

C O N F I D E N T I A L

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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF STANDING COMMITTEE ON ZAKAT AND USHR REGARDING (I) THE PUNJAB ZAKAT AND USHR (AMENDMENT) BILL 2019 (BILL NO.09 OF 2019) AND (II) THE PUNJAB ZAKAT AND USHR (AMENDMENT) BILL 2019 (BILL NO.18 OF 2019)

The Punjab Zakat and Ushr (Amendment) Bill 2019 (Bill No. 09 of 2019) and the Punjab Zakat and Ushr (Amendment) Bill 2019 (Bill No. 18 of 2019) were referred to the Standing Committee on Zakat and Ushr on 22 April 2019 and 13 June 2019 respectively. The Committee considered the Bills in its meeting held on 9th August 2019.

2. The following were present:-

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|----|---|-----------------|
| 1. | Mian Muhammad Farrukh Mumtaz Maneka, MPA (PP-191) | Acting Chairman |
| 2. | Mr Muhammd Saleem Akhtar, MPA (PP-212) | Member |
| 3. | Malik Jamshaid Altaf, MPA (PP-5) | Member |
| 4. | Mr Fida Hussain, MPA (PP-237) | Member |

3. Mr Alamgir Ahmad Khan, Secretary, Zakat and Ushr Department and Mr Mohsin Bukhari, Additional Director Law and Parliamentary Affairs Department represented their Departments. Mr Inayat Ullah Lak, Director General, Parliamentary Affairs and Research, Provincial Assembly of the Punjab, functioned as Secretary to the Committee.

4. Ms Ishrat Ashraf, MPA (W-334), Chairperson, Standing Committee on Zakat and Ushr could not attend the meeting of the Committee due to some other engagements, therefore, Mian Muhammad Farrukh Mumtaz Maneka, MPA (PP-191), was chosen to act as Chairman for the sitting in terms of rule 151(2) of the Rules of Procedure of the Provincial Assembly of the Punjab 1997.

5. The Secretary, Zakat and Ushr Department apprised the Committee about the aims and objects of the Bills. He stated that the purpose of Bill No.9 of 2019 was to amend the Punjab Zakat and Ushr Act 2018 (IV of 2018) to cater the situation when the tenure of the District Zakat and Ushr Committee expires. He also expressed the aims and objects of the Bill No.18 of 2019 that the Punjab Zakat and Ushr Act 2018 (IV of 2018) was the existing law on the subject of zakat which devolved to the Provinces in terms of the Constitution (Eighteenth Amendment) Act 2010. To ensure smooth disbursement of zakat and better implementation of the Act of 2018, it was necessary that certain provisions of the existing law may be amended.

6. He requested the Committee that since the Punjab Zakat and Ushr (Amendment) Bill 2019 (Bill No. 18 of 2019) contains the amendment which was earlier proposed in the Punjab Zakat and Ushr (Amendment) Bill 2019 (Bill No. 09 of 2019), the same be treated as withdrawn and the Committee may consider Bill No.18 of 2019.

7. The Committee, after hearing the Members, having viewpoints of Administrative Department, Law and Parliamentary Affairs Department and discussing various points, acceded to the request to consolidate the two Bills and unanimously decided to recommend that the Bill titled "The Punjab Zakat and Ushr (Amendments) Bill 2019 (Bill No.18 of 2019)" may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) PREAMBLE

the word "further" be omitted.

(2) CLASUE 2

in clause 2, in para (b), the words "in regard to Zakat and Ushr" occurring in line 2, be omitted.

(3) ADDITION OF NEW CLAUSE 7

after clause 6, the following new clause 7 be added:-

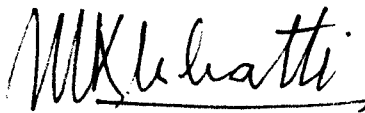
"7. Repeal.- The Punjab Zakat and Ushr (Amendment) Ordinance 2019 (II of 2019) is hereby repealed."

8. Copies of both the Bills as introduced in the Assembly are at Annexure-A and Annexure-B and a copy of the Bill, as recommended by the Standing Committee on Zakat and Ushr is at Annexure-C.

Lahore
9 August 2019

(MIAN MUHAMMAD FARRUKH MUMTAZ MANEKA)
Acting Chairman
Standing Committee on Zakat and Ushr

Lahore
9 August 2019


(MUHAMMAD KHAN BHATTI)
Secretary

(Bill as introduced in the Assembly)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 9 of 2019

THE PUNJAB ZAKAT AND USHR (AMENDMENT) BILL 2019

A
Bill

to amend the Punjab Zakat and Ushr Act 2018

It is necessary to amend the Punjab Zakat and Ushr Act 2018 (*IV of 2018*) to cater the situation when the tenure of the District Zakat and Ushr Committee expires.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and Commencement.— (1) This Act may be cited as the Punjab Zakat and Ushr (Amendment) Act 2019.

