

➤ **Relevant Extracts of the Khyber Pakhtunkhwa Zakat and Ushr Act, 2011**

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

- (i) "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 Government;
- (ii) "assets" means assets liable to Zakat as provided in this Act;
- (iii) "atiyyat" means voluntary donations to the Zakat Funds otherwise than on account of Zakat or Ushr, and includes sadaqat-e-nafilah;
- (iv) "Chief Administrator" means a person appointed as such under section 13, and includes an officer authorized by him to exercise or perform any power or function of Chief Administrator under this Act;
- (v) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (vi) "company" means a company as defined in the Companies Ordinance, 1984 (XLVII of 1984);
- (vii) "deducting agency" means a bank, post office or other institution referred to in the fifth column of the First Schedule;
- (viii) "deducting 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 fourth column of that Schedule;
- (ix) "District Committee" means a District Zakat and Ushr Committee constituted under section 14;
- (x) "Government" means the Government of the Khyber Pakhtunkhwa;
- (xi) "Government Security" means the Government Security as defined in the Securities Act, 1920 (Act No. X of 1920);
- (xii) "institution" means deeni madaris, educational, vocational and social welfare institutions, public hospitals, charitable institutions and other institutions providing health care;
- (xiii) "insurer" means the State Life Insurance Corporation of Pakistan or Postal Life Insurance;
- (xiv) "Local Committee" means a Local Zakat and Ushr Committee constituted under section 15;
- (xv) "locality" means the area within the jurisdiction of Local Committee;
- (xvi) "maturity value" means the sum payable, according to stipulated conditions, on survival of the life insured to the specified age or to the end of the term of the policy;
- (xvii) "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 Chief Administrator 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;
- (xviii) "prescribed" means prescribed by rules and regulations;
- (xix) "produce" means gross agricultural, horticultural or forest produce;
- (xx) "Provident Fund" means the Provident Fund as defined in the Provident Funds Act, 1925 (Act No. XIX of 1925);

- (xxi) "Province" means the Province of the Khyber Pakhtunkhwa;
- (xxii) "recognized Provident Fund" means a Provident Fund recognized as such, by the competent authority, under the Income Tax Ordinance, 2001 (Act No. XLIX of 2001);
- (xxiii) "regulations" mean regulations made under this Act;
- (xxiv) "return" means income, howsoever described, accruing on an asset;
- (xxv) "rules" mean rules made under this Act;
- (xxvi) "sahib-e-nisab" means a person who owns or possesses assets not less than nisab, but does not include-
- (a) the Federal Government, Government, any other Provincial Government or a local authority;
 - (b) a statutory corporation, a company or other enterprise, owned wholly, directly or indirectly, by the Federal Government, Government, a local authority or a corporation owned by the Federal Government or Government, either singly or jointly with one or more of the other three.,
 - (c) a subsidiary of a statutory corporation, a company or other enterprise referred to in sub-clause (b) 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;
 - (g) any Unit Fund maintained by the Defense Services, including the Civil/Armed Forces;
 - (h) Zakat Funds;
 - (i) an institution, fund, trust, endowment or society:
 - (i) registered as a charitable organization under the Societies Registration Act, 1860 (XXI of 1860), or as a company under section 42 of the Companies Ordinance, 1984 (XLVII of 1984), or registered or approved as a charitable or social welfare organization under any other law for the time being in force; and
 - (ii) approved by the Federal Board of Revenue for the purposes of section 61 of the Income Tax Ordinance, 2001 (Ord. No. XLIX of 2001);
 - (j) a deeni madrasah enlisted as such by the Zakat, Ushr, Social Welfare and Women Development Department and registered under relevant laws;
 - (k) a mosque;
 - (l) an orphanage registered as such under the law relating to orphanages;
 - (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;
- (xxvii) "Schedule" means a Schedule appended to this Act;
- (xxviii) "security" means any stock, share, script, debenture, bond, pre-organization certificate, or instrument commonly known as security;
- (xxix) "share" means a share in the share-capital of a company, or in any body

corporate established by or under the Federal Law or the provincial law and includes stock;

