

Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook

Compiled and edited by Philip Ostien

Volume VI: Ulama Institutions

Chapter 9: Zakat and Endowments Boards and Committees

Part II: Documentary Materials



MUSLIMS AND ISLAM IN AFRICA

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Chapter 9: Zakat and Endowments Boards and Committees

Part II: Documentary Materials

[Note: the pagination of this initial online edition of these documentary materials will change when the rest of Chapter 9 is completed and all is published together.]

As elsewhere in this work, in what follows spellings have sometimes been corrected and in the cases of some words standardised, grammatical errors have been corrected, and the mode of presentation of the texts has been standardised. Thus, ‘*zakat*’ and ‘*sadaqa*’ have uniformly been used in place of their variants in the texts. ‘*Waqf*’ has been used instead of ‘*waqaf*’, except where the Hausa form ‘*wakaf*’ is clearly intended. Other matters related to spellings are clarified in footnotes.

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1.

Bauchi State

a. The Sharia Implementation Committee recommendation for a Zakat Board

The committee appointed by the Governor of Bauchi State to advise him on what steps to take toward the goal of implementing Sharia made the following recommendation, among many others, in September 2000:¹

3.2.7 New Laws. The Committee further recommends the following laws to be enacted so as to sustain the focus and purpose of Sharia implementation in the State:

* * *

- (iii) A law to establish a Zakat Board that shall be charged with the collection and disbursement of *zakaat*;

* * *

The Government, however, chose a somewhat different course:

Government notes the recommendation. However, item (iii) will be transferred to the proposed Sharia Commission as a department.²

The next sections show how this plan has been implemented.

b. The Sharia Commission Law and the establishment of Zakat and Endowment Committees throughout the State

(1) From the Bauchi State Sharia Commission Law, 2001:³

Bauchi State's Sharia Commission has responsibility, under its statute, for *zakaat*. The full text of the Sharia Commission Law is reproduced in Chapter 8 Part II.1. The provisions relevant to *zakaat* are the following:

3. (1) There is hereby established a body called the Bauchi State Sharia Commission, which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name. Establishment
- (2) The Commission shall have the power to create within itself such divisions and committees, as it may consider necessary for the efficient discharge of its functions.

¹ Report of the Bauchi State Sharia Implementation Committee, submitted to the Governor on 29th September, 2000, in Vol. II of this work pp. 7-170: the recommendation quoted is at p. 20. The recommendation is reiterated on the following page and discussed elsewhere in the report.

² Government White Paper on the Report of the Bauchi State Sharia Implementation Committee, <http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria>, Vol. II, Supplementary Materials, item VI, at p. 16.

³ No gazetted copy available; copy of the bill as signed by Governor Mu'azu on 6th June, 2001 in the possession of the editor.

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* * *

8. The functions of the Commission shall include:
- (a) to ensure sustained education and enlightenment of the community on the full implications of the Sharia legal system;
 - (b) creation and maintenance of awareness of the obligations of the citizen to the community under the Sharia legal system. . . ;
 - (c) the promotion and sustenance of the overall integration of society. . . ;
 - (d) the regeneration and reorientation of the moral climate of society through sustained mass education and advice to Government on the appropriate steps to take;
- * * *
- (h) collection and distribution of *zakat* and advising the Government on the implementation of certain Islamic injunctions such as sighting of new moon etc.;
- * * *
- (j) periodic review of Sharia laws in line with the prevailing circumstances of the time;
- * * *

Functions,
powers

(2) Establishment of Zakat and Endowment Committees throughout the State:

FORMATION OF ZAKAT AND ENDOWMENT COMMITTEES AND THEIR FUNCTIONS⁴

The Bauchi State Sharia Commission at its meeting held on 7th September 2001 has appointed a subcommittee to visit Zamfara, Niger and Jigawa States to obtain relevant information concerning *zakat* and endowment matters etc. with a view to adopting policies that were found to be applicable to Bauchi State. The subcommittee had submitted its report to the Commission. –

2. The Commission at its 3rd meeting held on 31-10-2001 had considered the report and unanimously approved the formation of five (5) standing Zakat and Endowment Committees. The composition of the committees are as follows:

A. STATE MAIN COMMITTEE

- | | | |
|---|---|----------|
| 1. Permanent Commissioner (Zakat Matters) | – | Chairman |
| 2. His Royal Highness the Emir of Jama'are | – | Member |
| 3. His Royal Highness the Emir of Ningi | – | “ |
| 4. Permanent Commissioner (Sharia Matters) | – | “ |
| 5. Representative of Grand Kadi | – | “ |
| 6. Ambassador Adamu Yusuf | – | “ |
| 7. Secretary should be appointed within the Commission. | | |

Functions of the State Main Committee:

⁴ The document reproduced in this section, evidently written in late 2001, was provided during the interview reported in section c.(6) below.

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- i. At this crucial stage the Committee is required to ensure the conduct of detailed enumeration of all eligible receivers and contributors of *zakat* in the State.
- ii. Design assessment, collection and distribution forms for *zakat*, as attached appendices i-vi.⁵
- iii. Coordinate activities of the Zakat Committees at the Emirate, Local Government, District and Village level committees in the State.
- iv. Render periodic or annual report of its activities to the Commission at the State level.
- v. Ensure that endowment proceeds are remitted to the Commission headquarters.
- vi. Organise periodic *da'awah* to the Muslim *ummah* throughout the State with a view to reminding them of the role they are required to play towards the full implementation of Sharia in the State.
- vii. Ensure that all Local Governments within the State pay their share of endowment fund to the Sharia Commission promptly.
- viii. Ensure that two separate current accounts for remitting of monetary collections of *zakat* and endowment from individuals etc. are opened before distributions are made.
- ix. Ensure that all Local Governments designate places where farm produce, animals etc. can be kept before actual distribution.
- x. Ensure that all *zakat* collected within the State are distributed to all the eight (8) categories of people mentioned in the Holy Qur'an.
- xi. Ensure that all *zakat* collected are distributed within the area or locality of the collection. This is to safeguard any form of pilferage or theft in transit and also to ensure that the poor in the area are catered for. This will encourage people to give more.

B. EMIRATE COMMITTEE

Each Emirate is required to form this committee with the following as chairman and members:

- | | | |
|---|---|----------|
| 1. His Royal Highness the Emir | – | Chairman |
| 2. Five (5) well-known and reputable <i>ulama</i> | – | Members |
| 3. Five of the representatives of the business community | – | Members |
| 4. All Local Government Chairmen within the Emirate | – | Members |
| 5. All District Heads within the Emirate | – | Members |
| 6. Three (3) distinguished people of the society | – | Members |
| 7. The Secretary should be appointed within the Emirate Council | | |

Emirate Committee – Functions

⁵ No such appendices attached to copy provided. The sample forms were presumably obtained from the other States visited. For Niger State's assessment and distribution forms see [Part II.9](#) below. Jigawa State's assessment, collection and distribution and forms are described in [Part II.6](#), in the report of the Kano State committee that visited Jigawa to see how they were handling *zakat*..

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- i. Digestion of policy on *zakat* and endowment with possible suggestions and/or advice to the Sharia Commission on matters pertaining to the census of those to give and those to receive *zakat*, *zakat* assessment and distribution.
- ii. Touring of Local Government, District and Village committees.
- iii. Witnessing collection and particularly distribution of *zakat* proceeds.
- iv. Monitoring activities of all other lower level committees.
- v. Preparation of preaching sessions at Local Government level to enlighten people on *zakat*, endowment, and other activities required of a true Muslim.
- vi. Coordination of *zakat* and endowment activities in the Emirate.
- vii. Preparation and publication of periodic report or data collection activities of the Committee in the Emirate.
- viii. Submission of proposals received from lower level committees to the State Sharia Commission for approval and/or guidance.
- ix. Implementation of approved proposals.
- x. Publication of Emirate annual report on *zakat* and endowment.

C. LOCAL GOVERNMENT COMMITTEE

- | | | |
|--|---|----------|
| 1. The most senior District Head | – | Chairman |
| 2. Other District Heads | – | Members |
| 3. Three well-known and reputable <i>ulama</i> | – | Members |
| 4. Three distinguished Muslim leaders in the community | – | Members |
| 5. Two Heads of Department of the Local Government | – | Members |
| 6. The Village Head within the Local Government headquarters | – | Member |
| 7. Three wealthy members of the community | – | Members |
| 8. Secretary to be appointed by the Local Government | | |

Functions [of Local Government Committees]

The function of this committee is to coordinate activities of [lower level] *zakat* committees as well as collate receipt and distribution of *zakat* and endowment proceeds, produce annual report of *zakat* to both the Local Government and Emirate committees. It will also see that endowment proceeds are remitted to the Sharia Commission headquarters. Organising of preaching sessions at the Local Government, District and Village levels are also among its functions. Other functions that may be assigned as part of its duties. The committee is to liaise with the Chairman of the Local Government for the payment of the Local Government share of endowment, from which all committee members can be paid sitting and other allowances.

