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THE PAKISTAN BAIT-UL-MAL ACT 1992

'ACT NO. I OF 1992

[6<sup>th</sup> January, 1992]

An Act to provide for establishment of a Bait-ul-Mal

WHEREAS it is the duty of the State to provide for basic necessities of life such as food, clothing, housing, education and medical relief for all citizens, irrespective of their sex, caste, creed or race, who are permanently or temporarily unable to earn their livelihood on account of sickness or

unemployment or circumstances beyond their control;

AND WHEREAS it is expedient to establish a Bait-ul-Mal fund for providing assistance to destitute and needy widows, orphans, invalid, infirm and such other persons, and thereby save them

from hardship and suffering and to enable them to lead an honorable life in the society;

It is hereby enacted as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Pakistan Bait-ul-Mal Act, 1991.

(2) It shall extend to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Bait-ul-Mal" means the welfare fund to be called Bait-ul-Mal, established under section 3;

(b) "Board" means the 7[Bait-ul-Mal\_ Board] constituted under section 5 for the administration of the Bait-ul-Mal;

(c) >[Chairperson (Ameen)] means the Chairman (Ameen) of the Board;

2I(ca) "employee" means an officer, servant, expert, consultant or adviser appointed under section 15;

(cb) "Managing Director" means the Managing Director of the Board;]

(d) "Member" means a member of the Board; and

(e) "Prescribed" means prescribed by rules made under this Act.

'The Pakistan Bait-ul-Mal Act 1991 (I of 1992) shall apply to the Federally Administered Tribal Areas, Vide Subs. and ins. by Ord. 90 of 2002, ss. 2 & 3.

## CHAPTER II

3. Establishment of Bait-ul-Mal.—(1) The Federal Government shall establish a fund to be known as Bait-ul-Mal.

(2) The Bait-ul-Mal shall be financed from the following sources, namely:—

(a)  
(b)

(c)

(d)

transfer of receipts from tax levied for this purpose;

grants from the Federal Government, Provincial Government, local authorities, national organizations and international agencies;

voluntary donations, including sadqat and atiyyat by individuals, societies, bodies, institutions or organizations; and

sale of property of the Bait-ul-Mal, whether movable or immovable, and income from such property, investments and other assets.

(3) In determining the tax liability of an assessee for an assessment year under the Income Tax Ordinance, 1979 (XXXI of 1979), his taxable income shall be reduced by the amount paid by him as donation under clause (c) of sub-section (2).

4. Administration of Bait-ul-Mal. The Bait-ul-Mal shall be administered by the Board and the moneys in the Bait-ul-Mal shall be utilized for the following purposes namely:—

(a)  
(b)  
(c)  
(d)  
(e)  
(f)  
(g)

to provide financial assistance to destitute and needy widows, orphans, invalid, infirm and other needy persons;

for rendering help for rehabilitation of persons specified in clause (a) in various professions or vocations ;

to provide assistance to the children of the persons specified in clause (a) for educational pursuits ;

to provide residential accommodation and necessary facilities to the persons

specified in clause (a);

to provide for free medical treatment for indigent sick persons and to set up free hospitals, poor houses and rehabilitation centers and to give financial aid to charitable institutions, including industrial homes and other educational institutions established specially for the poor and needy ;

to provide stipends to educated youth during their training before their employment in jobs;

to provide stipends and financial assistance to brilliant but poor students who cannot afford to acquire higher technical or medical education abroad for lack of money ;

(h) to sponsor and promote self-employment scheme; ![\*]

I) to provide for rehabilitation services and to establish rehabilitation centres for the rehabilitation of disabled children; and]

'Tg)] any other purpose approved by the Board having regard to the aims and objects of the Bait-ul-Mal.

## 2[CHAPTER III THE BAIT-UL-MAL BOARD

5. Constitution of the Bait-ul-Mal Board.—(1) The Federal Government shall, by notification in the official Gazette, constitute a Bait-ul-Mal Board for administration of the Bait-ul-Mal.

