b) a Sub-divisional Zakat and Ushr Committee in each sub-division of the district of Lahore and the districts in the Karachi Division.

- (2) The Tehsil Committee, Taluqa Committee or Sub-divisional Committee shall, subject to such guidelines as may be given by the Central Council, the provincial Council or the District Committee,—

- (a) Oversee assessment of Ushr and collection of Zakat, Ushr and atiyat, and the disbursement and utilization of the moneys in the local Zakat Funds, by the Local Committee in the tehsil, taluqa or sub division ;

- (b) for the purposes mentioned in clause (a), make plans for the tehsil taluqa or sub-division as the case may be, in such form and manner as may be prescribed ;

- (c) compile accounts of the Local Zakat Funds for the tehsil, taluqa or sub-division, as the case may be, in such form and 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 or Ushr.

- (3) The Tehsil Committee, Taluqa Committee or Sub-divisional Committee shall consist of the Assistant Commissioner, two women members and six members to be elected, in the prescribed manner, by the Chairmen of the Local Committees of the tehsil, taluqa or sub-division, from amongst themselves :

Provided that, if there are more than two tehsil Committees or Taluqa Committee within the jurisdiction of an Assistant Commissioner, he shall be a member of only such of the Committees as the Provincial Council may specify and the Provincial Council may nominate the Tehsildar or Mukhtiarkar of the tehsil or taluqa concerned, as the case may be, to be the member of any other of the said Tehsil Committees or Taluqa Committees:

Provided further that the two women members shall be nominated by the District Committee in consultation with the Chairman of the Tehsil, Taluqa or Sub-divisional Committee concerned and shall not be less than forty-five years of age.

(4) The members of the committee shall elect one of their member 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.

(5)The Tehsil, Taluqa or Sub-divisional committee so constituted shall be duly notified by the District Committee concerned.

(6) The Chairman and members of a Tehsil Committee, Taluqa Committee or Sub-divisional Committee, not being an ex-officio member, shall hold office for a term of three years and shall be eligible for re-election.

(7)The Chairman or a member, not being an ex-officio member, may be writing under his hand addressed to the Tehsil Committee or, as the case may be, Taluqa Committee or, as the case may be, Taluqa Committee or Sub-divisional Committee, resign his office.

(8) Subject to sub-section (7), the Chairman or a member shall continue to hold office until his resignation is accepted by the Tehsil Committee or, as the case may be, Taluqa Committee or Sub-divisional Committee.

(9) any vacancy in the office of Chairman or member, other than an ex-officio member, shall be filled by the election, in accordance with sub-section (3), or, as the case may be, sub-section (4), of a person qualified to hold the office.

(10)The Chairman or member elected under sub-section (9) shall hold office for the unexpired term of his predecessor].

18. Local Zakat and ushr Committee.-Committee shall be constituted for—(1) A local Zakat and Ushr

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

Provided that, if in the opinion of the Provincial 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 divided into two or more localities, or if too small, grouped with any other revenue estate, deh or village to form one locality, and where a revenue estate, deh or village is so divided or grouped after the constitution of a local Committee that it covers a population of ten thousand persons the Provincial Council may make such consequential orders as may be necessary for the purposes of this Ordinance.

Explanation.—In this sub-section,—

- (a) "urban area" means area within the local limits of Municipal Corporation, Municipal Committee, Cantonment Board or Town Committee;
- (b) "rural area" means area other than urban area ;
- (c) "settled rural area" means rural area for which, revenue settlement record exists ;
- (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 ten thousand persons approximately.

(2) The Local Committee shall, subject to such guidelines as may be » given by the Provincial Council and the District Committee, or the Tehsil, Taluqa or sub-divisional Committee.

(a) determine istehqaq separately for—

(i) subsistence allowance;

(ii) rehabilitation, either directly or indirectly through deeni madaris, educational, vocational and social welfare institutions;

(iii) treatment through public hospitals, charitable institutions and other institutions providing health care ; and

(iv) any other purpose as may be permitted by Shariah;

(b) collect voluntarily Zakat, Ushr and attiyat and deposit the moneys in the District Zakat Fund ;

(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, District Committee advice on any matter connected with collection, disbursement and utilization of Zakat, Ushr and Attiyat.

(3) The Local Committee shall consist of nine members, of whom two shall be Muslim women who are not less than forty-five years of age selected by the residents of the locality in the manner specified in sub-section (4).

