

THE BALOCHISTAN ZAKAT AND USHR ACT, 2012

(Baln Act I of 2012)

CONTENTS

Sections

Preamble.

CHAPTER I - PRELIMINARY

1. Short title, extent, application and commencement.
2. Definitions.

CHAPTER II — ZAKAT

3. Charge and collection of Zakat.
4. Secrecy of information.

CHAPTER III — USHR

5. Charge and collection of Ushr.
6. Mode of assessment and collection of Ushr.

CHAPTER IV — ZAKAT FUNDS

7. Establishment of Zakat Funds.
8. Utilization of Zakat Funds.
9. Disbursements from Zakat Funds.
10. Accounts.
11. Audit.
12. Balochistan Provincial Zakat Council.
13. Chief Administrator.
14. District Zakat and Ushr Committee.
15. Tehsil, Sub-divisional Zakat and Ushr Committee or Town Zakat and Ushr Committee.
16. Local Zakat and Ushr Committee.
17. Vacancy etc, not to invalidate acts or proceedings.

18. Members of Council and other Committees to be Muslims.
19. Person to preside at meetings in the absence of chairman.
20. Power of supersession and removal.
21. Vote of no-confidence.
22. Administrative Organization.
23. Certain Persons to be Public Servants.

CHAPTER V — MISCELLANEOUS

24. Exemption.
25. Certain Tax Concessions.
26. Power to make rules
27. Power to call for information and issue directions.
28. Indemnity and bar of jurisdiction.
29. Removal of Difficulties.
30. Dissolution and reconstitution of Provincial Council and Committees.
31. Repeal and saving.

'THE BALOCHISTAN ZAKAT AND USHR ACT, 2012

(Baln Act I of 2012)

[27% March, 2012)

An Act to make provisions relating to the assessment, collection and disbursement of Zakat and Ushr.

Preamble. Whereas it is necessary to make provisions relating to the assessment, collection and disbursement of Zakat and Ushr and matters connected therewith or incidental thereto;

And whereas Zakat including Ushr, is one of the fundamental pillars (Arkan) of Islam; and prime objective of the collection of Zakat and Ushr, and disbursements there from, is to assist the needy, the indigent and the poor;

And whereas the rates of Zakat and Ushr, as also the purposes for the utilization of Zakat and Ushr, are specified in Shariah; and

And whereas Shariah enjoins all Muslims who are Sahib-e-nisab to pay, and the State to arrange for the proper collection, disbursement and utilization of Zakat and Ushr, and also allows such Muslims to disburse for the purposes authorized by Shariah the part hereof not collected by the State;

It is hereby enacted as follows:-

CHAPTER I - PRELIMINARY

Short title, extent, 1. (1) This Act, may be called the Balochistan Zakat and application and Ushr Act, 2012.

commencement. (2) It extends to the whole of the Province of

Balochistan except the Tribal Areas.

(3) It applies as regards payment and recovery of Zakat and Ushr, only to Muslim citizens 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:

Provided that:

I— 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 Act 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:

II— (a) 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 at any time before the Valuation Date in the case of Ushr, files with the Deducting Agency or with the Local Committee in the case of Ushr, a 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 witnesses who identify him, to the effect that he is a Muslim and a follower of one 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 in this Act; and

(b) a declaration, or an attested copy thereof, filed as aforesaid in one Zakat Year, whether before or after commencement of Zakat and Ushr Act 2012, 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:

11— 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 Sadagah 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 Act
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.

IV— the Federal Shariat Court may, on the application of any person, decide the question whether a declaration such as is referred to here above in the clause I and II of the proviso to sub-section (3), made by any person is valid according to the Fiqh he professes to follow; and where the Court decide 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, shall be liable to pay Zakat or Ushr as the case may be, in the manner laid down in this Act.

(4) It shall come into force at once and shall be deemed to have taken effect from 22TM day of July, 2011.