D. DISTRICT COMMITTEE

- | | | |
|---|---|----------|
| 1. District Head | – | Chairman |
| 2. Five (5) well known and reputable <i>ulama</i> | – | Members |
| 3. Five (5) distinguished Muslim leaders within the society | – | Members |

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4. All Village Heads within the District – Members
5. Five (5) wealthy people within the society – Members
6. District scribe will serve as Secretary

District Committee – Functions

- i. Digest policy on *zakat* and endowment.
- ii. Help village committees with necessary information and support.
- iii. Coordinate activities and formation of village committees.
- iv. Prepare preaching sessions to sensitize people.
- v. Scrutinize submissions and/or proposals from village committees.
- vi. To ensure honesty and accountability of all transactions.
- vii. Liaison between Local Government and village level committees.
- viii. Any other function that may be assigned to the committee.

E. VILLAGE COMMITTEE

- i. Village Head – Chairman
- ii. Five (5) well known and reputable *ulama* within the society – Members
- iii. Three (3) wealthy people within the society – Members
- iv. Six (6) *jaurawa*⁶ – Members
- v. Three (3) distinguished people within the community – Members
- vi. Village scribe will serve as Secretary.

Village Committee – Functions

- i. Conduct census of both the wealthy, farmers, rearers who shall pay *zakat* as well as all categories of the poor who are eligible to receive *zakat*
- ii. Assess all those who are eligible to pay *zakat*.
- iii. Collect 70% *zakat* from those already assessed.
- iv. Keep the collected *zakat* of farm produce and animals in a safe place until its distribution.
- v. Pay monetary collections into the Commission's *zakat* and endowment account.
- vi. Prepare a proposal and forward a distribution list of beneficiaries of *zakat* proceeds from its collections.
- vii. Distribute *zakat* proceeds to its beneficiaries.
- viii. Prepare periodic as well as annual reports on collection and distribution of *zakat*.
- ix. Three (3) subcommittees: (a) Assessment, (b) Collection, (c) Distribution to be formed to ensure the programme as titled.

4.⁷ In order to encourage individuals and corporate organisations to pay their *zakat* promptly there is the need for the State Government to contribute substantially to the

⁶ *Jauro*: Fulfulde for ward head/community leader. Adding the Hausa suffix 'awa' gives the plural *jaurawa*, i.e. ward heads/ community leaders esp. among the Fulani. With thanks to M.S. Umar.

⁷ The number 3 is skipped in the numbering of the main paragraphs.

Endowment Fund. The State Chief Executive, i.e. His Excellency the Governor, and Chairmen of Local Governments, should lead by example.

5. It is suggested that the State Government pays ten million naira (₦10m) while each Local Government pays two million naira (₦2m) quarterly to the State Endowment Fund. The fund shall be used in bridging the gap left by whatever was given out as *zakat* to the needy, it shall also be used to cater for orphans, some educational institutions, mosques and such other unforeseen or unexpected expenses for which no formal organisation is charged with such a responsibility.

6. In addition to the above, Government is expected to launch the programme as soon as possible to boost the morale of the well-to-do members of the society on the significance of *zakat* and endowment as a panacea for eradicating poverty in the State.

c. The Zakat and Endowment Fund Law 2003

(1) Preliminary comments:

Bauchi State's law on *zakat*, pending before the House of Assembly in January 2003 (see interview summarised just above), was enacted in May 2003. The text is given in subsection (2) below, but first some preliminary comments are in order.

(a) Derivation from the laws of Zamfara and Niger States: The first Zakat and Endowment Board Law to be enacted was Zamfara State's, enacted in May 2000 ([Part II.12 below](#)). Niger State's 2001 law was copied virtually word-for-word from Zamfara's (see [Part II.9 below](#) and annotations to Zamfara's law). Bauchi State's 2003 law, in turn, is derived from that of Zamfara via that of Niger. Twenty-one of the twenty-three sections of Bauchi's law (§§1-2, 4-20, and 22-23), and the schedule of *nisabs*, are substantially copied from the corresponding sections of Niger State's law – although with enough variations that it has seemed best to reproduce Bauchi's law below rather than try to account for the variations by annotating Zamfara's (as is done in the case of Niger). Only sections 3 and 21 of Bauchi's law are wholly unique to Bauchi.

(b) No separate Zakat and Endowment Board in Bauchi State: Section 3 of Bauchi's law vests the power "to collect, administer and distribute *zakat* and endowment funds" in the already-existing Sharia Commission – "in furtherance of the powers [already] conferred on the Commission by the State Sharia Commission Law". Thus there is no separate Zakat and Endowment Board or Commission in Bauchi State; everything is managed by the Zakat Department of the Sharia Commission. What the Sharia Commission got out of the new law was a great deal of statutory detail about who should give how much *zakat* on what items, plus the power – up till then unique to Zamfara, Niger, and Jigawa States – to go to court to enforce the payment of *zakat* due.⁸

Section 3 of Bauchi's law contains another interesting variation from those of Zamfara and Niger. In both of the latter, the Board is to collect at least 60% of the *zakat* due from a given person, but may leave 40% with the person for distribution by him to beneficiaries of his choice. In Bauchi the ratio is rather 70:30.

⁸ As to the power to enforce payment in Jigawa State, see [Part II.4 below](#), §9 of the Zakat Collection and Distribution Committee Law.

(c) Incorporation by reference of uncodified rules of Islamic law: Section 21 of Bauchi's law empowers the Sharia Commission to apply "other rules or principles of Sharia pertaining to *zakat* not mentioned in this Law", and says that such rules "shall be deemed to have been provided for by this law even though same is not expressly mentioned by the law"; and see the definition of 'property' in §2. No doubt the *zakat* authorities in other States do this very thing when their statutes are silent on some issue that comes up; Bauchi's is the only *zakat* law that provides for it expressly. Instances of such incorporation by reference of uncodified rules of Islamic law in other contexts are discussed in Chapter 4 p. 17 and Chapter 5 pp. 188-91.

(d) The failure for several years to gazette Bauchi's law: Generally speaking, laws should enter into force only after their publication in the State's official gazette. This is particularly true of penal laws: unless they are officially published, citizens cannot be presumed to have notice of what they require or prohibit and therefore cannot be subjected to the penalties they impose. Bauchi State's Zakat and Endowment Fund Law criminalizes the failure to pay *zakat* due (§22). But from the time of its enactment in May 2003, up to early 2008, the law had still not been gazetted and no attempt was made to enforce its penal aspects. This changed in January 2008, as information following the law below indicates.

(2) The Zakat and Endowment Fund Law:

A LAW FOR THE COLLECTION, ADMINISTRATION AND DISTRIBUTION
OF ZAKAT AND ENDOWMENT FUND (*Waqf*) IN THE STATE⁹

Arrangement of sections:

1. Citation and commencement.
2. Interpretation.
3. Powers of the Commission on Zakat and Endowment Fund.
4. Levy of *zakat*.
5. Conditions for levy.
6. *Zakat* of trade wares.
7. *Zakat* of silver and gold.
8. *Zakat* of money and money's worth.
9. *Zakat* of debts, stolen and extorted property.
10. *Zakat* of treasure-trove.
19. Exemption from *zakat*.
20. Application of the proceeds of *zakat*.
11. *Zakat* of crops and fruits.
12. Crops and fruits disposed of.
13. Crops and fruits eaten by animals used for tilling.
14. *Zakat* of livestock.
15. Schedule
16. Addition of property.
17. Invested property.

⁹ Signed into law on 28th May 2003. No gazetted copy available; photocopy of the law as signed by the governor in the possession of the editor.

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18. Absence of owner of property subject of *zakat*.
19. Exemption from *zakat*.
20. Application of the proceeds of *zakat*.
21. [Rules pertaining to *zakat* not mentioned in this Law.]
22. Cheating, evasion and refusal to pay *zakat*.
23. Disclosure of issues pertaining to *zakat*.