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

2. Amendment in section 14 in Act IV of 2018.— In the Punjab Zakat and Ushr Act 2018 (*IV of 2018*), in section 14, after the existing subsection (13), the following new subsection 13A shall be inserted:

“(13A). When the tenure of a District Zakat and Ushr Committee expires and new Committee is not constituted, the Government may assign the functions of the District Zakat and Ushr Committee to the Deputy Commissioner or any other officer in the district administration in BPS 18 or above as Administrator to perform the functions of the District Zakat and Ushr Committee until the constitution of the Committee.”.

3. Repeal.— The Punjab Zakat and Ushr (Amendment) Ordinance 2019 (II of 2019) is hereby repealed.

MINISTER INCHARGE

Lahore:
22 April 2019

MUHAMMAD KHAN BHATTI
Secretary

(Bill as introduced in the Assembly)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 18 of 2019

THE PUNJAB ZAKAT AND USHR (AMENDMENT) BILL 2019

A

Bill

to amend the Punjab Zakat and Ushr Act 2018.

It is necessary further to amend the Punjab Zakat and Ushr Act (IV of 2018), for the purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Zakat and Ushr (Amendment) Act 2019.

(2) It shall come into force at once.

2. Amendment in section 8 of Act IV of 2018.— In the Punjab Zakat and Ushr Act 2018 (IV of 2018), for brevity referred to as “the Act”, in section 8:

(a) in subsection (4), after the word “Committee” appearing for the second time, the words “or any other service providing Agency” shall be inserted; and

(b) in subsection (5), for the words “that the Chief Administrator”, the expression “the Punjab Zakat and Ushr Council, in regard to Zakat and Ushr” shall be substituted.

3. Amendment in section 9 of Act IV of 2018.— In the Act, in section 9, for subsection (3), the following shall be substituted:

“(3) A District Zakat and Ushr Committee may make disbursements and transfer funds through crossed cheques or bank advice, banks, post offices or any other financial institutions from District Zakat Fund to the eligible persons or to a Local Zakat Fund or to any other institution or incur other administrative expenditure subject to such conditions as may be prescribed and may, whenever directed by the Council, transfer any funds, surplus to its needs, to the Provincial Zakat Fund.”.

4. Amendment in section 12 of Act IV of 2018.— In the Act, in section 12:

(a) in subsection (2), for clause (a), the following shall be substituted:

“(a) a Chairman who has retired as a civil servant in basic pay scale 20 or above, or has been a judge of a High Court, or in case of non-availability of such persons, any person who is not less than forty years of age, is a graduate, enjoys good reputation and has knowledge of Shariah;

(b) in subsection (2), in clause (f), the word “and” occurring after the semicolon shall be omitted;

(c) in subsection (2), for clause (g), the following shall be substituted:

“(g) Secretary to the Government, Specialized Healthcare and Medical Education Department;”;

(d) in subsection (2), after clause (g), the following new clauses (h), (i), (j) and (k) shall be inserted:

“(h) Secretary to the Government, Primary and Secondary Healthcare Department;

- (i) Secretary to the Government, Higher Education Department;
 - (j) Secretary to the Government, Industries, Commerce and Investment Department; and
 - (k) Chief Administrator who shall be the Secretary of the Council.”; and
- (e) after subsection (7), the following new subsection (8) shall be inserted:
 “(8) The Government may, at any time, remove any member of the Council on the recommendation of the Council.”.

5. Amendments in section 14 of Act IV of 2018.— In the Act, in section 14:

- (a) in subsection (2), in clause (d), for the word “two”, the word “three” shall be substituted; and
- (b) after subsection (13), the following new subsection (13A) shall be inserted:
 “13A. When the tenure of a District Zakat and Ushr Committee expires and new Committee is not constituted, the Government may assign the functions of the District Zakat and Ushr Committee to the Deputy Commissioner or any other officer in the district Administration in basic pay scale 18 or above as Administrator to perform the functions of the District Zakat and Ushr Committee until the constitution of the Committee.”.

6. Amendment in section 15 of Act IV of 2018.— In the Act, in section 15:

- (a) for subsection (3), the following shall be substituted:
 “(3) The Local Zakat and Ushr Committee shall consist of a Chairman and nine members, including at least three Muslim women who shall not be less than forty years of age, selected by the residents of the locality in the manner specified in subsection (4) and subsection (5).”;
 - (b) in subsection (5), for the word “two”, the word “three” shall be substituted;
- and
- (c) in subsection (10), for the full stop occurring at the end, a colon shall be substituted and thereafter the following proviso shall be inserted:
 “provided that where election for the constitution of a Local Zakat and Ushr Committee cannot be held for any reason, the District Zakat and Ushr Committee with reasons to be recorded in writing, may appoint an officer in basic pay scale 16 or above as Administrator to perform functions of the Committee for a period not exceeding six months.”.