- (xxx) "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;
- (xxxi) "survival benefit" means the amount payable according to life-insurance policy conditions, during the currency of a policy, on survival of the life assured to the specified date as stipulated in the policy;
- (xxxii) "valuation date" means-
 - (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 Chief Administrator for the evaluation of assets or the produce for the purposes of this Act;
- (xxxiii) "Zakat Funds" mean Funds established under section 7;
- (xxxiv) "Zakat and Ushr Council" means the Khyber Pakhtunkhwa Zakat and Ushr Council, established under section 12; and
- (xxxv) "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.

6. Mode of assessment and collection of Ushr.---(1) The Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department shall assess and collect Ushr in respect of a landowner, guarantee, lessee, lease holder or landholder in the prescribed manner and maintain the record containing such information for a crop season as may be required for the purposes of this Act.

(2) In the case of lease, the liability of the lessor and lessee to pay Ushr shall be equitably apportioned between them by the Tehsildar.

(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 (30) days of the assessment, or, as the case may be, apportionment, apply, in the prescribed form and manner to the District Zakat Officer for a revision of the assessment or appointment:

Provided that no such application shall be admitted unless the applicant has deposited into the District Zakat Fund not less than fifty (50) per cent of his liability as assessed or apportioned by Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.]

(4) The District Zakat Officer 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 likely to be affected has been given an opportunity of showing cause against it and of being heard.

(5) The District Zakat Officer 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 (01) 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 (4) or sub-section (5), shall be paid by the assessee and collected by the Tehsildar Zakat in such manner as may be prescribed and deposited into the District Zakat Fund.

(7) Where the recovery of Ushr compulsorily realizable under this Act falls into arrears, the Tehsildar Zakat shall proceed to recover the amount so specified as if it were arrears of land revenue.

7. **Establishment of Zakat Funds.**---There shall be established the following Zakat Funds, namely:

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

8. **Utilization of Zakat Funds.**---The moneys ²[(prevailing currency including gold and silver)] in a Zakat Funds including Ushr proceeds 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 institutions 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 Funds 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, earthquakes and terrorism and for their rehabilitation;
- (c) expenditure on the collection, disbursement and administration of Zakat and Ushr:

Provided that-

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

and Ushr Council:

Provided that where expenditure on the administrative organization of a District Committee is not fully met by Government due to paucity of funds during a financial year, the Zakat and Ushr Council may provide supplementary funds not exceeding two percent from within the limit specified in clause (ii):

Provided further that the banking services and the services connected with the assessment, collection or disbursement of Zakat and Ushr realizable on compulsory basis under this Act shall be rendered free of charge, except that the Chief Administrator, 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.

9. **Disbursements from Zakat Funds.**---(1) The Zakat and Ushr Council shall prepare Zakat budget for each financial year and may, from the Provincial Zakat Fund, make disbursements and transfer funds to the District Zakat Fund on population basis and institutions 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 Province, as far as possible, on a uniform basis.

(2) 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 Zakat and Ushr Council, transfer any funds surplus to its need to the Provincial Zakat Fund

(3) A Local Committee may disburse or incur expenditure from the Local Zakat Fund as may be prescribed through crossed cheques ¹[or any mode prescribed and approved by the Zakat and Ushr Council]:

Provided that a Local Committee may, if so required by the Zakat and Ushr 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:

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

10. **Accounts.**---(1) The accounts of the Provincial Zakat Fund, a District Zakat Fund, and a Local Zakat Fund shall be maintained and operated, respectively, by the Chief Administrator, the District Zakat Officer and Chairman of 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 Provincial Zakat Fund annually or at shorter intervals, the Zakat and Ushr Council, shall request the Auditor General of Pakistan to conduct the audit.

(2) To carry out audit of a District Zakat Fund annually or at shorter intervals, the Zakat and Ushr 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 Auditor General of Pakistan to conduct audit of the Local Zakat Fund.