Schedule

BE IT ENACTED by the House of Assembly of Bauchi State as follows:

1. This law may be cited as the Bauchi State Zakat and Endowment Fund Collection, Administration and Distribution Law and shall come into operation on the day of 2003.
2. In this law, unless the context otherwise requires:
 - “alms” means every property paid voluntarily to the Commission other than for *zakat*.
 - “Attorney-General” means Attorney-General of Bauchi State.
 - “*ansaq*” (plural of *wasaq*) is equal to 60 *sa*’s which is a measure approximately equal to 3 kilograms.
 - “*bint labun*” means a she-camel which is in its third year.
 - “Committee” means any division or body appointed by the Commission to administer, collect and distribute *zakat* or endowment funds on its behalf.
 - “cow” includes buffalos.
 - “crops and fruits” include all cereals and fruits that are subject of *zakat* expressly or by analogy.
 - “*fisabilillah*” means for the sake of Allah.
 - “Governor” means Governor of Bauchi State.
 - “*hiqqa*” means a she-camel which is in its fourth year.
 - “indigent” (*fakir*) means a destitute, which is unable to earn a living due to disability, as well as an invalid who cannot afford expenses for treatment and includes victims of disasters.
 - “insolvent” means one who is adjudged to be unable to repay a debt that is due but does not include a corporate body.
 - “irrigation” means supply of water to land or crops through any artificial means at a cost – manual, mechanical or hydraulic, other than by rainfall.
 - “livestock” means and includes camels, cows, sheep or goats.
 - “mineral” means anything extracted from the earth but is different from it whether malleable by fire or not and whether in a fluid state or not.
 - “*mussina*” means a she-cow which has entered its third year.
 - “*nisab*” means the minimum value or quantity or volume of *zakatable* property that will qualify it for *zakat*.
 - “paupers” (*fuqara* and *masakin*) means persons who do not own their annual subsistence and in the case of a breadwinner of a family, includes one who has no sufficient source of income, and includes also a fulltime student who cannot afford the costs of study.
 - “persons of inclined hearts” (*muallafatu qulububum*) means persons who have recently embraced Islam, or those who desire to embrace Islam or those paupers who may be in jeopardy of renouncing their religion due to poverty.

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“property” means and includes anything tangible or otherwise which is *zakatable* whether mentioned in this Law or not provided there is a juristic opinion of some Muslim jurists that same is *zakatable*.

“State” means Bauchi State.

“*tabie*” means a cow which has completed one year of age and enters into the second year.

“trade wares” means any property eligible for trade which is not prohibited by the Sharia, and includes lands, real estate and any utilities thereof, as well as crops, fruits, poultry and forests if owned for trade.

“wayfarer” (*ibn-sabil*) means a person who is on transit and who cannot afford what it takes to reach his destination.

“year” means a year of the Hijra calendar.

“*zakat*” means the portion or ratio of what is assessed to be payable under Sharia law on Muslims’ property on conditions prescribed by the Sharia and/or by the provisions of this Law.

“*zakat* collectors” means all the employees of the Commission administering or distributing *zakat* but does not include members of the Commission.

3. (1) In furtherance of the powers conferred on the Commission by the State Sharia Commission Law the Commission shall have powers to collect, administer and distribute *zakat* and endowment funds in accordance with the provisions of this Law.
- (2) The Commission shall in addition to the above and without prejudice to the foregoing, exercise the following powers:
 - (a) [to] set up proper administrative and accounting machinery for the administration, collection and distribution of *zakat* and endowment funds;
 - (b) to collect *zakat* due from those who are eligible to pay *zakat* in accordance with the rules of Islamic law; PROVIDED that the Commission may leave 30% of what is due as *zakat* to the person paying *zakat* to share it to those he was used to giving before the coming into force of this law or to his relations who are entitled.
 - (c) to demand, accept and approve *zakat* declarations from persons eligible to pay *zakat*;
 - (d) to constitute such number of committees as may be necessary for the collection, administration and distribution of *zakat* and endowment funds, and for the determination of issues and complaints on *zakat* matters generally;
 - (e) to make policies, plans, rules and regulations that may be necessary for the administration, collection and distribution of *zakat* and endowment funds;
 - (f) to invest endowment funds in ways that will meet the objectives and purposes of the endowment;
 - (g) to prosecute through the office of the Attorney-General or with his consent through any legal practitioner of its choice such persons who are eligible but refuse to pay *zakat* or any person that commits any other offence punishable by this Law;
 - (h) to maintain account(s) with bank(s) into which *zakat* and endowment funds shall be paid where appropriate.

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- (i) to exercise such other power(s) that may be necessary in the discharge of its functions in accordance with the rules of Sharia.
 - (j) to compile from time to time the list of those that are eligible to pay *zakat* and those that are eligible to benefit from it at Local Government, District, Village/Ward levels of the State.
 - (k) to collect and safely keep lost and found items and treat them in accordance with the rules of Sharia.
- 4. *Zakat* shall be levied on any Muslim resident in the State, and who owns property subject of *zakat*.
- 5. (1) Subject to the provisions of this Law, *zakat* shall be levied on any person upon the fulfilment of the following conditions:
 - (a) the person who owns property the value of which has reached the prescribed *nisab*;
 - (b) the person who owns the property for a period of one year in cases where such period is required;
 - (c) the property shall not relate to personal use;Provided that person whose total indebtedness will bring his property below the *nisab* will not be made to pay *zakat*.
- (2) Where there are several owners, or where there is joint ownership such that the property may be considered as *zakat* shall be levied on the property where it reached the *nisab* [sic].
- 6. (1) *Zakat* shall be levied on trade wares, including expected debts after deduction of any liabilities.
- (2) The time for *zakat* of trade wares and cash holdings shall be after one year has elapsed thereon, and the time for *zakat* for other kinds of trade shall be the time of sale thereof.
- (3) The *nisab* for the *zakat* on cash holdings or trade wares shall be assessed proportionate to the value of gold.
- (4) The amount of *zakat* of trade wares shall be one fortieth of their value (1/40).
- 7. (1) *Zakat* shall be levied on gold and silver, where one year has elapsed and the weight of:
 - (a) pure gold is eighty-five (85) grams and
 - (b) pure silver is five hundred and ninety (590) grams.
- (2) For the purposes of subsection (1) of this section, gold and silver shall not be required to be minted.
- (3) The amount of *zakat* of gold and silver shall be one fortieth (1/40).
- 8. (1) *Zakat* shall be levied on coins, bank notes, deposits, negotiable instruments of monetary value, and instruments of money worth where one year elapses and the value amounts to the *nisab*, whether saved or otherwise.
- (2) The *nisab* for *zakat* of all the types of wealth mentioned in subsection (1) shall be one quarter of one tenth (1/40).
- 9. *Zakat* shall be levied on the property of a person borrowed, extorted or stolen when the property returns to him even if he had not used same in trade if it had reached the *nisab* or the stipulated period that will make it eligible for *zakat*.
Provided that *zakat* of only one year shall be levied even if the property had stayed away from the owner for many years.
- 10. (1) *Zakat* shall be levied on treasure-trove (*rikaz*) and the amount thereof shall be one-fifth (1/5) and shall be levied as soon as it is acquired.

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- (2) *Zakat* shall be levied on any minerals solid or otherwise as soon as it is acquired 1/5 thereof.
11. (1) *Zakat* shall be levied on cereals and fruits.
(2) The *nisab* for *zakat* of crop and cereals shall be five *ansug* or 300 *sa'is*.
(3) The time for the levy of *zakat* on crops and fruits shall be on ripening and harvesting thereof.
(4) The amount of *zakat* on crops and cereals shall be one tenth (1/10) if watered by rainfall and one half of one tenth (1/20) where they are produced through irrigation.
Provided that when fixing the *nisab* for the *zakat* of crops and cereals of the same class, they shall be added together, and also crops and cereals of the same year shall be added together even if the time of their planting and the soil on which they are grown are different.
12. *Zakat* shall be levied on any person who sold or donated any of his crops or fruits after ripening and on the buyer, donee or heir as if he is the cultivator, if the sale, donation or death has occurred before ripening of the crops and fruits.
13. *Zakat* shall not be levied on the following:
a. crops and fruits eaten by owners or by animals;
b. crops and fruits eaten by passers-by, or what has been donated by the owner to be so eaten.
Provided that where there is a difference of quality in the crops or fruits *zakat* shall be levied on one with medium quality thereof.
14. (1) *Zakat* shall be levied on livestock, except those used for tilling land where one year has elapsed.
(2) For the purposes of the *nisab* of livestock, males shall be added to females and the young shall be counted with the old and sheep shall be counted with goats irrespective of place provided that the ownership is in one person.
15. The *nisab* on each type of livestock shall be as specified in the schedule to this Law.
16. Where a person owns several properties subject of *zakat*, and none of which reaches the *nisab*, then such properties shall be added together and their value shall be assessed in form of money for the purpose of ascertaining the *nisab*.
17. (1) *Zakat* shall be levied on invested property yielding profits other than, cash, trade wares, crops, cereals and livestock, and the return on such investment shall be treated as cash for the purpose of fixing the *nisab* and the amount of the *zakat* thereof.
(2) *Zakat* on invested property shall include the net rent of real estate, farm produce, livestock products, and the net income of the means of transportation, payable immediately if payment is on annual basis.
18. (1) Where the owner of a property subject to *zakat* is absent, any person responsible for the management of that property, or the authorised agent, shall pay the *zakat* due thereof.
(2) In case of death of the owner of property subject of *zakat*, *zakat* shall be levied on the estate.
19. Notwithstanding the provisions of this Law, the following property shall not be subject to *zakat*:
(a) public property, dividends and shares owned by the State in any company, corporation, institution, bank, commercial business or investment;
(b) charitable property; and