(4) the District Committee shall constitute a team of three or more persons including at least one gazetted officer, one aalim-e-deen and one member of the District committee to organize a public gathering of the adult Muslims, teachers and ulema residents of a locality and call upon them to select, in the prescribed manner, seven adult Muslims residing in that locality who possess Secondary School Certificate and are known to be pious and who offer five times prayer daily, and have sound moral and financial integrity and not engaged in political activity:

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 except in the case of such Local Committees in the Islamabad Capital Territory as may be notified by the Administrator-General, a person who is a salaried employee of government or of a local authority otherwise than as Pesh Imam of a local mosque or a teacher of local school, or of a corporation set up, owned or controlled by Government, shall not be eligible to be member of local committee:

Provided further that, where in a district the number of local Committees is so large that the members of the District Committee cannot be put on all the teams constituted for the selection of members of Local Committees in the district, the District Committee. may, at its discretion, nominate anywhere non-official person of the district to represent it on the said team:

Provided further that the team constituted by the District Committee shall organize a separate gathering of the adult Muslim female residents of the locality and call upon them to select, in the prescribed manner, two Muslim women residing in that locality who are known to be pious and who enjoy their trust to be members of the Local committee.

(5) The members of a Local Committee shall elect one of their members, being a person who possesses Secondary School Certificate and who offers prayer five times during a day regularly and observes-the fast throughout Ramadhan-ul-Mubarak according to the injunctions of Islam, to be the Chairman of the Local Committee, and if two or more persons secure an equal number of votes, the result of the election shall be determined by drawing lots.

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

(7) Any adult Muslim resident of a locality who is aggrieved by the conduct or 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 District Committee:

Provided that the District Committee shall not grant any injunction 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 sub-section (7) is preferred shall decide 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:

Provided further that the District Committee may, in consultation with the Federal Government, remove a Chairman or a member of the Local Committee from his office and nominate another person as Chairman or, as the case may be, a member for the unexpired term of his predecessor:

Provided also that a Chairman shall not be eligible to hold office for more than two consecutive terms of three years each:

Provided further that the District Committee may, in the event of delay in the constitution of the new Local Committee, ask a Local Committee to continue to function for a period not exceeding six months after the expiry of term of its office.

(10) The chairman or a member may, by writing under his hand addressed to the District Committee, resign his office :

Subject to sub-section (1) the Chairman or, as the case may be, a member shall continue to hold office until his resignation is accepted by the District Committee.

(12) Any vacancy in the office of Chairman or member shall be filled by election or selection 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 (7).

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

(14) All Local Committees existing before the 5th November, 1996, shall cease to function from that date.".]

¹[19. **Vacancy etc., not to invalidate acts or proceedings.**—Notwithstanding any thing contained in this Ordinance, no act or proceeding of a Council or Committee established or constituted under this Ordinance shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, such Council or Committee.

19A. Members of Council and other Committees to be Muslims.—(1)

All the members of the Central Council, Provincial Council and other Committees shall be Muslim and where the holder of an office cannot become a member by reason of his not being a Muslim, the President in case of the Central Council, the Governor in case of Provincial Council and Provincial Council in the case of District Committees shall nominate a Muslim official member in his place.

(2) Except in case of Islamabad Capital Territory, a person who is a salaried employee of Government or of a local authority, otherwise than a Pesh Imam of a local mosque or a teacher of a local school or of a corporation set-up, owned or controlled by the Government shall not be eligible to be a member of a committee constituted under section 18.]

20. Person to preside at meetings in the absence of Chairman.—(1) If the Office of Chairman of a Council or Committee established or constituted under this Ordinance is for the time being vacant, or the Chairman is absent from a meeting of the Council or Committee, the meetings thereof or, as the case may be, the meeting from which the chairman is absent, shall be presided at—

(a) in the case of the Central Council, by the Administrator-General;

²[(b) in the case of the Provincial Council, by the Chief Administrator;]

(c) in the case of a District Committee, by the Deputy Commissioner;

³[(d) in the case of a Tehsil, Taluqa or Sub-divisional Committee, by the ex-officio member, that is, Tehsildar or the Mukhtiarkar, as the case may be, or, if the ex-officio member is himself the Chairman of the Committee, by the member elected by the members present;

Substituted through Zakat and Ushr (Amendment) Ord., 1997.

²Ibid.

³Ibid.

(e) in the case of Local Committee, by the member elected by the members present:

Provided that in case of temporary disability of the Chairman, District Committee, the Deputy Commissioner shall perform the functions of the Chairman, District Committee.