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

(5) The annual report of the Auditor General of Pakistan on the Provincial Zakat Fund

shall be laid before the Provincial Assembly and in case of a District Zakat Fund or a Local Zakat Fund shall be laid before the District Council concerned established under the Local Government Ordinance, 2001 (NWFP Ord. No. XIV of 2001).

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

- (a) the Zakat and Ushr Council from getting audited any of the Provincial Zakat Fund or District Zakat Fund or Local Zakat Fund; or
- (b) 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 Provincial Zakat Fund, District Zakat Fund and Local Zakat Fund including the accounts of a Deducting Agency or an institution receiving Zakat.

12. Khyber Pakhtunkhwa Zakat and Ushr Council.---(1) Government shall, by notification in the official Gazette, establish the Khyber Pakhtunkhwa Zakat and Ushr 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 the prescribed manner.

(2) The Zakat and Ushr Council shall consist of-

- (a) a Chairman;
- (b) six persons, of whom, two shall be, Islamic scholars and one representative of a well established and recognized donor organization];
- (c) two women, who shall not be less than forty-five years of age;
- (d) the Secretary to Government, Finance Department;
- (e) the Secretary to Government, Health Department;
- (f) the Secretary to Government, Zakat, Ushr, Social Welfare and Women development Department; and
- (g) the Chief Administrator, who shall also be the Secretary of the Council.

(3) The Chairman and members mentioned in clauses (b) and (c) of sub-section (2) shall be appointed by the Chief Minister.

(4) The Chairman of the Zakat and Ushr Council shall be a person who is a Muslim, bonafide resident of the Province and not less than forty-five years of age.

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

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

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

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

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

13. Chief Administrator.---For carrying out the purposes of this Act, Government shall appoint a Chief Administrator on such terms and conditions as may be determined by Government or the Secretary Zakat and Ushr Department will act as Chief Administrator.

14. District Zakat and Ushr Committee.---(1) In each district, a District Zakat and Ushr Committee, shall be constituted by Zakat and Ushr Council.

(2) The District Committee shall, perform the following functions:

- (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 themoneys 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; compile accounts of the Local Zakat Fund, for the district, in such form and manner as may be prescribed;
- (d) arrange, in the prescribed manner, audit of the Local Zakat Fund in the district; and
- (e) any other function to be assigned by Government or Zakat and Ushr Council.

(3) The District Committee shall consist of-

- (a) a Chairman, who shall be non-official,¹[the District Collector or an officer not below the rank of BPS-17, nominated by him], District Social Welfare Officer and two women from the district who shall not be less than forty-five years of age, and one non-official member from each tehsil or sub-division in the district:

Provided that where the number of tehsils 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 ²[any co-opted member from well established and recognized donor organization];

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

(4) The Chairman shall be nominated by Zakat and Ushr Council and members shall be nominated by Zakat and Ushr Council in consultation with Chairman.

Provided that the Chairman and members of the District Committee shall be the persons who possess Secondary School Certificate and are of good moral character and are not commonly known as persons who violate Islamic Injunctions and are of financial integrity and are not indulged in any anti-social activities.

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

Provided that in the event of delay in the constitution of the new District Committee under sub-section (3), Zakat and Ushr 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.

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

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

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

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

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

15. Local Zakat and Ushr Committee---(1) A Local Zakat and Ushr Committee shall be constituted for each-

- (a) revenue estate in settled rural area;
- (b) deh or village in non-settled rural area; and

- (c) ward in urban area:

Provided that, if in the opinion of the Zakat and Ushr 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 Zakat and Ushr Council may make such consequential orders as may be necessary for the purposes of this Act.

Explanation.---In this sub-section,-

- (a) "urban area" means a notified as an urban area under any law or as the case may be, notified by Government;
- (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 Zakat and Ushr Council and the District Committee, perform the following functions:

- (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 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 have sound moral and financial integrity and are not indulged in any anti-social activities:

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 member of such Local Committee or 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 a 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 any other non-official person of the district to represent it on the said teams:

Provided also 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 shall elect one of their members, being a person who possesses Secondary School Certificate, 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 Zakat Officer concerned:

Provided that where election or selection for the constitution of Local Committees cannot be held for certain reasons, the District Committee at its discretion may appoint any non official persons as "Administrators" to perform functions of the Local Committees.

