

**LOCAL AND THE TEHSIL/SUB-DIVISIONAL ZAKAT AND  
USHR COMMITTEES (CONSTITUTION) RULES, 1993**  
**Gazette of Punjab, Extraordinary**

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**No. 21399/93/58/PZA/DAZ(F):-**

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## TEXT

### **LOCAL AND THE TEHSIL/SUB-DIVISIONAL ZAKAT AND USHR COMMITTEES (CONSTITUTION) RULES, 1993**

**Gazette of Punjab, Extraordinary, January 12, 1994**

**No. 21399/93/58/PZA/DAZ(F):-** In pursuance of the provisions of the Section 26 of the Zakat and Ushr Ordinance, 1980 at the direction and with the approval of the Central Zakat Council, the Punjab Zakat Council makes the following rules for the constitution of the Local Committees and the Tehsil/Sub-Divisional Committees, within the Province of the Punjab.

1. **Short title, application and commencement :-**( 1) These rules may be called the Local and the Tehsil/Sub-Divisional Zakat and Ushr Committees (Constitution) Rules, 1993.

2 These shall apply to the constitution of all the Local Committee and the Tehsil/Sub-Divisions Committees in the Province.

(3) These shall come into force at once.

2. **Definition.** - In these rules unless there is anything repugnant in the subject or context:-

(a) "Adult" means a persons who is major as defined in Section 3 of the Majority Act, 1875 (No. IV of 1875);

(b) "Appointed Place" means the place/venue fixed by the District Committee under sub-rules (1) of Rule 5, for the selection of members for the election of the chairman of a Local Committee:

(c) "Appointed Time" means the date and time fixed by the District Committee under sub-rule (1) of Rule 5, for the selection of members or for the election of the Chairman of a Local Committee;

(d) "Chairman" means the Chairman of a Local Committee.

(e) "Convenor" means the Convenor of a Team nominated under sub-rule (2) of Rule 4;

(f) "Election" means the election of the Chairman of a Local Committee;

(g) "Gathering" means the gathering of adult Muslim residents of the locality present at the appointed place and appointed time;

(h) "Member" means a member of a Local Committee;

(i) "Ordinance" means the Zakat and Ushr Ordinance, 1980;

(k) "Publicity" means publicity through all possible means like the beat of drum, use of loudspeaker, putting up notices at prominent public places announcement in the mosques, etc;

(l) "Selection" means the selection of member of a Local Committee; and

(m) "Team" means a team constituted under sub-rule (1) of Rule 4.

3. **Delimitation of localities** The District Committee, in pursuance of the provisions of Section 9 of the Ordinance, and subject to any directions received from the Provincial council, shall delimit clearly and unambiguously the localities in the district and shall give widest possible publicity to such delimitation, amongst the adult Muslim residents of the localities concerned. In urban areas, the mohallas and streets falling in a ward shall be specified by name and/or number to the extent feasible.

4. **Constitution and functions of the Team.-** (1) The District Committee shall constitute Teams, each consisting of three or more persons including at least one Gazatteed Officer, one aalim-e-deen and one member of the District Committee, to organize selection of members and election of Chairman of Local Zakat Committee.

(2) The District Committee shall nominate the Gazetted Officer to be the Convenor of that Team. The convenor shall be the Leader of the Team and act as its spokesman.

(3) The District Committee shall require each Team to organize selection of members and election of Chairman in one or more Localities.

(4) The composition and jurisdiction of the teams shall be duly publicized by the District Committee.

Provided that where in a district the number of Local Committees is so large at 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 nonofficial person of the district, eligible to be a member of the District Committee to represent it on the said team.

5. **Selection/Election Programme of a Team and its publicity** (1) The District committee shall give to every Team, a programme of work indicating clearly the venue, the date and the time of the selection of election in each locality.

(2) The District Committee and the Team shall give widest possible publicity, in the localities concerned, to the programme of work given to a Team under sub-rule (1).

(3) The programme of work under sub-rule(1) shall be so planned by the District Committee that the residents of each locality get at least seven day's notice of the selection/election of their Local Committee.

(4) The District Committee shall so arrange the selection/election programme of the Local Committees that it is spread over a period of one to two

months in the district so that each team can conveniently supervise every selection/election entrusted to it.

**6. Arrangements for selection/election in a locality** (1)The Team shall arrive at the appointed place sufficiently ahead of the appointed time to make proper arrangements for such selection/election providing inter-alia for separate enclosure for the males and the females in the gathering.

(2) No person shall be allowed to move out of, or move into the enclosures after the appointed time, until the selection of members has been completed.

**7. Calling upon the gathering to select members.**(1) Soon after the appointed time, the Team shall call upon the gathering to select seven adult Muslims residing in that locality, who are known to be pious and not engaged in political activity and who enjoy their trust to be the members of the Local Committee concerned.

(2) The team shall also call upon the enclosure of the gathering of the female to select two Muslim women who are not less than 45 years of age residing in that locality, who are known to be pious and not engaged in political activities and who enjoy their trust to be member of Local Committee concerned.

**7-A.** A person who has obtained exemption from the payment of Zakat and Ushr in accordance with the first proviso to sub-section (3) of Section 1 of the Ordinance shall not be eligible to be selected as a member of Zakat Committee.

**8. When the gathering selects the prescribed number of persons**

If the gathering selects nine person, including two Muslim women as prescribed in Rule 7, these nine person shall be declared by the Team to have been selected as the members of the Local Committee.

**9. When the gathering select the prescribed number of persons** (1)If the gathering selects less than seven male persons the Team shall call upon gathering to select further a number of male person by which the number (of male members already elected is short of seven male members) of the Local Committee.