SHARIA IMPLEMENTATION IN NORTHERN NIGERIA 1999-2006: A SOURCEBOOK
CHAPTER 9: ZAKAT AND ENDOWMENTS BOARDS AND COMMITTEES

- (c) the property normally kept in trust for everlasting charitable purposes.
20. (1) The proceeds of *zakat* shall be spent on the following:
- (a) paupers (*fugara*);
 - (b) indigents (*masakin*);
 - (c) *zakat* collectors (*amilina alaiha*);
 - (d) persons of inclined hearts (*muallafatu qulububum*);
 - (e) insolvent debtors (*gharimina*);
 - (f) for the sake of Allah (*fi sabilillah*);
 - (g) wayfarers (*ibnus sabil*);
 - (h) to free captives (*fir riqab*).
- (2) For the purpose of subsection (1) of this section the Commission shall have the power to make regulations on the priorities of the expenditure.
21. (1) Nothing in this Law shall preclude the application of other rules or principles of Sharia pertaining to *zakat* not mentioned in this Law.
- (2) Any rule of Sharia held to be applicable pursuant to subsection (1) above shall be deemed to have been provided for by this Law even though same is not expressly mentioned by the Law.
22. (1) Whoever cheats, evades or refuses to pay *zakat* due from him shall be made to pay the *zakat* due, and in addition shall be punished with fine not exceeding half of what is payable as *zakat* or three months imprisonment in default or not exceeding 20 lashes of the cane or both.
- (2) [Although subsection (1) is numbered as such, subsection (2) is omitted, perhaps inadvertently; compare Zamfara §35(2)].
23. (1) Subject to the provision of section 21 of this law, all particulars pertaining to *zakat* and payment thereof shall be deemed secret.
- (2) Whoever being a worker of the Commission or its agent, wilfully discloses any secret pertaining to the particulars of payment of *zakat* of any individual, which comes to his knowledge by virtue of his office, with the intention to injure that person who is subject of such disclosure, shall be punished with imprisonment for a term not exceeding one year or with a fine or both.

SCHEDULE

[There follows here a schedule of *nisabs* for animals. This is divided into three sections: A. Camels; B. Cows; C. Goats and Sheep. Sections A and B are identical to the similar schedules of *nisabs* in Zamfara and Niger States, Parts [II.12](#) and [II.9](#) below. Section C is different in all three States: here is Bauchi State's section C:

C. Goats and Sheep

40 to 120	one sheep or goat a year old
121 to 200	two sheep or two goats one year old
201 to 300	two sheep/goats of 1 to 2 years old
301 and above	3 sheep/goats of 1 to 2 years old
Thereafter [?]	for each 100 sheep/goats, one sheep/goat

d. Progress of the Zakat and Endowment Committees through 2007

- (1) From a 2003 interview with Mohammed Tata Alkaleri, Permanent Sharia Commissioner (Zakat Matters) and Chairman of the State Main Zakat Committee:¹⁰

Zakat is the third pillar of Islam, aimed at the support of the poor by the wealthier members of society. The caliphs appointed officials to ensure that *zakat* was collected and properly distributed. But at some point this practice of central collection and distribution was stopped. They are reviving it.

They went to Zamfara, Jigawa, Niger, and Yobe states to see how things were being done there, and got ideas. The main point is to revive the central collection and distribution of *zakat*. A bill for a law establishing a Zakat Board similar to the ones in Zamfara State and Niger States has been drafted but not yet enacted.¹¹ Meantime the Sharia Commission, through its Zakat Committee, has started the process going. At present the system of *zakat* collections is on a voluntary basis, but if the draft bill is enacted, it will be possible to enforce payment in court.

There are to be *zakat* committees at five levels. Some of these are already functional, but some, in some places, have yet to get started.

- a State Committee: this has sixteen members plus the Chairman. They meet to discuss policy matters and progress with implementation, and take any policy options to the Sharia Commission for decision;
- Emirate Committees: headed by the Emirs: there are six of these;
- Local Government Committees, headed by the most senior District Head in the LGA;
- District Committees, headed by the District Heads;
- Village Committees, headed by the Village Heads.

The Village Committees will make a record of those that have and those that don't have wealth subject to *zakat*. For this purpose there is a form that people are to use to declare their wealth. When the disclosures made on the form appear to be false, they go and talk to the person. Then, if a person's wealth comes up to a certain amount, the *nisab*, he or she is supposed to pay *zakat* on it.

Some money is already being collected, but evidently not much; not all the committees are functional yet. To enhance its activities, the State Main Zakat Committee has conducted enlightenment programmes through meetings and through the media. Government is supporting the activities of the Committee.

¹⁰ Interview conducted in Bauchi on 30 January 2003 by P. Ostien and S.U. Fwatshak. Also present and participating was Abdulhamid MoAllahyidi, the Secretary of the Sharia Commission.

¹¹ See section **d** below.

(2) Soliciting payment of *zakat*:¹²

BAUCHI STATE SHARI'AH COMMISSION

No. 3 Darazo Road, Old G.R.A. P.M.B. 0011 Bauchi ☎: 077-542259

Our Ref: BAS/SC/ADM/064/T

Date: 15th August, 2005

Dr/Alh/Mal

.....

Assalamu Alaikum,

SOLICITING PAYMENT OF ZAKAT DUES

I believe that you are aware of the establishment of the State Shari'ah Commission sometime in 2001. The Commission is composed of three (3) departments one of which is Zakat and Endowment. One of the functions of the Zakat and Endowment Department is to demand and/or receive *zakat* or endowment from the "haves" i.e. wealthy people as enshrined in the Holy Qur'an surah *at-Taubah* verse 103. After receipt we give it out to the "have-nots" i.e. the poor, needy etc. This directive is also enshrined in the Holy Qur'an surah *at-Taubah* verse 60.

2. The purpose of writing this letter is to remind you about your religious obligation of sifting and giving out your annual or periodic *zakat*. *Zakat* is one of the five pillars of Islam. Giving it purifies the mind and the wealth. It also cements a cordial relationship between you (the wealthy) and the receiver (the poor, the needy etc.).

3. When you calculate your *zakat* cash or kind you are required to give it to the Commission directly (you can however retain thirty percent (30%) to give to those you used to give). The Commission will subsequently distribute to the rightful beneficiaries. If you are not able to give to us directly you can deposit the cash in the *zakat* account (No. 017130588060) of the Commission at the Habib Bank Nigeria Ltd., Bauchi Branch. If in kind produce or animals, you can give it directly.

4. I look forward to your obligatory cooperation and positive response in this compulsory religious duty. I assure you of the most appropriate disbursement and judicious use of your *sadaqat*.

5. Attached herewith are *nisab* of *zakatable* items for ease of reference.

6. Please accept the assurances of my highest esteem.

7. *Wassalamu Alaikum.*

Alh. Mukhtar Ahmad
Chairman

¹² The form-letter reproduced in this section was provided during the interview reported in section d.(6) below.

(3) Publicising *nisabs* and amounts of *zakat* due:

The Zakat and Endowment Department of the Sharia Commission, apparently every year, publishes a new flyer, in Hausa, giving the *nisabs* on various types of wealth and the amounts of *zakat* due on wealth owned that is in excess of the *nisabs*. These flyers also give several other numbers: the minimum *sadaki* (money given by a bridegroom to his bride before the marriage ceremony can be performed), the *nisab* for theft punishable with *hadd* (always the same as the *sadaki*), and the *diyyah* payable for unintentional homicide. Most of this is the same from year to year. What change are only the amounts as stated in naira – which must be recalculated every year based on the price of gold and the exchange rate for the naira. The fixed *nisabs* and amounts of *zakat* due can be read in several other places in this chapter. Here we give only the variable amounts in naira of the *nisabs* and *diyyah* for unintentional homicide, for the years for which we have them from Bauchi State:¹³

	2003/04	2006	2007
<i>nisab</i> for wealth valued in naira	₦134,321	₦173,073	₦201,561
minimum <i>sadaki</i> and <i>nisab</i> for theft punishable with <i>hadd</i>	1,679	2,164	2,520
<i>diyyah</i> for unintentional homicide	6,716,053	8,653,575	10,078,011

(4) A pamphlet published by the Zakat and Endowment Department:

A copy of this pamphlet, the full title of which is “Bauchi State Sharia Commission Zakat and Endowment Department: Composition of Various Committees, Their Functions, and the Activities of the Department So Far”, dated August 2006, was generously supplied by the Sharia Commission in 2007. The pamphlet is reproduced in the Supplementary Materials to this chapter, available online at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>.