(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 which 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 Zakat Officer shall be final and shall not be called in question before any court or other authority.

(9) The Chairman and members 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 that the District Committee may, in consultation with Government remove a Chairman or a member 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 further that the Chairman shall not be eligible to hold office for more than two consecutive terms of three years each:

Provided also 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:

(11) Subject to sub-section (10) the Chairman or, as the case may be, a member of the Local Committee 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, under sub-section (12) shall hold office for the unexpired term of his predecessor.

19. **Power of supersession and removal.**---(1) If Zakat and Ushr 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 the Act-

a. is unable to discharge or 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; or
- e. has a majority of members who are not pious Muslims and are indulged in anti-social activities.

Government on the recommendation of Zakat and Ushr Council or as the case may be, the District Committee may, by a notification, declare the District Committee or as the case may be, Local Committee to be superseded for such period not exceeding one year as may be specified in the notification:

Provided that the period of supersession may, if the Zakat and Ushr Council or as the case may be 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 District Committee or a Local Committee,-

- (a) the persons holding office as Chairman and members of the District Committee or Local Committee, as the case may be, to which the resolution relates shall cease to hold office;
- (b) all functions of the District Committee shall, during the period of supersession, be performed by an Administrator appointed by the Zakat and Ushr Council and in the case of Local Committee such functions shall be performed by the Administrator appointed by the District Committee;
- (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 Act to reconstitute the District Committee or Local Committee, as the case may be.

(3) If Zakat and Ushr Council, in the case of a District Committee, and the District Committee, in the case of a Local Committee, is of the opinion that the Chairman or a member of District Committee, as the case may be, the Local Committee constituted under this Act-

- (a) was at the time of his selection, election or appointment,-
 - (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; or
 - (v) not of sound mind; or
 - (vi) indulged in any anti-social activities; or
- (b) has been, during the period of three years preceding the date of his selection, election or appointment:
 - (i) ordered to execute a bond under section 108, 109 or 110 of the Code of Criminal Procedure, 1898 (Act No. 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 appointment, incurred any of the disqualifications referred to in sub-clause (i) or (ii) or (iii) of clause (b);
- (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; Zakat and Ushr 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.

(4) If, after such inquiry as may be considered necessary, Zakat and Ushr 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 District or as the case may be, Local Committee or an employee assigned to work with a District Committee or as the case may be, the Local Committee or an institution receiving Zakat Funds under this Act, was guilty of misconduct in the discharge of his duties, or is responsible for the loss, misapplication or misuse of Zakat Funds, Zakat and Ushr 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 4, 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.

(5) When the Chairman or a member of District or Local Committee, as the case may be, Committee is removed from, or otherwise ceases to hold office, the vacancy in the office of such Chairman or member shall be filled by Zakat and Ushr Council or District Committee by the election, selection or appointment, as the case may be, in accordance with the provisions of this Act, of a person qualified to hold the office.

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

(7) Zakat and Ushr 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.

(8) The Chairman or a member of a District Committee or as the case may be, the Local 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 Zakat and Ushr Council for a review of its decision and the decision of Zakat and Ushr Council in such review given after, after giving to the applicant an opportunity of being heard, shall be final and shall not be called in question before any court or other authority.

21. Administrative Organization.---The administrative organization under this Act shall be through Zakat and Ushr Department and may include such organizations as are performing social security and other complementary functions and that of a Chief Administrator.

25. Power to make rules and regulations.---(1) Government may by notification in an official Gazette, make rules for carrying out the purposes of this Act.

(2) Zakat and Ushr Council, with approval of Government, may by notification in an official Gazette, make regulations for carrying out the purposes of this Act.