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

(a)

(b)

(©)

@)

()

@

(g)

(h)

0)

(x)

0)

“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;

“Assets” ,means assets liable to Zakat as provided in this Act;

“Atiyyat” means voluntary donations to the Zakat funds, otherwise than on account of Zakat or Ushr, and includes Sadaqat-e-nafilehs;

“Chief Administrator” 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 Chief Administrator under this Act;

“Company” means a company as defined in the Companies Ordinance 1984 (Ord. No. XLVI of 1984);

“Deduction Agency” means a bank, post office or other institution referred to in the fifth column of the First Schedule;

“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 fourth column of that Schedule;

“District” means the revenue District as notified under the Balochistan Land Revenue Act 1967 (Act No. XVII of 1967);

“District Committee” means a Committee constituted under section 14;

“Government” means the Government of Balochistan;

“Government Security” has the same meaning as in the Securities Act, 1920 (Act No. X of 1920);

“Institution” means Deeni Maddaris, educational, vocational and social welfare institutions, public hospitals, charitable institutions and _ other institutions providing health care;

(m)

()

(0)

(p)

(q)

©

(s)

(t)

(u)

(v)

(w)

(x)

(y)

(z)

“Insurer” means the State Life Insurance Corporation of Pakistan or Postal Life Insurance or any other Insurance Company providing

insurance services;

“Local Committee” means a Committee constituted under section 16;

“Locality” means the area within the jurisdiction of Local Committee;

“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;

“Nisab in relation to assets liable to Zakat, except agricultural produce and animals feed free in pastures” means 612.32 grams of silver; or cash, gold, goods for trade or any other 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;

“Act” means the Balochistan Zakat and Ushr Act, 2012;

“Prescribed” means prescribed by rules or regulations made under this Act;

“Produce” means gross agricultural, horticultural or forest produce;

“Provident Fund” has the same meaning as in the Provident Funds Act, 1925 (Act No. XIX of 1925);

“Provincial Council” means the Council established under section 12;

“Recognized Provident Fund” means a Provident Fund recognized as such, by the competent authority, under the Income Tax Ordinance, 1979 (Ord: No. XXXI of 1979);

“Return” means income, howsoever described, accruing on an asset;

“Rule” means rules made under this Act;

“Sahib-e-nisab” means a person who owns or

www.ezqanoon.com

www.ezqanoon.com

possesses assets not less than nisab, but does not include—

@)

(i)

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

(ix)

the Federal Government, a _ Provincial Government or a local authority;

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;

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;

the Investment Corporation of Pakistan and its Mutual Fund;

a recognized Provident Fund;

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

a Zakat Fund;

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 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

b. approved by the Central Board of
Revenue/ Provincial Board of
Revenue for the purposes of Section
47 of the Income Tax
Ordinance, 1979 (Ord: No. XXXI of
1979);

www.ezqanoon.com

www.ezqanoon.com

(aa)

(bb)

(cc)

(dd)

(ee)

(ff)

(gg)

(hh)

(x) a Deeni-Madrasah registered as such by the Industries Department, Government of Balochistan;

(xi) a mosque;

(xii) an orphanage registered as such under the law relating to orphanages;

(xiii) a Worker Participation Fund established under the Companies Profits (Workers Participation) Act, 1968 (Act No. XII of 1968) ; or

(xiv) amount of a party to suit or case kept with or under the orders of a court pending decision of the suit or case;

“Security” means any stock, share, script, debenture, bond, pre-organization certificate, or instrument commonly known as security;

“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;

“Sub-division” means a sub-division of a district as notified by the Provincial Government;

“Surrender value” means a 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;

“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;

“Taluga Committee or Sub-divisional Committee” means a committee or Town committee constituted under section 15;

“Tehsil Committee” means a Tehsil committee constituted under section 15;

“The Council” means the Balochistan Provincial Zakat Council constituted under section 12;

Charge and
collection of Zakat.

(ii) "Valuation Date" means—

(i) in respect of assets liable to Zakat, the
first day of the Zakat year; and

(ii) in respect of produce liable to Ushr, such
date or dates as may be prescribed or as
may be notified by the Chief Administrator
within his jurisdiction; for the evaluation
of the assets or the produce for the
purposes of this Act;

Gj) "Zakat Fund" means a Fund established under
section 7; and

(kk) "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.