(5) From a speech by the Governor on *zakat* and *waqf* in Bauchi State:¹⁴

The welfare system enshrined in the Sharia has been revived and integrated into the Sharia implementation project that we are pursuing. *Zakat* and *waqf* (endowment) committees have been established at State, Emirate, Local Government, District and Ward levels. Of recent the Sharia Commission has been actively visiting towns and villages to distribute *zakat* collected. Government has made efforts to encourage wealthy Muslims to give out their obligatory *zakat* dues. We have enlisted the support of the Emirs in the management and supervision of *zakat* collection and distribution. Plans are

¹³ The numbers for three earlier years, as calculated by the Zakat and Endowment Board of Zamfara State, are given in [Part II.12](#) below. The 2003/04 numbers given here are from the pamphlet reproduced in the next subsection, and the 2006 and 2007 numbers from the *nisab* flyers for 1427 AH/2006 AD and 1428 AH/2007 AD published by the Zakat and Endowment Department of the Sharia Commission, copies provided during the interview reported in section **c.(6)** below.

¹⁴ From Governor A.A. Mu’azu’s address at the National Conference on Leadership, State and Society Under the Shari’a in Nigeria: The Dividends, organised by the Institute for Contemporary Research, Kano, held at Abuja, 10-12 July 2006. Copy in the possession of the editor.

under way to launch an endowment fund which will be used to support a pilot project for the welfare of *almajirai*, widows and the underprivileged. With sustained effort, we are confident that the *zakat* and *waqf* institution will constitute the essence of our poverty alleviation programme.

- (6) From a 2007 interview with Mohammed Tata Alkaleri, Permanent Sharia Commissioner (Zakat Matters) and Chairman of the State Main Zakat Committee:¹⁵

The Chairman is a retired civil servant. He has his B.A. in Arts and Islamic Studies from Bayero University Kano, where he later also did a course in community development. He was first employed as Secretary to the Alkaleri Local Government, then as Deputy Clerk of the Bauchi State House of Assembly (during the Shagari era), and finally as a Permanent Secretary in the Bauchi State Government. He retired in 2000, only to be appointed to the Sharia Commission in 2001, where he heads the Zakat and Endowment Department.

The Chairman provided a copy of Bauchi State's Zakat and Endowment Fund law (along with several other documents showing the work of the Zakat and Endowment Department).

We discussed the various levels of Zakat and Endowment Committees in Bauchi State, as set forth in the document on "Formation of Zakat and Endowment Committees and Their Functions" which the Chairman provided to us. On the State level all employees are State officials and paid by the State. On the lower levels, members of the committees take their share out of collected *zakat* according to Islamic law.

As to the history of *zakat* in Bauchi, the Chairman says that at least since the British took control, and perhaps even before that, and continuing after independence, there was a continual decline in the honouring of the obligation to give out *zakat*. Fewer and fewer individuals gave, and the institutions related to *zakat* degraded. There were traditional titleholders, called *sa'i*, who were supposed to be responsible for collecting and distributing *zakat*. These people neglected their duties, and also became corrupt, which discouraged people even more from giving.

There is still a problem of distrust even vis-à-vis the Sharia Commission: many Muslims prefer to give their *zakat* directly to the needy, rather than through the Commission. This is supposed to change: according to the *zakat* law everyone is supposed to give at least 70% of the *zakat* due from them to the Commission for onward distribution, reserving at most 30% for personal distribution to handpicked individuals. But collection of *zakat* has been difficult so far. The Chairman hopes that it will become easier when the *zakat* law finally comes into force.

The collection and distribution efforts of the Commission are highly organised and documented, with *zakat* assessment, collection and distribution forms, solicitation letters,

¹⁵ Interviewed in Bauchi on 7th November 2007 by F. Kogelmann and A.S. Garba. Also present were two members of the Zakat and Endowment Department whose names unfortunately were not recorded. Sincere thanks go to Alh. Alkaleri for his generosity with his time and his provision of so many documents showing the work of the Zakat and Endowment Department of the Sharia Commission.

DOCUMENTARY MATERIALS: BAUCHI STATE

careful accounting, and so on. *Zakat* distributions are organized as public events to give a good example, to enforce transparency on the process, and to create personal bonds between the Committees and the beneficiaries. The Chairman summed up the numbers of beneficiaries of *zakat* since 2001 as follows:

i.	Headquarters	266
ii.	Bauchi	861
iii.	Dass	517
iv.	Ningi	488
v.	Katagum	153
vi.	Jama'are	275
vii.	Misau	843
	Total	3,403

As this list suggests, most *zakat* is distributed in the same locality where it is collected.

As to *awqaf*, the Chairman said that these are not much known in Bauchi State. People may be said to have been endowing without realising it, for instance, by endowing a school they endowed a *waqf*. But the institution is still in its infancy here. The Zakat and Endowment Department is making many efforts to educate people about *awqaf* and encourage endowments (as well as the giving of *zakat*) by using media, public preaching and teaching, imams, etc. A pamphlet on the subject of *awqaf* is being prepared for public distribution. Examples of two recently established *awqaf*: (1) one lady endowed a school; (2) somebody else endowed a plot of land and offered the Committee two options for using it, as the site for an Islamiyya school or for building shops to generate income for the *waqf* fund; the Committee opted for the school. The Chairman has no figures on how many *awqaf* have been endowed or the size of the *waqf* fund.

2.

Borno State

a. Report of the Council of Ulama on the need for a Zakat Board

Early in the process of Sharia implementation in Borno State, the State's Sharia Implementation Committee and its Council of Ulama both recommended the establishment of a Zakat Board. The recommendation of the Sharia Implementation Committee is included in its April 2000 report which is published elsewhere.¹⁶ The much fuller treatment of the subject by the Council of Ulama is reproduced here.

REPORT ON THE NEED FOR FORMATION OF ZAKAT BOARD AND/OR ZAKAT
COMMITTEES TO ASSESS, COLLECT, RECORD AND DISTRIBUTE *ZAKAT*
IN BORNO STATE¹⁷

In the name of Allah, the most gracious, the most merciful, who neither slumber nor sleep overtaketh him. Peace be upon his Prophet Muhammad (SAW).

Introduction

Based on the law on Sharia Administration of Justice, and by virtue of section 25 which empowered the Council of Ulama to advise the Government on Islamic matters,¹⁸ the Council of Ulama hereby resolve that there is need to establish ZAKAT BOARD within the State and ZAKAT COMMITTEES in all the Local Government levels who shall collect, monitor, assess, record, audit, and distribute *zakat* being collected.

The word *zakat* means purification or an increase. *Zakat* or compulsory almsgiving is also one of the five pillars of Islam.

Zakat is a fixed rate in proportion to the worth of property collected from the well-to-do Muslims and distributed among the poor Muslims. Anyone who says it is not *wajib* has become an unbeliever. And anyone who refuses to pay *zakat*, a war can be waged against him.

Appointment

The appointment of all members of Zakat Board, Zakat Committees and *sa'i*, i.e. *zakat* collectors at all levels shall be made [sic].

Formation of Board of Zakat at the State level

To constitute the Zakat Board, there should be a Chairman, a Secretary and eight members to form the Zakat Board at the State level.

¹⁶ Report of the Committee on the Application of Sharia in Borno State, <http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria>, Vol. II, Supplementary Materials, item IV, at p. 10.

¹⁷ This undated report was obtained on a visit to Borno State in early 2003. It may be presumed that it was prepared and submitted to the Government sometime in 2000, before the Zakat and Endowment Board Law was signed into law on December 12th of that year, see section **b** below.

¹⁸ See subsection **c** below.

Mode of selection and appointment of members

The Council of Ulama resolved that two members should be appointed or nominated from the academic line and two imams from Juma'at mosques and two people from Emirate Council and two people from Borno State Muslim elders and the Secretary should be anybody from the civil service.

Zakat Committees at the Local Government level

At the Local Government level there shall be Zakat Committees, which shall consist of six members including a Chairman and a Secretary. There should also be one *sa'i* (*zakat* collector) in all wards, towns and villages.

Qualifications of the members

Members of the Zakat Board, Zakat Committees including *sa'i* (*zakat* collector) must be:

- i) Muslim
- ii) Adult
- iii) Sane
- iv) Trustworthy

And must have a sound Islamic knowledge.

Responsibilities of Zakat Board

- i) Collection and distribution of *zakat* according to Sharia.
- ii) To determine the minimum on which *zakat* is paid.
- iii) To create awareness among the Muslim community on when *zakat* becomes necessary and method of giving out *zakat* and its time.
- iv) Training the members at all levels.
- v) Recording, auditing and supervising the Zakat Committees at the Local Government levels.

Responsibilities of Zakat Committees

- i) Collection of *zakat* at Local Government levels and keeping proper records.
- ii) Distributing the *zakat* that has been collected by them ONLY after the Zakat Board has sent a representative to join hands to distribute it.
- iii) To supervise the *sa'i* (*zakat* collector).
- iv) To suggest, advise and recommend to the Zakat Board the ways or modes of collecting the *zakat*.

Duties of *sa'i*

- i) *Sa'i* is the direct collector of *zakat* at wards, towns and villages levels.
- ii) To keep proper records of those who give out *zakat* and those who did not.
- iii) Reporting those defaulters to the Zakat Committees.

It should be noted that *sa'i* is not allowed to keep whatever he collected in the name of *zakat* in his house for more than twenty-four hours without taking it to *bait ul-mal*.