STATEMENT OF OBJECTS AND REASONS

The Punjab Zakat and Ushr Act 2018 (IV of 2018) is the existing law on the subject of zakat which devolved to the provinces in terms of the Constitution (Eighteenth Amendment) Act 2010. To ensure, smooth disbursement of zakat and better implementation of the Act of 2018, it is necessary that certain provisions of the existing law may be amended. Hence, this Bill.

MINISTER INCHARGE

Lahore:
13 June 2019

MUHAMMAD KHAN BHATTI
Secretary

(Consolidated Bill as recommended by the
Standing Committee on Zakat and Ushr)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 18 of 2019

THE PUNJAB ZAKAT AND USHR (AMENDMENT) BILL 2019

A

Bill

to amend the Punjab Zakat and Ushr Act 2018.

It is necessary to amend the Punjab Zakat and Ushr Act (IV of 2018), for the purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title and commencement.**— (1) This Act may be cited as the Punjab Zakat and Ushr (Amendment) Act 2019.
(2) It shall come into force at once.
2. **Amendment in section 8 of Act IV of 2018.**— In the Punjab Zakat and Ushr Act 2018 (IV of 2018), for brevity referred to as “the Act”, in section 8:
 - (a) in subsection (4), after the word “Committee” appearing for the second time, the words “or any other service providing Agency” shall be inserted; and
 - (b) in subsection (5), for the words “that the Chief Administrator”, the expression “the Punjab Zakat and Ushr Council,” shall be substituted.
3. **Amendment in section 9 of Act IV of 2018.**— In the Act, in section 9, for subsection (3), the following shall be substituted:

“(3) A District Zakat and Ushr Committee may make disbursements and transfer funds through crossed cheques or bank advice, banks, post offices or any other financial institutions from District Zakat Fund to the eligible persons or to a Local Zakat Fund or to any other institution or incur other administrative expenditure subject to such conditions as may be prescribed and may, whenever directed by the Council, transfer any funds, surplus to its needs, to the Provincial Zakat Fund.”.
4. **Amendment in section 12 of Act IV of 2018.**— In the Act, in section 12:
 - (a) in subsection (2), for clause (a), the following shall be substituted:

“(a) a Chairman who has retired as a civil servant in basic pay scale 20 or above, or has been a judge of a High Court, or in case of non-availability of such persons, any person who is not less than forty years of age, is a graduate, enjoys good reputation and has knowledge of Shariah;”
 - (b) in subsection (2), in clause (f), the word “and” occurring after the semicolon shall be omitted;
 - (c) in subsection (2), for clause (g), the following shall be substituted:

“(g) Secretary to the Government, Specialized Healthcare and Medical Education Department;”;
 - (d) in subsection (2), after clause (g), the following new clauses (h), (i), (j) and (k) shall be inserted:

“(h) Secretary to the Government, Primary and Secondary Healthcare Department;

- (i) Secretary to the Government, Higher Education Department;
 - (j) Secretary to the Government, Industries, Commerce and Investment Department; and
 - (k) Chief Administrator who shall be the Secretary of the Council.”; and
- (e) after subsection (7), the following new subsection (8) shall be inserted:
 “(8) The Government may, at any time, remove any member of the Council on the recommendation of the Council.”.

5. Amendments in section 14 of Act IV of 2018.— In the Act, in section 14:

- (a) in subsection (2), in clause (d), for the word “two”, the word “three” shall be substituted; and
- (b) after subsection (13), the following new subsection (13A) shall be inserted:
 “(13A) When the tenure of a District Zakat and Ushr Committee expires and new Committee is not constituted, the Government may assign the functions of the District Zakat and Ushr Committee to the Deputy Commissioner or any other officer in the district Administration in basic pay scale 18 or above as Administrator to perform the functions of the District Zakat and Ushr Committee until the constitution of the Committee.”.

6. Amendment in section 15 of Act IV of 2018.— In the Act, in section 15:

- (a) for subsection (3), the following shall be substituted:
 “(3) The Local Zakat and Ushr Committee shall consist of a Chairman and nine members, including at least three Muslim women who shall not be less than forty years of age, selected by the residents of the locality in the manner specified in subsection (4) and subsection (5).”;
 - (b) in subsection (5), for the word “two”, the word “three” shall be substituted;
- and
- (c) in subsection (10), for the full stop occurring at the end, a colon shall be substituted and thereafter the following proviso shall be inserted:
 “provided that where election for the constitution of a Local Zakat and Ushr Committee cannot be held for any reason, the District Zakat and Ushr Committee with reasons to be recorded in writing, may appoint an officer in basic pay scale 16 or above as Administrator to perform functions of the Committee for a period not exceeding six months.”

7. Repeal.— The Punjab Zakat and Ushr (Amendment) Ordinance 2019 (II of 2019) is hereby repealed.