(2) If the gathering of female residents selects less than two female persons, the Team shall call upon the gathering of female residents to select further number of female persons by which the number of female member already selected is short of two female members of the Local Committee.

(3) The Team may, for the above purposes adopt such procedure as may appear to its to be feasible and fair. When the requisite numbers of additional member has been selected by the gathering, the Team shall declare them to have been selected as members.

**10. When the gathering proposes more than the prescribed number of persons** (1) If the gathering proposes more than seven male persons, the Team shall call upon the gathering to reconsider their proposal and select seven male persons only.

(2) If the gathering of female residents proposes more than two female persons, the Team shall call upon the gathering of female residents to reconsider their proposal and select two female persons only.

(3) If the gathering of female residents proposes more than two, female persons, the Team shall call upon the gathering of female residents to reconsider their proposal and select two female persons only.

(4) If, on reconsideration under sub-rules (1) and (2), the gathering does not select seven male persons and two female persons, the Team shall adopt such procedure as may appear to it to be feasible and fair to arrange selection of seven male and two female persons only and on their being so selected, shall declared them to have been selected members of the Local Committee.

#### 11. **Omitted**

12. **Election of Chairman** -(1)After the nine Members have been selected under Rules 8, 9 or 10, the Team shall call upon the members present to select one of their members, who is literate and who offers prayers adult pious Muslim resident is available.

(2) The name of each candidate for election as Chairman shall be proposed by one member and seconded by another.

Provided that no member shall either propose or second more than one candidate.

(3) If there is only one such candidate, the Team shall declare him to have been elected as Chairman.

(4) If there are more than one such candidate, the Team shall call upon the members to elect one of those candidates as Chairman by voting in a manner that the Team may deem feasible and fair. The candidate securing the highest number of votes shall declared to have been elected as the Chairman of the Local Committee. In case of tie of votes between two candidates, the Chairman shall be elected by drawing of lots between those two candidates. The Team shall announce the results of this election of the spot in the presence of the members and other persons.

#### 13. **Report on the Selection/election in a locality**

As soon after the selection/election in a locality as possible, the Team shall send a report to the District Committee, giving brief account of the procedure adopted for and results recurred in respect of the selection/election, and results secured in respect of, the election of candidates with their proposes and secondary shall also be given. The Team shall also give in the report, particulars of persons who raised, under sub-section (6) of Section 18 of the Ordinance, any objections, the gist of such objections, and the decision given thereon. The Team may also mention any other noteworthy aspect of the selection/election in that report. The report shall be signed by all the members of the Team and delivered to the District Committee at the earliest.

**14. Constitution of Local Committee – Notifying the constitution of a Local Committee by the District Committee**

The District Committee shall duly notify as required under sub-section (5) of Section 9 of the Ordinance, the constitution of the Local Committee concerned, as soon after the receipt of the report of the Team under Rule 13 as possible and in a manner deemed appropriate by the District Committee. A copy of this shall be sent to the Provincial Council also.

**15. Omitted**

**16. Appeal against the participation of a person in a selection proceeding or against the selection of person.**

If any person who had raised an objection under sub-section (6) of Section 18 of the Ordinance is aggrieved by the decision of the Team under that section, or by no decision having been given on his objection, he may within fifteen days of the selection, prefer an appeal to the District Committee concerned.

**17. Disposal of appeals**

The District Committee shall, after issuing notice to the parties concerned, hear and decide the appeal within two months of the filing of the appeal.

Provided that the appeal shall be heard by at least two members of the District Committee and that, in case of tie, the appeal shall be deemed to have been rejected.

Provided further that the decision of the District Committee on such an appeal shall be final and shall not be called in question before any Court or other authority.

Provided further that no agent or counsel shall be allowed to appear in connection with the filing or hearing or disposal of such an appeal.

**18. Election of member of Tehsil/Sub-divisional Committee** (1) Immediately after the election of Chairman of Local Committees under Rule 12, the District Committee shall notify the date and the time when such elected Chairman of the Local Committees in a Tehsil/Sub-division would gather together at the Tehsil or Sub-divisional Headquarters, as the case may be, to elect, from amongst themselves, six members of the Tehsil/Sub-divisional Committee.

(2) The District Committee shall constitute a team of three or more persons including at least one gazetted officer who shall be the convenor, one aalime deen and one member of the District Committee, at least one of whom shall be non-official, to conduct this election.

**19. Election of the Chairman of Tehsil/Sub-divisional Committee.**-(1)( / ) have been elected under Rule 18, and the two women members nominated by the District Committee in consultation with the Chairman of the Tehsil or Sub-divisional Committee concerned under the second proviso to Section 18 (3) of the Ordinance, these eight members alongwith the Assistant Commissioner or the

Tehsildar concerned shall elect one person from amongst themselves, to be the Chairman of the Tehsil-Sub-divisional Committee;

Provided that if two or more persons secure an equal number of votes; the result shall be determined by drawing lots.

(2) The District Committee shall nominate a team of three or more persons including at least one gazetted officer who shall be the convenor, one aalim-e-deen and one member of the District Committee, to conduct the election of the Chairman of the Tehsil/Sub-divisional Committee. Arrangements for the constitution and notification of the Tehsil/Sub-divisional Committee shall be made by the District Committee concerned.

20. **Arrangements of the constitution and notification of the Tehsil/Sub-divisional Committee**

All the arrangement for the constitution and notification of the Tehsil/Sub-divisional Committees shall be made by the District Committee concerned.

21. **Repeal**

The Punjab District, Tehsil/Sub-Divisional Zakat & Ushr Committees (Constitution) Rules, 1979 are hereby repealed.