Place where *zakat* should be distributed

Zakat should be distributed in a place where it has been collected, e.g. *zakat* collected at Bama should be distributed only at Bama, and the one at Biu should be distributed at Biu only, unless there are special circumstances recognised by the Council.

Those entitled to collect *zakat*

- i) The poor.
- ii) The needy.
- iii) Administrators of the funds.
- iv) New converts.
- v) Those in bondage.
- vi) Those in the grip of debt should be helped to economic freedom.
- vii) Those who are struggling and striving in Allah's cause by teaching or fighting or in duties assigned to them by the righteous imam, who are thus unable to earn their ordinary living.
- viii) Strangers stranded on the way.

Reference should be made to Qur'an chapter 9:60.

Istibad

By way of *istibad* the Council of Ulama can before or after settling the above-mentioned can suggest ways through which the *zakat* collected can be spent or distributed if special circumstances arise.

Things on which *zakat* can be paid

Those things, which are categorically mentioned in the Holy Qur'an and Hadith. Therefore, reference should be made to the *fiqh* especially Maliki law.

Time of giving out *zakat*

Zakat can be given out at anytime not necessarily during Ramadan period. It is the responsibility of Zakat Board to keep record of the date and time when an individual should pay *zakat* after consulting the person concerned.

Zakat on animals

In cases of animals, it is also the responsibility of the Board or Committee to keep record of date and time of collecting the *zakat* from the person concerned.

Zakat on farm products

Due to difference in the time of harvest, the Board or the Committee should consider and record the differences in the time of harvest, especially during the raining season.

Dry season farming and irrigation

It is the responsibility of the Board or Committee to keep record of harvest of each farmer of the time and day when he is to pay his *zakat* on the farm product.

DOCUMENTARY MATERIALS: BORNO STATE

Remuneration of the members

All the administrators of *zakat* should be paid from the *zakat* being collected. Reasonable amount should be given to each of them so as to keep their minds off what they have collected.

Source of the remuneration

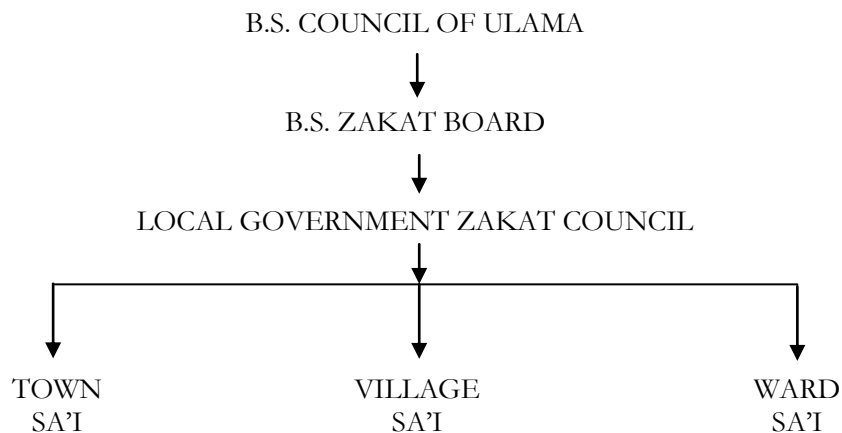
The source of the remuneration of the Chairman, Secretary, and members including *sa'i* (*zakat* collector) is from the *zakat* being collected.

Written reports/records

There must be a written report and record from *sa'i* (*zakat* collector) at the end of every two weeks to the Zakat Committee. And there shall be a written report and record from the Zakat Committee to the Zakat Board at end of every three months. Then the Zakat Board shall submit a written report to the Council of Ulama at the end of every six months. And the Council of Ulama shall present to the Governor a written report and record at the end of every nine months or less if the need arises.

[sgd; name illegible]
Chairman Borno State Council of Ulama

[Diagram of recommended *zakat* collection and distribution structure included in the report]



b. The Zakat and Endowment Board Law, 2000¹⁹

A LAW ESTABLISHING THE BORNO STATE ZAKAT AND ENDOWMENT BOARD

Arrangement of sections:

- | | |
|--|-------------------------------------|
| 1. Title and commencement. | 9. Autonomy |
| 2. Interpretation. | 10. Property of the Board. |
| 3. Establishment of the Board. | 11. Resignation. |
| 4. Object. | 12. Removal. |
| 5. Composition. | 13. Common seal and other documents |
| 6. Qualifications of chairman, members
and secretary. | 14. Meetings. |
| 7. Functions and powers. | 15. Co-option of members. |
| 8. Tenure. | 16. Quorum. |
| | 17. Taking of minutes. |

BE IT ENACTED BY THE BORNO STATE HOUSE OF ASSEMBLY AS FOLLOWS:

1. This law may be cited as the Borno State Zakat and Endowment Board Law and shall be deemed to have come into effect on the ... day of 2001.
2. In this law unless the context otherwise requires:
 - “*bait ul-mal*” means the treasury for the collection and storage of *zakat* and endowment.
 - “beneficiaries” means Muslims or public institutions eligible to receive periodic aids whether pecuniary or otherwise from the Board.
 - “Board” means the Zakat and Endowment Board.
 - “Chairman” means the Chairman of the Board.
 - “collectors” means persons appointed by the Board to collect *zakat*.
 - “distributors” means persons appointed by the Board to distribute *zakat* and endowment.
 - “endowment” means funds or permanent or temporary pecuniary provisions for the maintenance of public institutions or charities.
 - “Governor” means the Governor of the State.
 - “member” means member of the Board.
 - “member of staff” means member of staff of the Board.
 - “registrars” means persons appointed by the Board to register persons eligible to pay *zakat* and beneficiaries of *zakat* and endowment funds.
 - “regulations” means the regulations made by the Board pursuant to the Law.
 - “State” means Borno State of Nigeria.
 - “*zakat*” means the system of charity recognised as the third pillar of faith in Islam.
3. (1) There shall be established in the State the Borno State Zakat and Endowment Board which shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name.
(2) The Zakat Board shall be financed by the funds from the consolidated revenue funds of the State.
(3) The remuneration of the Chairman and members of the Zakat Board, the

¹⁹ Signed into law on 12th December 2000, gazetted in Borno State of Nigeria Gazette No. 42 Vol. 26, 18th October, 2001 pp. C53-C57.

DOCUMENTARY MATERIALS: BORNO STATE

Council of Ulama and Sharia Implementation Committee shall be funded from the consolidated funds of the State or moneys realised from the Zakat Board.

4. The object of the Board shall be:
 - (i) to provide for a conducive socio-economic environment for the operation of Sharia in the State.
 - (ii) to provide for the improvement of the living standards of the poor.
 - (iii) to provide through public lectures, research, publications and other means the advancement of Sharia and its practical application.
5.
 - (1) The Board shall consist of :
 - (a) a Chairman;
 - (b) fourteen other members; and
 - (c) a Secretary.
 - (2) The Chairman, members and Secretary of the Board shall be appointed by the Governor subject to confirmation of the State House of Assembly.
6.
 - (1) A person shall be qualified for appointment as a Chairman of the Board if he is:
 - (a) a Muslim;
 - (b) not below forty-five (45) years of age;
 - (c) a renowned Islamic jurist or scholar; and
 - (d) a person with impeccable record of piety.
 - (2) A person shall be qualified for appointment as a member of the Board if he is:
 - (a) a Muslim;
 - (b) not below forty-five (45) years of age;
 - (c) knowledgeable in Islamic Religion; and
 - (d) a person with impeccable record of piety.
 - (3) A person shall be qualified for appointment as a Secretary of the Board if he is:
 - (a) a Muslim;
 - (b) not below thirty-five (35) years of age;
 - (c) a legal practitioner in Nigeria and he is a holder of a degree in Sharia Law; and
 - (d) a person with impeccable record of piety.
7. The Board shall have the following powers and functions:
 - (i) to identify Muslims qualified to pay *zakat* and where the person voluntarily submits his assets, to qualify and assess the properties including finances, animals, movable and immovable properties for the purposes of *zakat*;
 - (ii) to engage the services of valuers, technicians, surveyors and other persons or professionals the Board may deem necessary;
 - (iii) to recommend, based on the Qur'anic provisions, the *zakat* payable in respect of items mentioned in paragraph (i) of this section;
 - (iv) to provide the periodic time(s) for the collection and distribution of *zakat*;
 - (v) to open and maintain register of persons eligible as beneficiaries of aid from the Board;
 - (vi) to collect *zakat* in the State and administer same;
 - (vii) to distribute *zakat* collected to eligible persons and institutions;
 - (viii) to maintain a *bait ul-mal* and other storage facilities and operate a system of food distribution to the beneficiaries;
 - (ix) to appoint auditor(s) who shall annually audit the accounts of the Board;
 - (x) to submit annual returns on its activities to the State Council of Ulama;
 - (xi) to render annual accounts to the public through the Council of Ulama;