(2) The Board shall consist of—

3[G@) Secretary, Government of Pakistan, of the controlling Ministry or Division, under the Rules of Business, 1973, who shall be its ex-officio Chairperson;]

(ii) Managing Director, Bait-ul-Mal;

(iii) —\_ at least five non-official Members to be appointed by the Federal Government one each from the Provinces and one to represent Islamabad Capital Territory, Northern Areas or Azad Jammu and Kashmir:

Provided that at least one of the non-official Members shall be a woman;

3[(iv) a representative of the Ministry of Religious Affairs and Interfaith Harmony;]

3[(v) a representative of the National Database Registration Authority; and]

(vi) | a representative of the Federal Ministry of Finance.

5A. Functions of the Bait-ul-Mal Board. The Board shall perform the following functions, namely,—

(a) Policy formulation;

(b) Planning, including consideration and approval of annual plan of work and budget;

' Omitted, ins. and re-numbered. by Act, (XVII of 2018), s.2.

\*Subs. by Ord. 90 of 02, ss. 4 and 5.

Subs. by Act XIX of 2016, s.2.

- (c) consideration of audit statement of accounts;
- (d) to receive progress reports;
- (e) to ensure implementation of approved plan, programmes, budget and ensure transparent and accountable administration;
- (f) co-ordination with poverty alleviation programmes of the Government in public and private sectors; and
- (g) any other functions as may be prescribed.

#### CHAPTER IV

##### TERMS AND CONDITIONS OF OFFICE OF MEMBERS

6. Selection criteria for non-official Members. The non-official Members shall be appointed from amongst the ulema, social workers, jurists, elected representatives and persons well-versed in Islamic law and jurisprudence and the persons who enjoy good reputation for their honesty, integrity and devotion to Islamic ideology and who genuinely believe in, and practice, moral values as enjoined by the injunctions of Islam as laid down in the Holy Quran and Sunnah.

7. Terms and conditions of office of non-official Members.—(1) The non-official Members shall hold office during the pleasure of the Federal Government.

(2) The non-official Members shall not draw any salary, but shall be entitled to such facilities and privileges as may be prescribed from time to time.

(3) Subject to sub-section (4), a non-official Member may, by writing under his hand addressed to the Federal Government through the Chairman, resign his office.

(4) The resignation tendered by a non-official Member shall not take effect until accepted by the Federal Government.

7A. Acting Chairperson (Ameen). At any time when the office of Chairperson (Ameen) is vacant the senior most member in age shall, for a period not exceeding sixty days temporarily perform the functions of the Chairperson (Ameen).]

#### CHAPTER V

##### OATH OF OFFICE BY CHAIRMAN, MEMBERS

8. Oath of office, etc. —(1) Before entering upon office, the Chairman (Ameen) and a non-official Member of Board shall take and sign an oath in the form appended to this Act.

(2) Every officer and servant of the Board shall be required to take an oath in the form to be prescribed by the Board.

(3) The written and signed oaths shall be placed on the personal files of the officers and servants maintained in this behalf.

## '1TCHAPTER VI APPOINTMENT AND POWERS OF THE MANAGING DIRECTOR

9. Appointment and powers of the Managing Director.—(1) There shall be a Managing Director of the Board who shall be appointed by the Federal Government.

(2) The Managing Director shall exercise all administrative and financial powers of the Bait-ul-Mal under this Act:

Provided that every appointment made or administrative or financial powers exercised by the Managing Director shall be reported to the Board, without unnecessary delay, for its information. ]

## CHAPTER VII BAIT-UL-MAL TO BE A BODY CORPORATE

10. Incorporation of Bait-ul-Mal. The Bait-ul-Mal shall be a body corporate, shall be entitled to acquire and hold property, shall have perpetual succession and a common seal and shall be the said name sue and be sued.

11. Head Office of the Board. The Head Office of the Board shall be at such place as may be notified by the Government.

12. Administrative control over the Board. The Board shall be under the direct administrative control of \*[controlling Ministry or Division under the Rules of Business, 1973].

## CHAPTER VIII CONDUCT OF BUSINESS

13. Conduct of Business of the Board.—(1) The Board shall have the powers to conduct its business and regulate its proceedings as may be prescribed by it, from time to time.