21. Power of suppression and removal.—1[(1) If the Provincial Council, in the case of a District Committee, and the District Committee in the case of a Local Committee is of the opinion that a Committee constituted under this Ordinance—

(a) is unable to discharge of persistently fails in discharging its duties; or

(b) is unable to administer its affairs; or

(c) acts in a manner contrary to public interest; or

(d) otherwise exceeds or abuses its powers;

(e) has a majority of members who are not pious Muslims or who are engaged in political activity, the 2[Provincial] Council or, as the case may be, the District Committee may, by a notification, declare the concerned Committee to be superseded for such period not exceeding one year as may be specified in the notification:

Provided that the period of suppression may, if the Provincial Council or the District Committee considers it necessary to do so, be extended, beyond a period of one year.

(2) When a declaration is made under sub-section (1) in respect of a Committee,—

(a) the persons holding office as Chairman and members of the Committee to which the resolution relates shall cease to hold office;

²[(b) all functions of the District Committee shall, during the period of suppression, be performed by an Administrator appointed by the Provincial Council and in the case of Local Committee such functions shall be performed by the Administrator appointed by the District Committee;

Substituted through the Finance Act, 1994.

²The word Central wherever occurring in the section 21, the word 'Provincial' was substituted through Zakat and Ushr (Amendment) Ord., 1997.

and

(c) before the expiry of the period of supersession, elections shall be held and selection or nomination made in accordance with the provisions of this Ordinance to reconstitute the Committee.

¹[(3) If Provincial Council, in the case of District Committee, and the District Committee, in the case of Local Committee, is of the opinion that the Chairman or a member of a committee constituted under this Ordinance —

(a) was at the time of his selection, election or nomination;

(i) not a pious Muslim;

(ii) not an adult;

(iii) not a resident of the area within the jurisdiction of the Committee;

(iv) an undischarged insolvent;

(v) not of sound mind

(vi) engaged in political activity, or

(b) has been, during the period of three years preceding the date of his selection, election or nomination:

(i) ordered to execute a bond under section 108, 109 or 110 of the Code of Criminal Procedure, 1898 (Act V of 1898); or

(ii) convicted for an offence involving moral turpitude; or

(iii) declared goonda under the law relating to the control of goondas;

(c) has, after his selection, election or nomination, incurred any of the disqualifications referred to in sub-clause (i), (iii), (iv), (v) or (vi) of clause (a), or sub-clause (i), (ii) or (iii) of clause (b):

¹Substituted through the Finance Act, 1994.

(d) has, without reasonable excuse, absented himself from three consecutive meetings of the Committee;

(e) has been guilty of abuse of power or of misconduct in the discharge of his duties as Chairman or member, or been responsible for any loss or misapplication, misappropriation or misuse of any money or property of the Committee; or

(f) has become physically disabled or unable on any count from performing functions as Chairman or member; the Provincial Council in the case of District Committee, and the District Committee, in the case of Local Committee may, by a resolution, remove such Chairman or member from office.

Explanation. —Omitted.

(3A) If, after such inquiry as may be considered necessary, the Provincial Council, in the case of a District Committee, or the District Committee in the case of a Local Committee, is of the opinion that the Chairman or a member of committee or an employee assigned to work with a committee or an institution receiving Zakat Funds under this Ordinance, was guilty of misconduct in the discharge of his duties, or is responsible for the loss, misapplication or misuse of Zakat Funds, the Provincial Council or as the case may be, the District Committee shall initiate criminal proceeding against such Chairman, member, person or institution.

Explanation.—For the purpose of clause (e) of sub-section (3) and subsection (3A), the expression "misconduct" means bribery, corruption, jobbery, favoritism, nepotism, willful mal-administration or willful diversion of funds and shall include and attempt or abetment of such misconduct.

(4) When the Chairman or member of a Committee is removed from, or otherwise ceases to hold office, the vacancy in the office of such Chairman or member shall be filled within such time as the Provincial Council may determine, by the election, selection or nomination, as the case may be, in accordance with the provisions of this Ordinance, of a person qualified to hold the office.

(5) The Chairman or member elected, selected or nominated under sub section (4) shall hold office for the unexpired term of his predecessor.

(6) The Provincial Council may delegate to the Chief Administrator all or any of its powers and functions under the preceding provisions of this section in respect of a District Committee or a Local Committee.