CHAPTER II — ZAKAT

3. (1) — Subject to the other provisions of this Act, 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 who is on the Valuation Date, and
for whole of the proceeding Zakat year been, Sahib-e-nisab and
who owns or possesses such assets on the Valuation Date:

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;

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;

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;

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 and of the asset created under clause (b).

(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

Secrecy of
information.

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 (i) to (xiv) of clause (z) of section 2, or

(b) proves, as laid down here above, 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 the whole of the preceding Zakat year, or

(c) files a declaration such as is referred to in the clause-I of the proviso to sub-section (3) of section 1, which has not been challenged in the Federal Shariat Court under clause-IV of the proviso to sub-section (3) of section 1 and claims refund, 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 Chief Administrator 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.

(6) Any amount deducted at source by the Deducting Agency from any person shall be treated as payment of Zakat on 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. Any information furnished or collected in connection with the deduction of Zakat at source under this Act, shall be treated as secret and shall not be used for any other purpose, including the

Charge and
collection of Ushr.

assessment or collection of any tax.

CHAPTER III — USHR

5. (1) Subject to the other provisions of this Act 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, guarantee, 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”, “guarantee”, “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, guarantee, allottee, lessee, lease-holder or land-holder shall be exempted from the compulsory levy of Ushr if

(a) he is eligible under Shariah to receive Zakat
3; or

(b) the produce from his land is less than five Wasqs (= 948 Kilograms) of 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 Chief Administrator.

(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 reliable under this Ordinance for example, in respect of item 9 of the

SECOND SCHEDULE.

Mode of assessment
and collection of
Ushr.

6. (1) The Balochistan 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 the Act.

(2) In the case of lease in force immediately before the commencement of this Act, 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.

(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 Deputy District Officer (Revenue) for a revision of the assessment or apportionment:

Provided that no such application shall be admitted unless the applicant has deposited into the 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 Provincial Zakat Fund.

Establishment of Zakat Funds.

(7)

Where

the recovery of Ushr compulsorily

realizable under this Ordinance falls into arrears, the Tehsildar shall proceed to recover the amount so specified as if it were an arrears of land revenue.

CHAPTER IV — ZAKAT FUNDS

7. There shall be established the following Zakat Funds,

namely,

(a)

(b)

()

Balochistan Zakat Fund to which shall be credited

(i)

(ai)

(iii)

(iv)

(v)

the Zakat deducted at source/ the transfers to it from the Federal Zakat Collections;

any other receipts including the share of the Provinces from the Central Zakat Collections Fund;

the Zakat paid into it voluntarily including voluntary contribution made by Pakistani citizens and other persons residing abroad and Federal Government;

the transfers, if any, from the District and Local Zakat Funds; and

the grants, Atiyyat and any other receipts including voluntary contributions made by Pakistani citizens and other persons residing abroad;

a District Zakat Fund for each District to which

shall be credited—

(i) the transfers to it from the Provincial Zakat 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

(v) the grants, Atiyyat and any other receipts;

and

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.

Utilization of Zakat 8. The money in the Balochistan Zakat Fund shall be utilized Funds. 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 Maddaris 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

(b)

()

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;

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 organization of a Chief Administrator, the Provincial Council, and a District Committee shall be met by the Provincial Government; and

(ii) the funds not exceeding ten percent 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
Provincial 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 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;

(e) Any other purpose permitted by Shariah;

(f) Honorarium to the Chairman, amount of which

shall be decided by the Council.

(g) Allowance to the non-official members of the council for attending each meeting of the Council, as may be decided by the Council.

Disbursements from 9. (1) The Provincial Zakat Council shall prepare budget

Zakat Funds.

for each financial year and may, from the Provincial Zakat Fund, make disbursements and transfer funds in a 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) The Provincial Council may from the Provincial Zakat Fund make disbursements and transfer funds to the personal ledger account of the 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.

(3) A District Committee may make disbursements and transfer through crossed cheques 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 Provincial 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 through crossed cheques or 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

Accounts.

Audit.

Provincial Zakat Fund or, as the case may be, District Zakat Fund surplus to its needs;

Provided further that the Balochistan 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 Provincial Zakat Council in such form and manner as may be prescribed.

10. (1) The accounts of the Balochistan Provincial Zakat Fund, a District Zakat Fund, and a Local Zakat Fund shall be maintained and operated, respectively, by 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 on inspection to such persons or agencies, and in such manner, as may be prescribed.