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CHAPTER 9: ZAKAT AND ENDOWMENTS BOARDS AND COMMITTEES

- (xii) to make and submit to the Council of Ulama annual budgetary estimates;
 - (xiii) to make regulations on:
 - (a) staff matters;
 - (b) mode of collection and distribution of *zakat* and endowment; and
 - (c) such other matters related to the general object of the Board;
 - (xiv) to employ and pay salaries and allowances to the registrars, collectors, distributors and other staff of the Board;
 - (xv) to pay remuneration and other allowances to the Chairman, members and Secretary of the Board from its collections subject to the Governor's approval upon the recommendations of the Council of Ulama;
 - (xvi) subject to the Governor's approval to invest idle funds;
 - (xvii) to render other services and pay scholarships to persons studying Sharia or Islamic related matters;
 - (xviii) to erect, provide, equip and maintain libraries, workshops, lecture halls and other buildings or facilities for its functions;
 - (xix) to carry out functions as the Governor may assign to it in pursuance of its object.
8. The Chairman and members of the Board shall hold office for a period of three (3) years and shall be eligible for re-appointment for a second or subsequent terms provided that a person shall be qualified for reappointment as a Chairman or member of the Board after three years of his second or subsequent term.
 9. The Board shall be an autonomous body and shall not be subjected to the control of any other authority or person save as provided by this law.
 10. The Board shall hold properties whether movable or immovable for its functions.
 11. [The Chairman, members, Secretary and other staff may resign, whereupon others shall be appointed to replace them.]
 12. The Governor may on the recommendation of the State Council of Ulama remove the Chairman or member for misconduct.
 13. [The Secretary to have custody of the seal and other documents of the Board; seal not to be used except upon direction of the Board and to be authenticated by signature of Chairman or authorised person.]
 14. [The Chairman or acting Chairman may direct the Secretary to summon a Board meeting; any ten members may request the Chairman to summon a special meeting for the purpose set out in the notice; the Board to meet at such times and places as the Chairman may appoint but at least twice in each Islamic year; the Chairman to preside or in his absence someone elected by the other members.]
 15. Whenever the Board desires to obtain the advice of or any special information from any person on any particular matter relating to *zakat* and endowment, the Board may co-opt any such person to be a member at such meeting and such a person shall have all the privileges of a member except that he shall not vote.
 16. The quorum for any meeting of the Board shall be two thirds of its members.
 17. The secretary shall keep accurate records of all minutes of the meetings of the Board.

c. The Zakat Board in the Administration of Justice Law

Borno State's Administration of Justice Law, 2000,²⁰ which is among the statutes documented in Chapter 7, established both a Sharia Implementation Committee and a Council of Ulama, both of which were given *zakat*-related functions. The full texts of the sections of the law establishing the Sharia Implementation Committee and Council of Ulama are reproduced in full in Chapter 8 Part II.2. Those sections include the following provisions specifically relevant here:

- | | |
|--|--|
| <p>14. There is hereby established the Sharia Implementation Committee.</p> <p>***</p> <p>18. The Committee established under section 14 hereto shall have and exercise the following powers and functions:</p> <p>(1) to advise on the review of State laws referred to it by the Governor to conform with all the relevant rules, principles and practice of Islamic law;</p> <p>***</p> <p>(3) to advise Government on the creation of a conducive socio-economic environment for the implementation of Sharia;</p> <p>(4) to advise Government on the mode of implementation of the Sharia; and</p> <p>(5) such other powers and functions as may be conferred by the Governor.</p> <p>***</p> <p>22. There is hereby established a body called the State Council of Ulama.</p> <p>***</p> <p>25. The Council established under section 22 hereto shall have the following powers and functions:</p> <p>***</p> <p>(3) to advise Government on the establishment, functions, powers and composition of the Zakat and Endowment Board to cushion the effect of poverty in the State with a view to creating a conducive socio-economic environment for the implementation of Sharia in the State;</p> <p>(4) to advise any authority or person on Islamic matters referred to it;</p> <p>(5) to advise the Sharia Implementation Committee on the monitoring and assessment of the progress in the implementation of Sharia in the State;</p> <p>(6) to advise any authority or person on Islamic law in relation to technological development and other matters;</p> <p>(7) to advise government on the need to provide literature in audio, video and other forms for purposes of enlightenment and education of the people of the State on the principles and practice of Sharia;</p> <p>***</p> | <p>The Sharia
Implementation
Committee</p> <p>Powers and
functions</p> <p>State Council of
Ulama</p> <p>Powers and
functions</p> |
|--|--|

²⁰ Assented to by the Governor on 13 August, 2000. For details see Chapter 7. No gazetted copy available; copy signed by the Governor in the possession of the editor.

**d. From the schedules of duties of two Directorates of the Borno State
Ministry of Religious Affairs and Special Education²¹**

The Directorate of Sharia

* * *

8. Ensure public enlightenment and persuasion so that people will pay *zakat* willingly and at the appropriate time.

The Directorate of Religious Affairs

* * *

16. Establishment of orphanages and *waqf*.

e. From interview reports

On research visits to Maiduguri in 2003, 2006 and 2008 inquiries were made about progress with the implementation of the Zakat and Endowment Board Law. Right up to March 2008, we were informed, the law still had not been implemented: no Board had yet even been appointed.

²¹ For further details of the Ministry and its Directorates, see Chapter 8 Part II.2.

3.

Gombe State

Researchers for this project visited Gombe State in February and May 2003 and in May 2006; and in February 2008 an official of the Gombe State Sharia Court of Appeal was interviewed in Jos. The reports over that entire period are consistent: there is no body, official or unofficial, collecting and distributing *zakat* in Gombe State. A few *maqfs* have been established, mostly related to the building of mosques or Islamiyya schools.

4.

Jigawa State

a. The Zakat Collection and Distribution Committee Law, 2000

(1) Text of the law:

A LAW TO ESTABLISH A COMMITTEE IN THE STATE FOR THE PURPOSE OF COLLECTION AND DISTRIBUTION OF *ZAKAT* AND FOR A MATTER RELATED THERETO²²

Arrangement of sections:

- | | |
|-------------------------------|--|
| 1. Citation and commencement. | 6. Power to substitute subcommittees. |
| 2. Interpretation. | 7. Secretary and other staff. |
| 3. Establishment. | 8. Funds account and audit. |
| 4. Composition. | 9. <i>Zakat</i> recoverable as civil debt. |
| 5. Functions | 10. Governor's directives. |

BE IT ENACTED by House of Assembly as follows:

1. This Law may be cited as Zakat Collection and Distribution Committee Law 2000 and shall come into operation on 27th day of December 2000.
2. In this Law unless the context otherwise requires:
 - “beneficiary” means any person who by assessment of the committee is entitled to receive *zakat* in accordance with the injunctions of Islam.
 - “eligible person” means any person who by assessment of the committee is eligible to pay *zakat*.
 - “Governor” means the Governor of Jigawa State.
 - “Emirate Zakat Committee” means the committee responsible for the assessment, collection and distribution of *zakat* in any of the Emirates of the State.
 - “Emir” means the *amirul mumineen* of the Emirate.
 - “*zakat*” means such proportion of the wealth of an eligible person falling due as compulsory alms or due to the beneficiary.
3. There is hereby established in each Emirate of the State a Committee to be known as Emirate Zakat Committee each of which shall be a body corporate with powers to sue and be sued in its corporate name.
4. The Committee shall consist of:
 - (a) The Emir who shall be the Chairman, the Chief Imam of the Emirate headquarters, as well as the Chief Imams of all the Local Government Headquarters of the Emirate, plus five other persons of unquestionable character to be appointed by the Emirate.
 - (b) All Local Government Chairmen of the Emirate, all Commissioners and Special Advisers of the Emirate.
5. The Committee shall be responsible for:
 - (a) identification of eligible persons;
 - (b) assessment of the amount of *zakat* payable by eligible persons;
 - (c) collection of *zakat* from eligible persons; and
 - (d) distribution of *zakat* to beneficiaries in the Emirate of the State in accordance with Islamic injunctions.

²² Jigawa State of Nigeria Gazette No. 13 Vol. 2, 27th December 2000.

6. Each Committee shall have the power to constitute subcommittees and assign such of its functions and powers to subcommittees, as it deems necessary.
7. Each Committee shall appoint a secretary who shall be responsible for day-to-day running of its secretariat and perform such other functions as the Committee may assign.
8. (1) The funds of the Committee shall include grants from the State Government, Local Government of the Emirate which will be provided at the ratio of 40:60 percent of the budget of the Committee.
(2) Funds from any other lawful source could be part of the fund but shall not include the *zakat* collected by the Committee.
9. (1) Where an eligible person is assessed by the Committee to pay *zakat* and he refuses or neglects to pay, the Committee shall institute a civil action in Sharia Court and recover the assessed *zakat*.
(2) Where a Committee in an effort to recover the assessed *zakat* under subsection (1) above incurs expenditures, such expenses shall be recoverable from the person who refuses or neglects to pay.
10. The Governor may from time to time issue directives and guidelines to the Committee for the efficient discharge of its functions and the exercise of powers under this Law and the Committee shall give effect such directives and guidelines.