(7) The Chairman or a member of a Committee superseded under subsection (1) or a Chairman or member removed from office under sub-section (3) may, within such time and in such form and manner as may be prescribed apply to the Provincial Council for a review of its decision and the decision of the Provincial Council in such review given after to the applicant opportunity of being heard, shall be final and shall not be called in question before any court or other authority.

¹[(21-A) Vote of no confidence.—(1) Wherein case of a Local Committee, the District Committee after such enquiry as it may deem fit is of the opinion that the members of that Committee no longer have confidence in the Chairman, the District Committee may in the prescribed manner remove the Chairman from his office.

(2) Wherein the case of a member of a Local Committee or of a Local Committee as a whole, the District Committee after such enquiry as it may deem fit is of the opinion that the adult Muslim residents of the locality no longer have confidence in the member or in the Committee as a whole, the District Committee may, in the prescribed manner, remove the member from his office or dissolve the Committee as a whole.

(3) The vacancy in the office of Chairman or member or members so caused shall be notified by the District Committee and shall be filled in accordance with the provisions of this Ordinance.]

²[22. **Administrative Organization.**—(1) The administrative organization under this Ordinance shall be through a Division to be known as the Religious Affairs, Zakat, Ushr and Minorities Affairs Division and may include such organizations as are performing social security and other complementary functions and that of a Chief Administrator, a Department or a part of a Department of the Provincial Government.

(2) The Secretary of Religious Affairs, Zakat, Ushr and Minorities Affairs Division shall be the ex-officio Administrator-General Zakat.]

¹Substituted for the word 'Provincial' through the Finance Act, 1994. ²Substituted through Zakat and Ushr (Amendment)Ord., 1997.

23. Certain persons to be public servants.—Every person engaged in, or employed for, the administration of this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XIV of 1860).

¹[Explanation.—For the purposes of this section, the Chairman and members of the District Committee and Local Committee shall be the persons engaged in the administration of this Ordinance.]

CHAPTER VI

MISCELLANEOUS

Exemption.—The Federal Government may, in consultation with the Council of Islamic Ideology, exempt, by notification in the official Gazette, any specified class of cases or persons from payment of compulsory levy of Zakat or Ushr.

(25) **Certain tax concessions.**— Notwithstanding anything contained in any other law for the time being in force—

(c) in determining the tax liability of an assessee for an assessment year, _

(i) Under the Income Tax Ordinance, 1979 (XXXI of 1979), his total income shall be reduced by the amount paid by him to a Zakat Fund, during the income year relevant to that assessment year:

Provided that the Zakat deducted at source in respect of the savings Bank Accounts on the 4th July, 1981 shall be deemed to have been deducted during the income year 1980-81; and

(ii) Under the Wealth Tax Act, 1963 (XV of 1963), his assets in respect of which Zakat or contribution in lieu thereof, has been deducted at source during the year relevant to that assessment year shall be excluded from his taxable wealth; and

(b) land revenue and development cess shall not be levied on land on the produce of which Ushr or contribution in lieu thereof, has been charged on compulsory basis.

¹Inserted through the Finance Act, 1994.

(2) Nothing in the preceding sub-section shall be deemed to affect liability to pay income tax, wealth tax, land revenue or development cess in respect of any period preceding the enforcement of the relevant provisions of this Ordinance.

¹[26. Power to make rules.—The Central Council may, notification in the official Gazette, make rules for carrying out the purposes of this Ordinance :

Provided that, if the Central Council so directs, the Provincial Council may, with the approval of the Central Council, make rules in respect of administrative matters.

(27) **Power to call for information and issued directions.**—The Central Council, the Administrator-General, a Provincial Council, a Chief Administrator, a District Committee, a Tehsil Committee, a Taluqa Committee, a Sub-divisional Committee, or a Local Committee, may, within its or his jurisdiction, call for such information or record from, and issue such directions to the concerned persons or agencies as may be necessary for the performance of its or his functions under this Ordinance.]

(28) **Indemnity and bar of jurisdiction.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Ordinance or any rule.

(2) No court shall call in question, or permit to be called in question, any thing done or any action taken under this Ordinance or any rule.

(3) No court shall grant any injunction or make any order, nor shall any court entertain any proceedings, in relation to anything done or intended to be done or any action taken or intended to be taken under this Ordinance or any rule.

(29) **Removal of Difficulties.**—The Federal Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Ordinance.

(30) **Repeal.**—The Zakat and Ushr (Organization) Ordinance, 1979 (XXIX of 1979) is hereby repealed.

