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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 14th January, 1992

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 6th January, 1992, and is hereby published for general information.

ACT NO. I OF 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 honourable 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.

(1)

Price: Rs. 0.60

(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 Board of Management of *Bait-ul-Mal* constituted under section 5 for the administration of the *Bait-ul-Mal*;
- (c) “Chairman (Ameen)” means the Chairman (Ameen) of the Board;
- (d) “Member” means a member of the Board; and
- (e) “Prescribed” means prescribed by rules made under this Act.

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) transfer of receipts from tax levied for this purpose;
- (b) grants from the Federal Government, Provincial Governments, local authorities, national organizations and international agencies;
- (c) voluntary donations, including *sadqat* and *atiyyat* by individuals, societies, bodies, institutions or organizations; and
- (d) 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) to provide financial assistance to destitute and needy widows, orphans, invalid, infirm and other needy persons;
- (b) for rendering help for rehabilitation of the persons specified in clause (a) in various professions or vocations;

- (c) to provide assistance to the children of the persons specified in clause (a) for educational pursuits;
- (d) to provide residential accommodation and necessary facilities to the persons specified in clause (a);
- (e) to provide for free medical treatment for indigent sick persons and to set up free hospitals, poor houses and rehabilitation centres and to give financial aid to charitable institutions, including industrial homes and other educational institutions established specially for the poor and needy;
- (f) to provide stipends to educated youth during their training before their employment in jobs;
- (g) 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; and
- (i) any other purpose approved by the Board having regard to the aims and objects of the *Bait-ul-Mal*.

CHAPTER III

CONSTITUTION OF THE BOARD OF MANAGEMENT

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

(2) The Board shall consist of —

- (i) Chairman (Ameen) and five non-official Members, to be appointed by the Federal Government;
- (ii) a representative of the Central Zakat Council; and
- (iii) Two officials of the Federal Government nominated by the Prime Minister.

CHAPTER IV

TERM OF OFFICE OF CHAIRMAN AND MEMBERS

6. **Appointment of the office of the Chairman (Ameen) and Members.**—The Chairman and Members of the Board, other than *ex-officio Members*, shall be appointed from amongst *Ulama*, social workers, jurists, elected representatives and persons well-versed in Islamic Law and Jurisprudence who enjoy good reputation for honesty, integrity and devotion to Islamic Ideology and who genuinely believe in, and practise, moral values as enjoined by the Injunctions of Islam.

7. **Remuneration and terms and conditions of service of Chairman and Members.**—(1) Unless the Chairman (Ameen) or a non-official Member elects to hold his respective office in honorary capacity, he shall receive such salary and allowances and be subject to such terms and conditions of service as may be prescribed and shall perform such duties as are assigned to him under this Act or the rules framed thereunder.

(2) The term of the office of the Chairman (Ameen) shall be five years and that of a Member three years and shall be eligible for re-appointment for another term or for such shorter term, as the Federal Government may determine.

(3) The Chairman (Ameen) or a non-official Member may, by writing under his hand addressed to the Federal Government, resign his office:

Provided that the resignation shall not take effect until accepted by the Federal Government.

(4) In the case of a Member, the resignation shall be submitted to the Federal Government through the Chairman (Ameen).

(5) Any vacancy in the office of the Chairman (Ameen) or Member shall be filled by appointment or as the case may be, by nomination, in accordance with the provisions of sections 5 and 6.

(6) The Chairman (Ameen) or any Member nominated under sub-section (5), shall hold office for the unexpired term of his predecessor.

(7) Where after such inquiry as it may deem fit, the Federal Government is of the opinion that the Chairman (Ameen) or a Member is guilty of misconduct or has become incapable of properly performing the official duties of his office by reason of physical or mental incapacity or has been declared insolvent, it may remove him from office after giving him an opportunity of showing cause against the action proposed to be taken.

(8) Where after such inquiry as he may deem fit, the Chairman (Ameen) is of the opinion that a non-official Member is guilty of misconduct or has become incapable of properly performing the official duties of his office by reason of physical or mental incapacity or has been declared insolvent, he may remove him from office after giving him an opportunity of showing cause against the action proposed to be taken.

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.

CHAPTER VI

POWERS OF THE CHAIRMAN

9. **Powers of Chairman.**—(1) Until such time the Board is constituted the Chairman (Ameen) shall exercise all administrative, financial and other powers of the Board under this Act:

Provided that, when the Board is constituted, every appointment made or administrative or financial powers exercised by the Chairman (Ameen) 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 by 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 the prime Minister of Pakistan.

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.

(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. **Meetings 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)

I, _____, 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 *Bait-ul-Mal*.

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

(Signature)

K. A. GORAYA,
Secretary General.