11. (1) To Carry out audit of the Balochistan Provincial Zakat Fund annually or at shorter intervals, the Provincial Council, shall request the Director General Audit 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 Director-General Audit 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 Director General Audit to conduct audit of the local fund.

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

(5) The annual report of the Director-General Audit on the Balochistan Provincial Zakat Fund shall be laid before the Provincial Assembly concerned, and that on a District Zakat Fund or a Local Zakat Fund before the District Assembly concerned established under the law relating to local government.

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

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

within its jurisdiction ; or

(b) a Local Committee from getting its own

Balochistan
Provincial Zakat
Council.

Local Zakat Fund audited.

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

12. (1) The Government shall establish Balochistan Provincial Zakat Council by notification in the official Gazette, 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 Provincial Zakat Council.

(2) The Balochistan Provincial Council shall consist of

(a) A Chairman;

(b) Six persons, of whom three shall be Ulema, to be nominated by the Government;

(c) two women, who shall not be less than forty-five (45) years of Age, to be nominated by the Government;

(d) the Secretary to the provincial Government in the Finance Department;

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

(f) the Secretary to the Government in the Social Welfare Department; and

(g) the Secretary to the Government in Religious and Minorities Affairs Department.

(h) the Chief Administrator, who shall also be the Secretary of the Council.

(3) The Government shall appoint a retired Judge of the High Court as Chairman of the Council.

(4) The Chairman and members of the 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 Chief Minister resign his office.

Chief
Administrator.

District Zakat and
Ushr Committee.

(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 Chief Minister.

(7) Any vacancy in the office of Chairman or member, other than an ex-officio member, shall be filled by 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.

13. (1) In the Province, for carrying out the purposes of this Ordinance there shall be appointed by the Provincial Government, a Chief Administrator:

(2) The Chief Administrator shall have the status and grade of a 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 Council and perform, as the Chief Executive of the Council, such functions as are assigned to him by or under this Act.

(4) The Chief Administrative Zakat who is Secretary of the Council shall convene meeting of the Provincial Zakat Council and decide venue of the meeting.

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

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

(a) Oversee, generally, the functioning of administrative organization of Zakat and, more particularly, the assessment of Ushr and Ativyat 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; and

(e) Arrange, in the prescribed manner, audit of the Local Zakat Funds in the District.

(3) The District Committee shall consist of—

(a) A Chairman, who shall be non-official, the District Officer (Revenue) 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, taluga or sub-division in the district:

Provided that, where the number of Tehsils, Talugas 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 that, in any District where there is a District Social Welfare Officer appointed by the Government, the District Committee may co-opt him as a member of the Committee, ex-officio;

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

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

Provided that the Chairman District Zakat Committee shall be a persons who possess Secondary School certificate or equivalent qualification and of high moral character not commonly known persons who violate Islamic Injunctions, is of financial integrity and do not engage in political activities.

Provided further that members of the district committee shall be the person who are a good moral character, are not commonly known as person who violate Islamic Injunction, are of financial integrity and do not engage in political activities.

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

Tehsil, Sub-divisional Zakat and Ushr Committee or Town Zakat and Ushr Committee.

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

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.

15. (1) There shall be constituted a Tehsil 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 Act.

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

(a) oversee assessment of Ushr and collection

of Zakat, Ushr and Atiyyat, and the
disbursement and utilization of the moneys
in the local Zakat Funds, by the Local
Committee in the thesil, or sub-division;

(b) for the purposes mentioned in clause (a),

make plans for the tehsil, 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, 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 or Sub-divisional Committee shall consist of the Deputy District officer (Revenue) two women members and six members to be elected, in the prescribed manner, by the Chairmen of the Local Committees of the Tehsil, Taluga or sub-division, from amongst themselves:

Provided that, if there are more than two Tehsil Committees within the jurisdiction of a Deputy District Officer (Revenue) 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 of the tehsil concerned, as the case may be, to be the member of any other of the said Tehsil Committee, Committees;

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

(4) The members of the committee shall elect one of their members to be the Chairman of the Committee; and, if two or more persons secure equal number of votes, the result of the election shall be determined by drawing lots.