¹Substituted through Zakat and Ushr (Amendment) Ord., 1997.

FIRST SCHEDULE
(See sections 2 and 3)

ASSETS SUBJECT TO COMPULSORY LEVY OF ZAKAT THROUGH DEDUCTION –AT SOURCE FOR CREDIT TO THE CENTRAL ZAKAT FUND.

S.No	Assets	Rate and basis for computing the amount to be deducted as Zakat	The Deduction Date	The Deduction Agency
1	Savings Bank Accounts and similar accounts by whatever name described 6{] with the Banks operating in Pakistan, post offices, National Savings Centers and financial institutions keeping such accounts.	25% of the amount standing to the credit of an account at the commencement of the day on the Valuation Date. 2KN° deduction shall be made in case the amount standing to the credit of an account does not exceed the amount notified by the Administrator General).]	As notified by the Administrator-General for the Zakat year.	The Bank, Officer, Centre of institution as the case may be, keeping the account.
2	Notice Deposit Receipts and Accounts 3[] and similar receipts and accounts by whatever name described *[] with the banks operating in Pakistan, post offices, National Savings Centers and financial institutions issuing such receipts and keeping such accounts.	2.5% of the face value of a receipt or the amount standing to the credit of an account, 4(as the case may be,) at the commencement of the day on the Valuation Date, in each Zakat year.	5fThe date on which the first return is paid or the date of encashment/withdrawal, whichever be earlier in the Zakat year.]	The bank, office. Centre or institution, as the case may be. issuing the receipt or keeping the account and responsible for paying the return or the amount encashed/ withdrawn.

¹Omitted along with all the entries there under by Ordinance LU of 1980.

²Substituted for the following *ibid*.

"(in case the amount standing to the credit of an account is Rs. 1000 or less, no deduction will be made)".

³The words "and fixed deposit receipts with terms of maturity of nine months or less," omitted, *ibid*. "Inserted *ibid*. Substituted for the following *ibid*.

"The date on which the first return is paid or the date of encashment/withdrawal, whichever be earlier, following the Valuation Date. In case the amount of first

return is less than the amount of Zakat due, the entire amount of the return will be appropriated towards Zakat and the unreturned balance shall be deducted

from the subsequent return or at the time encashment from the encashment value, as the case may be.

⁶Omitted the words and brackets "excluding foreign currency receipts and accounts" by Ordinance XLVI of 1984.

S.No	Assets	Rate and basis for computing the amount to be deducted as Zakat	The Deduction Date	The Deduction Agency
3	Fixed Deposit Receipts [] and Accounts and similar receipts and accounts 3 [] and certificates (e.g., Khas, Deposit certificates), by whatever name described, issued by the banks operating in Pakistan, post offices, National Savings Centers and financial institutions,—on which return is receivable by the holder periodically or is received earlier than maturity 2[or withdrawal].	2.5% of the face value of a receipt or a certificate, or the amount standing to the credit of an account, as the case may be, as at the commencement of the day on the Valuation Date, in each Zakat year.	The date on which the first return is paid, or the date of encashment /redemption/withdrawal, whichever be earlier in the Zakat year.	The bank, office. Centres or institution, as the case may be, issuing the receipt or certificate or keeping the account, and responsible for paying the return or encashment/redemptionwith drawl.
4	Savings/deposit certificates (e.g. Defense Savings Certificates. National Deposit Certificates), receipts and accounts by whatever name described, issued or kept by the banks operating in Pakistan, post offices, National Savings Centers, financial institutions, 4[companies and statutory corporations,] on which return is 5 [receivable and] is received, by the holder, only on maturity or encashment.	2.5% of the payable value of certificates or receipts or the amount standing to the credit of an account ¹³ [as the case may be, as on the Valuation Date.]	7[The date on which the maturity value is paid, or of encashment/withdrawal]. the first return or the 1 "[repurchase] value is paid whichever be earlier in the Zakat year.	The bank, office. Centre, ^[company, or corporation], as the case may be, responsible for paying the return or the amount withdrawn, or redeeming enchasing the certificates or receipts
5	Units of the National Investment (Unit) Trust.	2.5% of the ⁸ [] ⁹ [face value or repurchase value of the Units whichever be lower,] as on the Valuation Date, in each Zakat year.	The date on which the first return is paid or the ¹⁰ [repurchase] value is whichever be earlier in the Zakat year.]	The Trustee of the National Investment (Unit) Trust or its authorized agent paying the return on, or the " [repurchase] value of, the Units.

