

**THE SIND LOCAL, TALUKA AND SUB-DIVISIONAL ZAKAT AND USHR
COMMITTEES (CONSTITUTION) RULES, 1979.**

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RULES.

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**GOVERNMENT OF SIND
PROVINCIAL ZAKAT ADMINISTRATION.**

NOTIFICATION

Karachi, the 23rd July, 1979.

No. PZA/16/79. In pursuance of the provisions of Section 16 of the Zakat and Ushr (Organization) Ordinance, 1979, at the direction and with the approval of the Central Zakat Council, the Sind Zakat Council, is pleased to make the following Rules for the constitution of the Local & Tehsil/Taluka and Sub-Divisional Committees, in the Province of Sind.

1. Short title, application and Commencement:-

- (1) These Rules may be called the Sind Local, Taluka and Sub-Divisional Zakat and Ushr Committees (Constitution) Rules, 1979.
- (2) They shall come into force atonce.

2. Definitions:- In these Rules, unless there is anything repugnant in the subject or context,-

- (a) "adult" means a person who is a major as defined in Section 3 of the Majority Act, 1875 (No. IV of 175);
- (b) "appointed place" means the venue fixed under sub-rule (2) of Rule 5, for selection or election;
- (c) "appointed time" means the date and time fixed under sub-rule (2) of Rule 5, for selection or election;
- (d) "Chairman" means the Chairman of a Local Committee;
- (e) "Convenor" means the Convenor of a Team, appointed under sub-rule (2) of Rule 4;
- (f) "election" means 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 (Organisation) Ordinance, 1979;

- (j) “publicity” means publicity through all possible means like the beat of drum, use of loud-speaker, putting up notices at prominent places, etc;
 - (k) “selection” means selection of a member of a Local Committee; and
 - (l) “Team” means a Team constituted under sub-rule (1) of Rule 4.
3. **Delimitation of Localities:-** The District Committee 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.
4. **Constitution and Functions of the Team:-**
- (1) The District Committee shall constitute Teams, each consisting of two or more persons, including at least one non-official to organize selection of members and election of Chairman.
 - (2) The District Committee shall nominate one of the members of a Team to be the Convenor of the Team.
 - (3) The Convenor shall be the lead of the Team and act as its spokesman.
 - (4) The District Committee shall require each Team to organize selection of members or election of Chairman in one or more localities.
 - (5) The composition and the jurisdiction of the Teams shall be duly publicised by the District Committee.
5. **Programme of work for selection/election, given to a Team and its publicity:-**
- (1) The District Committee shall prepare and give to a Team, a programme of work, for selection and election.
 - (2) The programme of work shall, among other things, indicate the venue, the date and the time of selection or election, as the case may be, and shall be so planned that the residents of the locality get at least seven days notice of the selection.
 - (3) The District Committee and the Teams shall give widest possible publicity to the programme of work in the localities concerned.
6. **Arrangements for selection:-**
- (1) The Team shall arrive at the appointed place sufficiently ahead of appointed time to make proper arrangements for such

selection/election; providing inter-alia, for separate enclosures for the males and females in the gathering.

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

7. **Selection procedure:-** At the appointed time, the Team shall call upon the gathering to select seven adult Muslims residing in the locality, to be the members of the Local Committee concerned.

8. **When the gathering selects seven persons:-** If the gathering selection seven persons, such persons shall be declared by the Team to have been selected as members.

9. **When the gathering selects less than, or proposes more than, seven persons:-**

(1) If the gathering selects less than or proposes for selection more than seven persons, the Team shall call upon the gathering to reconsider the matter and select the required number of persons.

(2) If, on reconsideration under sub-rule (1), the gathering fails to select the required number, the Team shall adopt such procedure as may appear to it to be feasible and fair, for securing the selection of the required number.

(3) When the required number of members, namely seven has been selected, the Team shall declare them to have been selected as members.