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

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

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

Local Zakat and
Ushr 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 Tehsi/ Committee or, as the case may be or, Sub-Divisional Committee.

(9) Any vacancy in the office of Chairman or member, other than an ex-officio member, shall be filled by 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 un-expired term of his predecessor.

16. (1) A local Zakat and Ushr Committee shall be constituted for—

(a) Each revenue estate in settled rural area;

(b) Each Deh or village in non-settled 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 other revenue estates, Deh or village to form one locality, and where revenue estates, 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 Act.

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, or Sub-Divisional Committee—

(a) determine /stehqaq separately for—

(i) subsistence allowance;

(ii) rehabilitation, either directly or indirectly through Deeni Maddaris, 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
ly purp y
permitted by Shariah;

(b) collect voluntarily Zakat, Ushr and Attiyyat 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 Atiyyat.

(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:

In case of inevitable circumstances the qualification can be relaxed for members of Local Zakat Committee by; the Chief Administrator of Zakat. Provided that a person who is 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, 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 Committees 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 three nonofficial person of the district to represent it on the said team;

Provided further that the team constituted by the District Committees 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 through draw.

(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

Vacancy etc, not to

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 (9) 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 that the District Committee may, in consultation with the Provincial Council, 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 un-expired term of his predecessor:

Provided further 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:

(11) | 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 (12), shall hold office for the un-expired term of his predecessor.

17. Notwithstanding anything contained in this Act, no Act or

invalidate acts or
proceedings.

Members of
Council and other
Committees to be
Muslims.

Person to preside at
meetings in the
absence of
chairman.

Power of
supersession and
removal.

proceeding of a Council or Committee established or constituted
under this Act, shall be invalid by reason only of the existence of a
vacancy in, or defect in the constitution of such Council or
Committee.

18. (1) All the members of the 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 Chief Minister in case of Provincial Council and
Provincial Council in the case of District Committees shall
nominate a Muslim official in his place.

(2) 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 Zakat Committee.

19. If the Office of Chairman of a Council or Committee
established or constituted under this Act, 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 Provincial Council, by the Chief
Administrator;

(b) in the case of a District Committee, by the District
Officer (Revenue);

(c) in the case of a Tehsil, or Sub-Divisional
Committee, by the ex-officio member, that is,
Deputy District Officer (Revenue) or, if the ex-
officio member is himself the Chairman of the

Committee, by the member elected by the members present; and

(d) 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 District Officer (Revenue) shall perform the functions of the Chairman, District Committee.

20. (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 Act—

(a)

(b)

()

(d)

()

is unable to discharge or persistently fails in discharging its duties; or

is unable to administer its affairs; or

acts in a manner contrary to public interest; or

otherwise exceeds or abuses its powers; or

has a majority of members who are not pious Muslims or who are engaged in political activity,—

the 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 supersession 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)

(b)

()

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

all functions of the District Committee shall, during the period of supersession, 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; and

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 Committee.

(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 Act,—

(a)

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

(b)

()

(d)

(f)

(i) not a pious Muslim-,

(ii) not an adult;

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

(iv) an un-discharged insolvent;

(v) not of sound mind;

(vi) engaged in political activity, or

has been, during the period of three years preceding the date of his Selection, election of 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;

has, after his selection, election or nomination, incurred any of the dis-qualification referred to in sub-clause (1), (iii), (iv), (v) or (vi) of clause (a), or sub-clause (i), (ii) or (iii) of clause (b);

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

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

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

Vote of no-confidence.

office.

(4) 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 sub section (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 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 Act, of a person qualified to hold the office.

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

(7) 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.

(8) The Chairman or a member of a Committee superseded under sub section (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, 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 (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

Administrative
Organization.

Certain Persons to

be Public Servants.

Exemption.

Certain Tax
Concessions.

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 Act.

22. (1) The administrative organization under this Act, shall be through the Religious and Minorities Affairs Department, Government of Balochistan 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 and Inter-Faith Harmony Department, shall be the ex-officio Chief Administrator Zakat and Ushr. If the Government does not appoint Chief Administrator under section -13, Sub-section (1).