¹The brackets, words and figure "other than those mentioned in serial number 2)" omitted by Ordinance LII of 1980.

²Added by S.R.O. 104(I)/81, Gazette of Pakistan Part II of the 5th February 1981.

³Omitted the words "(excluding foreign currency receipts and accounts)" Ordinance, XLVI of 1984.

⁴Substituted for the words, "statutory corporations and companies," by S.R.O. 104(I)/81 of 5 February, 1981.

⁵Substituted for the words, "receivable or" by Ordinance LII of 1980.

⁶Omitted along with all the entries there under by Ordinance, LII of 1980.

⁷Substituted for the words "the date on which the value on maturity is paid, or of encashment/withdrawal, whichever be earlier in the Zakat year." by S.R.O. 104(I)/81 of 5 February, 1981.

⁸The word "applicable" omitted by Ord. LII of 1980.

⁹Substituted for the words "repurchase value of the units" by S.R.O. 523(I)/82 of 6 June, 1982;

¹⁰Substituted for the word "Surrender" by Ordinance, LII 1980.

¹¹Substituted for the words "Surrender/repurchase" ibid.

¹²Substituted for "corporation or company" by S.R.O. 104(I)/81 of 5 February, 1981.

¹³Substituted for the words and comma "on the date of maturity of encashment/withdrawal, as the case may be" by Ordinance, LII of 1980.

S.No	Assets	Rate and basis for computing the amount to be deducted as Zakat	The Deduction Date	The Deduction
6	I.C.P. Mutual Fund Certificates.	2.5% of the face value, or the market value based on the closing rate at the Karachi Stock Exchange, whichever be lower as on the Valuation Date, in each Zakat year.	The date on which the first return is paid in the Zakat year.	The investor Corporation
7	Government securities (other than prize bonds and certificates ¹ mentioned at serial number 3 and 4) on which return is receivable by the holder periodically	2.5% of the face value of the Government securities as on Valuation Date in each Zakat year.	The date on which the first return is paid or the date of encashment/redeemption, whichever be earlier in the Zakat year.	The bank, institution, or other person who be responsible for return or encashment/redeeming
8	³ [Securities including shares and debentures (other than those mentioned at serial number 5, 6 and 7 above), of '[companies or statutory corporations] (excluding those held in the name of a ² [company or a statutory corporation]), on which return is payable periodically or otherwise, and is paid.]	If listed on the stock exchange, 2.5% of the paid-up value, or the market value based on the closing rate at the Karachi Stock Exchange, whichever be lower as on the Valuation Date, in each Zakat year. If not listed on the stock exchange 2.5% of the paid-up value on the Valuation Date, in each Zakat year.	The date on which the first return is paid, or the date of encashment/redeemption whichever be earlier in the Zakat year.	The corporation or institution may be, responsible for paying the encashment/redeemption security.

¹Substituted for the words "statutory corporations and companies" by Ordinance LII of 1980. ²Substituted for the words "statutory corporation or a company" ibid.

³Substituted for the following by S.R.O. I207(I)/81 of 15 November, 1981

Securities including shares and debentures of statutory corporations or companies (excluding those held in the name of a statutory corporation or a company and those mentioned at serial number 5, 6 and 7) on which return is payable periodically or otherwise and is paid.

⁴Omitted along with all the entries there under by Ordinance LII of 1980.

S.No	Assets	Rate and basis for computing the amount to be deducted as Zakat	The Deduction Date	The Deduction Agency
9	Annuities.	² [2.5% of the ³ [] amount of annuity benefit in each Zakat year ⁴ [and, in case of surrender, 2.5% of the surrender value on the Valuation Date, as the case may be.]	⁵ [The date of ⁶ [first] payment of the annuity benefit and of the surrender value.]	⁷ [The insurer or the bank keeping and the amount in the form of an annuity.]
10	Life insurance policies.	⁸ [2.5% of the ⁹ [] surrender value as on the advance. Date in the Zakat year in which the policy matures or its survival benefit or surrender value is paid, as the case may be]	The date of payment of ¹⁰ (maturity value] or of survival benefit or of surrender value	The insurer.
11	Provident funds.	¹¹ [In case of non-refundable advance, 2.5% of the amount drawn or, in case of final settlement, 2.5% of the balance standing to the credit of the subscriber as on the Valuation Date, excluding in both cases the employer's contribution and the return accrued thereon.	The date of payment of the advance or of the balance	The authority officer or institution making payment of the advance or of the balance.