Tsubs. by Ord. 90 of 02. ss. 6 & 7.

Subs. by Act XIX of 2016, s.3.

(2) For the smooth conduct of its business, the Board may appoint such provincial, Divisional, District or other special Committees or sub-committees consisting of such members as may be prescribed by it, from time to time.

14. Meeting of the Board.—(1) The Board shall meet at such time and place and in such manner as may be prescribed by regulations:

Provided that until regulations are made in this behalf, such meetings shall be convened by the Chairman (Ameen).

(2) The Chairman (Ameen) and five members, or in his absence, not less than six Members shall be present to constitute a quorum at a meeting of the Board:

Provided that if a meeting of the Board is not held for want of the required quorum, it will be postponed to a subsequent date and the postponed meeting may be held without the required quorum, but written notice to this effect shall be sent to all Members of the Board.

(3) During the absence abroad or on leave of the Chairman (Ameen) he may nominate a Member convene and preside over the meetings of the Board to dispose of urgent business.

## CHAPTER IX

15. Employment of officers and servants. The Board may, as the case may be, employ such officers and servants or appoint such experts, consultants or advisers, from time to time as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit.

16. Recruitment and terms and conditions of service and disciplinary powers. The Board shall prescribe the procedure for appointment and terms and conditions of service for its officers and servants, and shall be competent to take disciplinary action against them.

## CHAPTER X

### ACCOUNTS AND AUDIT

17. Maintenance of Accounts. The Board shall maintain complete and accurate books of accounts in connection with the discharge of its responsibilities and those delegated by it to its officers and staff, as may be prescribed.

18. Audit.—(1) The Accounts of Bait-ul-Mal shall be audited every year by the Auditor General of Pakistan in such manner as may be prescribed by the Federal Government.

(2) A copy of the Audit Report shall be sent to the Board for comments and remedial action.

19. Annual Statement of Accounts. In the month of January each year, the Board shall submit to the Federal Government, for approval, a statement of estimated receipts and expenditures in respect of the next financial year.

20. Submission of Annual Reports and Statements etc. Annual Report.—(1) As soon as possible, the Board shall submit to the Federal Government, after the end of every financial year but before the last day of September next following, a report on the conduct of its affairs during the year.

(2) A copy of the report referred to in sub-section (1) together with a copy of the audit report referred to in section 18 shall be placed by the Federal Government before the National Assembly.

(3) The Federal Government may call upon the Board to supply any information or statements pertaining to its responsibilities under this Act, and the Board shall comply with such requirements, without unnecessary delay.

## CHAPTER XI

### MISCELLANEOUS

21. Immunity.—(1) The Chairman (Ameen), Members/ officers, and servants of the Board shall, when acting or purporting to Act, in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

22. Delegation. After the Board has been constituted, it may, by general or special order, delegate to the Chairman, Member or an officer of the Board, any of its powers, duties or functions, under this Act, subject to such conditions as it may think fit to impose.

23. Rules. The Federal Government may make rules for carrying out the purposes of this Act.

24. Regulations. The Board may, with the approval of the Federal Government, make regulations not inconsistent with rules for conduct of its business and its meetings.

**FORM**

(See section 8)

(In the name of Allah, the most Beneficent and most Merciful)

1, , do solemnly swear that I shall bear true faith and allegiance to Pakistan:

That as Chairman (Ameen)/Member of the Board of Management of Bait-ul-Mal, I will discharge my duties and perform my functions honestly, faithfully and to the best of my ability, in accordance with the laws of the Islamic Republic of Pakistan, and without fear or favour, affection or ill-will;

That I will allow no personal interest to influence my official conduct or my official decisions.

That I shall do my best to discharge my responsibilities in the best interest of Pakistan, with a view to carrying out the aims and objects for which the Bait-ul-Mal has been set up.

That I will not directly or indirectly communicate or reveal to any person any matter which will come to my notice for consideration as Chairman (Ameen) /Member of the Board of

Management of the Bait-ul-Mal.

May Allah Almighty help and guide me (A'meen).

(Signature)

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