23. Every person engaged in, or employed for, the administration of this Act, shall be deemed to be a public servant within the meaning of Section 21 of the Pakistan Penal Code (Act No. XIV of 1860).

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 Act.

CHAPTER V — MISCELLANEOUS

24. The Provincial 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. Notwithstanding anything contained in any other law for the time being in force—

(a) in determining the tax liability of an assessee for an assessment year—

(i) Under the Income Tax Ordinance

Power to make
tules

Power to call for
information and
issue directions.

Indemnity and bar
of jurisdiction.

2001 (Ordinance No. XLIX of
2001), 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.

(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 Act.

26. The Provincial Council with approval of the Government
by notification in the official Gazette may makes rules for
carrying out the purposes of this Act and in respect of
administrative matters etc.

27. The Provincial Council, a Chief Administrator, a District
Committee, a Tehsil 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 Act.

28. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything done in good faith done or intended to be done under this Act, or any rule.

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

Removal of
Difficulties.

Dissolution and
reconstitution of
Provincial Council
and Committees.

Repeal and saving.

Act, 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 Act, or any rule.

29. The Provincial Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Act.

30. (1) The existing Zakat Council and all the District Zakat and Ushr Committees, Tehsil and Local Zakat and Ushr Committees shall stand dissolved and cease to function on such date as may be notified by the Government.

(2) On dissolution of the Council and Committees under sub-section (1) the new Council and Committees shall be constituted under the provision of this Ordinance, within such time as may be notified by the Government

31. (1) The provisions of the Zakat and Ushr Act, 1980 (Act No. XVIII OF 1980) applicable and to the extent of the Province of Balochistan, are hereby repealed.

(2) Notwithstanding the repeal of the provisions of Zakat and Ushr Act, 1980 under sub-section (1) (hereinafter referred as the repeal Act), and the Balochistan Zakat and Usher Ordinance 2011 (Ordinance No. I of 2011) the rules, regulations, laws made or saved, order, notifications issued, anything done, action taken, obligation, liability, penalty of punishment incurred, inquiry or proceeding commenced, persons appointed or person authorized, jurisdiction of powers conferred under any of the provisions of the repeal Act and the Ordinance, shall if not inconsistent with the provision of this Act, continue in force and deemed to have been done, taken, incurred, commenced, appointed, authorized, conferred, made, imposed or assessed, released or issued under this Act.

FIRST SCHEDULE

(See sections 2 and 3)

ASSETS SUBJECT TO COMPULSORY LEVY OF ZAKAT THROUGH

DEDUCTION — AT — SOURCE FOR CREDIT TO THE ZAKAT FUND

Assets

Rate and basis for The Deduction The Deducting
computing the

amount to be

described with the
Banks operating post
Offices, National
Saving Centers and
Financial Institutions
keeping such
accounts.

day on the Valuation
date (No deduction
shall be made in case
the amount standing to
the credit of an
account does not
exceed the amount

notified by the Chief
Administrator

deducted as Zakat Date Agency
1. 2. 3. 4. 5.

1. Saving Bank | 2.5% of the amount | As notified by the | The Bank, Office,
Accounts and similar | standing to the credit | Chief Centre or institution as
accounts by | of an account at the | Administrator for] the case may be,
whatever name | commencement of the | the Zakat Year. keeping the account.

descried, issued by
the banks operating
in post office,
National Savings
Centres and financial
institutions, on
which return is
receivable by the
holder _ periodically
or is received earlier
than maturity or
withdrawal

2. Notice Deposit | 2.5% of the face value | The date on which | The bank, _ office,
Receipts and | of a receipt or the | the fist return is | Centre or institution, as
Accounts and similar | amount standing to the | paid or the date of | the case may be
receipts and | credit of an account. as | encashment/ with | issuing the receipt or
accounts by | the case may be at the | drawl, whichever | keeping the account
whatever name | commencement of the | be earlier in the | and responsible for
described with the | day on the Valuation | Zakat year paying the return or the
banks operating in| Date, in each Zakat amount en-cashed /
post office, national | year. with-drawl.
savings centers and
financial institutions

issuing such receipts
& keeping such
accounts.