10. **Objections and their disposal:-** (1) If at the time of selection, any adult Muslim resident present in the gathering, raises objection, with respect to another person so present that such other person:-

- (a) is not an adult;
- (b) is not a Muslim;
- (c) is not a resident of the locality;
- (d) is an undercharged insolvent; or
- (e) is of unsound mind;

or, being a person proposed for selection suffers from any of the above disqualifications or has been convicted for an offence involving moral turpitude, the Team shall make summary enquiry and give spot-decision on the objection;

(2) Where the members of the Team are equally divided in their opinion, the Governor shall have a casting vote.

11. **Election of Chairman:-** (1) After seven members have been selected under rule 8 & 9, the Team shall call upon the members present to elect from amongst themselves, a member as Chairman, who should preferably be literate.

(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 candidate, the Team shall declare him to have been elected as Chairman.

(4) The candidate there are more than one candidates, the Team shall call upon the members to elect one of the candidates Chairman by voting in a manner as the Team may deem feasible and fair.

(5) The candidate securing the highest number of votes shall be declared to have been elected as the Chairman.

(6) If there is a tie of votes between two or more candidates, the result shall be declared by the Governor by drawing lots on the spot in the presence of the members and other persons.

12. **Report on the selection/election in a locality:-**

(1) As soon after the selection or 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 secured in respect of the selection or election including any other note-worthy aspect of the selection or election.

(2) In case of election of Chairman, the names of candidates with their proposers and seconders shall also be given.

(3) The Team shall also give in the report particulars of persons who raised, under rule 10, any objections with the gist of such objections, and the decision given thereon.

(4) The report shall be signed by all the members of the Team and delivered to the District Committee at the earliest.

13. **Notifying the constitution of a Local Committee by the District Committee:-**

(1) 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 12 as possible,

and in a manner deemed appropriate by the District Committee.

(2) A copy of the notification shall be sent to the Provincial Council also.

14. **Bye-selection/election:-** If, for any reason the seat of a member or a Chairman falls vacant after the initial constitution of a Local Committee, the selection or election, as the case may be, to fill in such a vacancy, within three months of the occurrence of the vacancy, shall be held in the same manner in which the seat had been initially filled.

15. **Appeal:-** (1) If any person who raised an objection under rule 10 is aggrieved by the decision of the Team, or by no decision having been given on his objection, he may, within 15 days of the selection, prefer an appeal to the District Committee concerned.

(2) The appeal shall be decided within two months of the date it is filed, after hearing the parties if they wish to be heard;

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

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

(3) No injunction or any interim order, including a stay order, shall be passed by the District Committee during the pendency of the appeal.

(4) No agent or counsel shall be allowed to appear in connection with the filing or hearing of an appeal.

16. **Election of members of Taluka or sub-divisional Committees.**

Immediately after the election of Chairman, the District Committee shall notify the date and time when such Chairman of the Local Committees in the Taluka or sub-divisional would gather together at the Taluka or sub-divisional headquarters to elect, from amongst themselves, six members of the Taluka or sub-divisional Committee.

17. **Election of Chairman of a Taluka or sub-divisional Committee:-**

After the six members of a Taluka or sub-divisional Committee have been elected under rule 16, these six members alongwith the Assistant Commissioner concerned shall elect one member from amongst themselves, to be the Chairman of the Taluka or Sub-divisional Committee:

¹[Provided that if two or more persons secure an equal number of votes the result shall be determined by drawing lot].

18. **Arrangements for the constitution and notification of the Taluka/Sub-divisional Committee:-**

All arrangements for the constitution and notification of the Taluka and Sub-divisional Committee shall be made by the District Committee concerned.

Sd/-
(Dr. MUHAMMAD ARSHAD MALIK).
Chief Administrator, Zakat-Cum-Member,
Board of Revenue, Sind.
SECRETARY TO COUNCIL.

¹. [Proviso added by Notification No.PZA/16/79 dt. 9-12-1979,Sindh Govt.Gazete Pt-IA dated 20-12-79 Page 604.