Note—1. Deduction at source exceeding two and one-half per cent of the value of an asset specified in this Schedule, shall not be made in respect of that asset within the same Zakat year.

¹²[1 -A. No Zakat shall be charged on the amount paid as premium of a life insurance policy of a person from his Provident Fund and, where the proceeds of a life insurance policy of a person are credited to this Provident Fund during a Zakat year, no Zakat shall be charged on the amount received or drawn during that year as final settlement of his account in the Provident Fund or as non-refundable advances, to the extent of the proceeds so credited.]

2. If the amount to be deducted at source as Zakat, in a particular case, is less than a rupee, it shall not be charged, and, if it is more than a rupee but has a fraction of a rupee, fifty paisas and more shall be treated as the next higher rupee and less than fifty paisas shall not be charged, M[Where the entire amount of the ¹⁴[return of balance] is to be appropriated towards Zakat, and the amount contains a fraction of a rupee, this fraction shall not be so appropriated.]

3. The¹⁵ [] Deduction Date¹⁶[for serial number 1] shall be deemed to be a public holiday, for banks only, within the meaning of the Negotiable Instruments Act, 1881 (XXVI of 1881). Banks shall, however, remain open for their employees.

¹⁷(4. In case the amount of the first return on any of the assets specified at S. Nos. 2, 3 and 5 to 8 [] is than the Zakat due the entire amount of such return "[] shall be appropriated towards Zakat and the unrealized balance shall be deducted from the subsequent returns 20[] paid during the same Zakat year or as the case may be, from the encashment or surrender value.]

¹Omitted along with all the entries there under by Ordinance LII of 1980.

²Substituted for the words, "2.5% of the amount of annuity benefit in each Zakat year or 2.5% of the surrender value, as the case may be," by

³Ordinance LII of 1980. ³The word 'aggregate' omitted by S.R.O. 104(I)/81 of 5 February, 1981.

⁴Substituted for the words 'or' by S.R.O. 104(I)/81 *ibid*.

⁵Substituted for "The date of payment of the annuity benefit, or of the surrender value, whichever be earlier in the Zakat year," *ibid*. inserted by

⁶Ordinance LII of 1980.

⁷Substituted for the words "The insurer" by S.R.O. 729(1) of A 32 of 8th July, 1981.

⁸substituted for the words "2.5% of the value on maturity or of survival benefit or of surrender value, as the case may be, "by Ordinance LII of

1980 ⁹The words "payable value on maturity or of omitted by S.R.O. 104(I)/81, of February, 1981.

¹⁰Substituted for the words "value on maturity" by S.R.O. 104(I)/81 of 5 February, 1981.

¹¹Substituted for the following Ordinance LII of 1980.

In case of final settlement 2.5% of the Fund account and making payment of amount (excluding the employer's con

Same as the Valuation Date given - in column 3 for this item

The authority office of institution maintaining the The authority, office or institution main non-refundable advance, or balance at the time of final settlement.

tribution and the return accrued on that contribution), standing to the credit of the provident Fund subscribers on date of final settlement,

¹²Inserted *ibid*.

¹³Added *ibid*.

¹⁴Substitute for the words "return/balance/installment of annuity benefit" by S.R.O. 104(I)/81 of 5 February, 1981.

¹⁵The words "the Valuation Date and the Deduction Date for serial number 1 of this Schedule will be notified by the Administrator General simultaneously and omitted by ordinance LII of 1980.

¹⁶Inserted *ibid*.

¹⁷Added *ibid*.

¹⁸The words "or the first installment of the annuity benefit," omitted by S.R.O. 104(I)/81 of 5 February, 1981.

¹⁹The words "or installment" omitted *ibid*.

²⁰The words "or instalments" omitted *ibid*.

SECOND SCHEDULE
[see sections 2, 3 (5) and 5]

ITEMS NOT SUBJECT TO COMPULSORY LEVY OF ZAKAT BUT ON WHICH ZAKAT IS PAYABLE BY EVERY SAHIB-E-NISAB ACCORDING TO THE RELEVANT NISAB, ON SELF-ASSESSMENT BASIS, EITHER TO A ZAKAT FUND OR TO ANY INDIVIDUAL OR INSTITUTION ELIGIBLE, UNDER THE SHARIAH, TO RECEIVE ZAKAT

S.No	Items	Rate and Basis for Self-assessment	¹ []
1	2	3	¹ []
1	² [Gold and silver and manufactures thereof 1	2.5% of the market value as on the Valuation Date. 2.5% of the amount, as on the Valuation Date.	
2	Cash	2.5% of the face value as on the Valuation Date.	
3	Prize bonds	2.5% of the value of the asset, as on the Valuation Date.	
4	³ [Current Accounts and foreign currency accounts and to the extent not subject to compulsory levy of Zakat under the First Schedule, other accounts, certificates, receipts. Units of National Investment (Unit) Trust, ICP-Mutual Fund Certificates Government securities, annuities, Life Insurance Policies and Provident Funds.]		