3. Fixed Deposit | 2.5% of the face value | The date on which | The bank, _ office,
Receipts and | of receipt or | the first return is | Centers or institutions,
Accounts and similar | certificate, or the | paid. Or the date of | as the case may be,
receipts and | amount standing to the | encashment / | issuing the receipt or
accounts and | credit of an account, as | redemption / with | certificate or keeping
certificates (e.g. | the case may be. As at | drawl, whichever | the account, and
Khas, Deposit | the Valuation Date, in | be earlier in the | responsible for paying
Certificates), by | each Zakat year. Zakat year. the return or
whatever name encashment /

redemption drawl.

www.ezqanoon.com

4. Saving / deposit | 2.5% of the payable | The date on which | The bank, office, certificates (e.g. | value of certificates or | the maturity value | center, company, or Defense Savings | receipts or the amount | is_ paid or of | corporation as the case certificates, National | standing to the credit | encashment / | may be, responsible for Deposit of an account 'as the | with-drawl paying the return or the Certificates), case may be, as on the amount withdrawn, or receipts and | valuation Date redeeming en-cashing accounts by the certificates or whatever name receipts. described, issued or kept by the banks operating in post offices, National Savings Centres, financial institutions, companies and statutory corporations on which return is receivable and _ is received, by the holder, only on maturity or encashment.

5. Units of the National | 2.5% of the face value | The date on which | The Trustee of the Investment (Unit) | or repurchased value | the first return or | National Investment Trust. of the units whichever | the repurchase | (Unit) Trust or its

be lower as on the} values is paid | authorized agent

valuation date, in each | whichever be | paying the return on, or

Zakat year. earlier in the Zakat | the repurchase value year. of, the Units.

6. I.C.P Mutual Fund | 2.5% of the face value | The date on which | The Investment Certificates of the market value | the first return is | Corporation of

based on the closing } paid in the Zakat | Pakistan. rate at The Stock | year.

Exchange, Whichever

be lower as on the

Valuation Date, in

each Zakat year.

7. Government 2.5% of the face value | The date on which | The bank, office or

securities (other than that of the Government) the first return is institution, as the case prize bonds and securities as on paid on the date of may be, responsible for certificates valuation Date, in each encashment / paying the return or mentioned at serial Zakat year. redemption, en-cashing / redeeming number 3 and 4) on whichever be the security. which return is earlier in the Zakat receivable by the year holder periodically.

8. Securities including If listed on the stock The date on which The corporation, shares and exchange, 2.5% the first return is company or institution, debentures (other paid, or the date of as the case may be, than those encashment responsible for paying

mentioned at serial redemption the return or en-
number 5, 6 and 7 whichever be | cashing / remeeding
above), of earlier in the Zakat | the security.
companies or year.

statutory

corporations

(excluding those

held in the name of a
company or a
statutory corporation
On which return is
payable periodically
or otherwise, and is
paid.

9. Annuities. 2.5% of the amount | The date of first | The insurer or the
of annuity benefit in | payment of the | bank keeping and the
each Zakat year and, | annuity benefit | amount in the form
in case of surrender, | and of the | of an annuity.

2.5% of the | surrender value.
surrender value on

the Valuation Date,

as the case may be.

10. | Life insurance | 2.5% of the | The date of | The insurer.
policies. surrender value as | payment of

on the advance date | (maturity value)

in the Zakat year in| or of — survival

which the policy| benefit or of

matures benefit | surrender value.

survival benefit or

surrender value is

paid, as the case may

be.

11. | Provident funds. In case of non-| The date of | The authority officer
refundable advance, | payment of the | or institution making
2.5% of the amount | advance or of the | payment of the

drawn or, in case of | balance. advance or of the
final settlement, balance.

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.

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

www.ezqanoon.com

asset within the same Zakat year.

2. No Zakat shall be charged on the amount paid as premium of a life insurance policy of a persons 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, to the extent of the proceeds so credited

3. If the amount to be deducted at source as Zakat, in particular case, is less than a rupee, it shall not be charged, and, if it is more than a rupee but has fraction of a rupee, fifty paise and more shall be treated as the next higher rupee and less than fifty paise shall not be charged, where the entire amount of the 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.

4. The Deduction Date 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.

5. in case the amount of the first return on any of the assets specified at S. No. 2, 3 and 5 to 8 is less 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 paid during the same Zakat year or as the case may be, from the encashment or surrender value.

SECOND SCHEDULE

[SEE SECTION 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.

Rate And Basis For Self-Assessment

Gold and silver and manufactures 2.5% of the market value as on the Valuation thereof. Date

Cash. 2.5% of the amount, as on the Valuation Date.

Prize bonds. 2.5% of the face value as on the Valuation Date.

4. Current Accounts and foreign currency 2.5% of the value of the asset, as on the accounts and to the extent not subject Valuation Date.

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.

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.

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 Stock Exchange as on the Valuation Date; and

If not listed on the stock exchange: 2.5% of the paid-up value as on the Valuation Date

Stock in trade of:-

(a) Commercial undertakings including dealers in real estate.

(b) Industrial undertakings.

(c) Precious metals and stones and manufactures thereof.

(d) Fish and other catch / procedure of the sea, except catches by indigenous techniques.

Agricultural / including horticultural and forest produce:

(a) Tenant's share.

(b) other than the tenant's share.

Animals (fed free in pastures)

(a) Sheep or goat.

(a) 2.45% of the book value or at option of Sahib -e- nisab, the market value as on the Valuation Date.

2.5% of the book value at the option of the Sahib-e-nisab the market value of raw material and finished goods as on the Valuation Date.

2.5% of the market value, as on the Valuation Date.

2.5% of the value, as on the Valuation Date.

10% of the produce as on the Valuation Date, in the Barani area; and

5% over and above the compulsory 5% in the Barani area, as on the valuation Date; and

One-fourth of the value of produce allowed as an allowance for expenses on production.

As on the Valuation Date:

(a) (i) For owners of one to 39 heads: nil;

(ii) For owners of 40 to 120 heads: one sheep/ goats;

(iii) For owners of 121 to 200 heads: two

(a)

(c)

Bovine Animals

Camels

(b)

sheep/ goats;

(iv) For owners of 201 to 399 heads:
three sheep/ goats; and

(v) For owners of every complete
additional hundred heads: one
sheep / goat.

(i) For owners of one to 29 head: 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 year and three years old;

(iv) For owners of 60 to 69 head: two
calves between one year and two
years old;

(v) For owners of 70 to 79 heads: one calf
between one year and two years old
and one between two years and three
years old;

(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 owner of 100 and above 100
heads: as in Shariah.

(i) For owners of one to 4 heads: nil:

(ii) For owners of 5 to 24 head: one sheep
/ goat for every five 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 three years and four years old;

(v) For owners of 46 to 60 heads: one she-camel between four years and five years old;

(vi) For owners of 61 to 75 heads: two she-camel between two years and three years old;

(vii) For owners of 91 to 120 heads: two she-camel between three years and four years old; and

(viii) For owners of more than 120 heads:

www.ezqanoon.com

10

11

12

Wealth and financial assets other than those listed in schedule on which Zakat is payable according to Shariah.

Fish and other catch/ produce of the sea, except catches by indigenous techniques

Mineral Production.

as in Shariah as per Shariah.

for owners of one to 39 heads-nil;

for owners of 40 to 120 heads: one sheep/ goat;

for owners of 121 to 200 heads: two sheep/ goats;

for owners of 201 to 400 heads: three sheep/ goats; and

for owners of every complete additional hundred heads: one sheep/goat, as on the valuation date.

For owners of one to 29 heads: nil

For owners of 30 to 39 heads: one year's old calf;

For owners of 40 to 59 heads: two years old calf;

For owners 60 of heads and every additional 10 heads: one year old calf for each 30 heads-and two years old calf for each 40 each 40 heads as on the valuation date.

For owners of one to 4 heads: nil

For owners of 5 to 25 heads: one.

For owners of 26 to 35 heads: one she-

camel between one year and two years old; and so on, as on the Valuation Date.

For owners of 36 to 45 heads: one she-camel between two and three years old; and so on, as on the Valuation Date.

2.5% of the value, as on the valuation Date.

5% of Marked Value of the mineral excavated as on the valuation date