5	Loans receivable excepting loans receivable by banks, other Financial institutions, statutory corporations and companies	2.5% of the amount of loan receivable, as on the Valuation Date.
6	Securities including shares and debentures, to the extent not subject to compulsory levy of Zakat under the First Schedule.	If listed on the stock exchanges, 2.5% of the market value i.e., the closing rate of the Karachi Stock Exchange as on the Valuation Date . If not listed on the stock exchange, 2.5% of the paid-up value as on the Valuation Date.
7	Stock-in-trade of:— (a) Commercial undertakings including dealers in real estate.	(a) 2.5% of the book value or at the option of the sahib-e-nisab. the market value as on the Valuation Date.

		hundred heads: one sheep/goat	
1	Added by Ordinance LII of 1980.		
2	The following entries in serial No.8 omitted ibid: "8. Mineral Production	5% of the market value of mineral excavated ,as on the valuation Date	
3	Substituted for	"(b) 5% over and above the compulsory 5% in the barani area, as on the Valuation Date"	
	(b) Bovine Animals	(b) (i) For owners of one to 29 heads; nil; (ii) For owners of 30 to 39 heads: one calf between one year and two years old; (iii) For owners of 40 to 59 heads: one calf between two years and three years old; (iv) For owners of 60 to 69 heads: two calves between one year and t-\ o years old (v) For owners of 70 to 79 heads: one calf between one year and two years old and (vi) For owners of 80 to 89 heads: two calves between two years and three years old; (vii) For owners of 90 to-99 heads: three calves between one year and two years old; and (viii) For owners of 100 and above 100 heads: as in Shariah.	
	(c) Camels	(c) (i) For owners of one to 4 heads: nil; (ii)For owners of 5 to 24 heads: one sheep goat for every five1 heads:] (iii)For owners of ^[25] to 35 heads: one she-camel between one year and two years old; (iv) For owners of 36 to 45 heads: one she-camel between two years and three years old; (v) For owners of 46 to 60 heads: one she-camel between three years and four years old; (vi) For owners of 61 to 75 heads: one she-camel between four years and five years old; (vii)For owners of 76 to 90 heads: two she-camels between two years and three years old; (viii)For owners of 91 to 120 heads: two she-camels between three years and four years old; (ix) For owners of more than 120 heads: as in Shariah]. As per Shariah.	
11	⁴ []		
12	Wealth and financial assets other than those		

	listed in Schedule on which Zakat is payable according to Shariah.		
1	Substituted, for the following by S.R.O. 104(I)/84 of 5 February, 1981	<p>(a) (i) For owners of one to 39 heads - nil; (ii) For owners of 40 to 120 heads: one sheep/goat; (iii) For owners of 121 to 200 heads: two sheep/goats; (iv) For owners of 201 to 400 heads: three sheep/goats; and (iii) For owners of every complete additional hundred heads: one sheep/goat, as on the Valuation Date.</p> <p>(b) (i) For owners of one to 29 heads: nil. (ii) Owners of 30 to 39 heads: one year's old calf; (iii) For owners of 40 to 59 heads: two years old calf; (iv) For owners of 60 of heads and every additional 10 heads: one year old calf for each 30 heads - and two-years old calf for each 40 heads as on the Valuation Date.</p> <p>(c) (i) For owners of one to 4 heads: nil; (ii) For owners of 5 to 25 heads: one; (iii) For owners of 26 to 35 heads: one, she-camel between one year and two years old; and (iv) For owners of 36 to 45 heads: one she-camel between two and three years old; and so on, as on the Valuation Date.</p>	
2	Substituted for "For owners of 5 to 25 heads: one" by Ordinance LII of 1980.		
3	Substituted for "26" ibid.		
4	The following entry was omitted ibid: "Fish and other catch/produce of the sea, except catches by indigenous techniques.	2.5% of the value, as on the ion Date.	