(2) Note on the application of §9:

In late 2002 the following news story appeared:

Pay Zakat or go to Jail

ThisDay

18 December 2002²³

Bala Nasir

Dutse

The Birnin-Kudu Zakat Committee in Jigawa State has said it would prosecute all those who failed to render *zakat* dues to it.

The Chairman of the Committee in the area, Alhaji Kabiru Muhammad Birnin Kudu, said in a statement made available to ThisDay that *zakat* is one of the pillars of Islam which believers must render if they truly subscribe to the religion. He said since the State had adopted the Sharia legal system [it] was mandatory upon Muslims to pay *zakat* as and when due. Any defaulter, he said, would be prosecuted in Sharia Court in accordance with the provisions of the code.

Kabiru said all *zakat* dues collected in the area would be distributed to the poor in the places of collection. He said the moment his Committee got clearance to distribute the *zakat* it would not hesitate to obey. All the money collected last year, running into thousands of naira, had been distributed to the poor, he said.

²³ Internet edition, downloaded from www.allafrica.com.

He urged people to pay their *zakat* as enjoined by the Sharia law. Farmers, Kabiru said, are also expected to contribute their farm produce.

However, no actual court actions in Jigawa State for the recovery of *zakat* have been reported, and inquiries there in subsequent years also have not revealed any.

b. Report of the Kano Zakat Committee on its September 2002 visit to Jigawa State

In September 2002 the Zakat Committee of Kano State visited Jigawa State, having made appointments with the Emir of Dutse and officials of the Ministry of Religious Affairs, to discuss the administration of *zakat* in Jigawa State. The part of that report pertaining to Jigawa State is given next

JOINT REPORT ON THE VISITS TO JIGAWA AND ZAMFARA STATES BY THE KANO STATE
ZAKAT COMMITTEE: 26TH SEPTEMBER, 2002 AND 3RD OCTOBER, 2002 RESPECTIVELY
[SECTION ON JIGAWA STATE ONLY]²⁴

1.0 Introduction

Following the establishment of Zakat Committee by the Kano State Government on Tuesday, May 28, 2002 members of the Committee instantly outlined four core issues for its immediate attention. These were, (a) articulation of appropriate organisational structure of the Committee, (b) drafting of appropriate provisions for a draft bill in respect of the State Zakat Committee, (c) articulation of appropriate position papers regarding the substantive issues concerning *zakat*, namely, agricultural produce, money and animals, (d) undertaking of educational visits to two Sharia States of Jigawa and Zamfara at the respective dates specified above.

2.0 Objectives

While the visits were predicated on the fact that the two States had established similar institutions of *zakat* for a number of years, it was also certain that the institutions in those States have already grown into full-fledged Councils/Boards. In these regards, the Kano State Zakat Committee, which was established barely three months ago, stands to gain a lot of experience from the sister institutions. Accordingly, the missions needed to obtain information from the main operators over there, their respective organisational set-ups, their methods of operations, documentation, successes and associated problems. These, it was believed, would enrich the Committee with the following principles:

- i. Mechanisms for effective organisational system;
- ii. Effective operational procedures;
- iii. Identification of foreseeable problems/solutions;
- iv. Successes so far recorded in the respective States.

²⁴ The report (unfortunately with the section on Zamfara State missing) was generously supplied by Nasidi Abdullahi, the Secretary to the Zakat Committee created by Governor Kwankwaso in 2002, see Part II.6 below.

3.0 Jigawa State

The Committee visited Jigawa State on Thursday, 26 September, 2002. Prior to this date, however, the Secretary of the Committee had to go to Dutse twice to secure appointment with His Highness the Emir of Dutse, and the officials of the Ministry of Religious Affairs. While in Dutse, the Committee [were] received at the Emir's palace. After the usual courtesies, the Chairman of the State Zakat and Da'awah Committee, the Emir of Dutse Alh. Nuhu Muhammad Sanusi, explained the following:

4.0 Structure of the State Zakat Committee

- 4.1 **Emirate Council Committee:** This Committee formulates general policy for collection and distribution of *zakat* in the entire emirate.
- 4.2 **Local Government Committee:** It undertakes general assessment and collection through the District Head, Village Heads and Ward Heads.
- 4.3 **District Committees:** These Committees coordinate assessment and collection through the Village and Ward Heads.
- 4.4 **Village Committees:**
 - a. These Committees undertake local assessment of individuals and issue out demand notes through the Ward Heads.
 - b. They also undertake physical collection with assistance of the District Head and the Emirate Council.
- 4.5 **Ward Level Committees:**
 - a. Undertaking of census of eligible payers of *zakat* as well as conducting baseline survey of the approved categories of beneficiaries of *zakat* as outlined in the Holy Qur'an.
 - b. Ensuring custody of money and items collected in their respective areas for final distribution to the beneficiaries at appropriate times under effective supervision and documentation by representatives of the other Committees in the emirate.
 - c. Respective distributions are organised in respective villages/wards where the money or items are collected.

5.0 Records of Actual *Zakat* Collected (2000 and 2001)

[Tables entitled "Year 2000-2001 Collection Summary Table" and "Monetary Valuation Table" omitted: see the Jigawa reports in [Part II.4](#)]

6.0 Basic Documents for Assessment and Collection of *Zakat*

- 6.1 **Assessment Form:**
 - a. Individuals identified for payment of *zakat* are first and foremost issued with this form (please see Appendix I)²⁵ in which individuals will submit basic information regarding his financial and material wealth such as,

²⁵ None of the appendices referred to in §§6.1-6.4 are attached to the part of the report provided.

number of farm lands owned, number of cattle owned, cash balances, and values of other relevant items such as gold, silver etc. owned.

- b. The assessment form is attached with details on the respective *nisab* on each item (see pages 2 and 3 of Appendix I).
- 6.2 **Collection Form:** This form contains personal information of the person paying the *zakat*, as well as specific quantities of items issued out as *zakat* (see Appendix II).
- 6.3 **Distribution Form:** This form is being used for actual distribution in each particular area (see Appendix III). It contains information regarding name, location and nature of the recipient's disability. It however contains records of items given to individual recipients.
- 6.4 **Certification:** Individuals who complied with appropriate payment of *zakat* are always issued with receipt and certificate showing one's compliance with the annual requirements as prescribed by Allah (SWT) (see Appendix IV).

7.0 Subcommittees

Each level committee has two main subcommittees, namely:

- a. Assessment Subcommittee, and
- b. Collection Subcommittee.

8.0 Other Features

- 8.1 Jigawa State Government had initially made a law through the appropriate legislative process. This law, known as Jigawa State Laws on Zakat & Da'awah 2000²⁶ empowered the above-mentioned structure to function effectively through various provisions. Prominently, a certain provision in the law has empowered the committees to COMPEL appropriate compliance from any person deemed fit to pay *zakat*.
- 8.2 Absolute involvement of the emirate/traditional system is the hallmark of success of *zakat* operation in Jigawa State.
- 8.3 Jigawa State Government granted a sum of eleven million naira (₦11 million) for the effective take-off of the committees in the State. All infrastructural facilities were procured, and all needed/identified manpower personnel and vehicles were provided. Above all, a Ministry of Religious Affairs staffed with sufficient manpower is there to assist the emirates.
- 8.4 Intensive enlightenment campaigns and intensive involvement of many other identifiable *ulama* in the localities greatly assist the operations. In this way all likely opponents of the Government involvement in *zakat* administration are carried along.
- 8.5 Undertaken numerous visits to the well-to-do members of the society with a view to constantly keeping them informed on how the proceeds of *zakat* are distributed among the needy segment of the population. In addition, the committees undertake various publications for public enlightenment.

²⁶ Sic: the law is rather the Zakat Collection and Distribution Committee Law 2000, see section a above.

[This is where the part of the report which we obtained breaks off.]

c. Reports of the Dutse Emirate Zakat & Da'awah Committee

The Zakat and Da'awah Committee of Dutse Emirate, under the chairmanship of His Royal Highness Alh. (Dr.) Nuhu Muhammadu Sanusi, the Emir of Dutse, has been particularly regular in the production and publication of annual reports on the collection and distribution of *zakat* in the Emirate. The level of detail in these reports makes possible many sorts of analysis, as, for example, year-on-year comparisons of amounts of *zakat* collected by type (grains, livestock, money) and by district within the emirate; such analysis is no doubt in turn used by the Emirate Committee to spot problem areas and to encourage healthy competition among the districts. A number of these reports have been generously supplied for use in this work. The reader will find, in the Supplementary Materials to this chapter, available online at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>, the following: (1) most of the report for 1421 AH (April 2000 to March 2001), (2) most of the report for 1423 AH (March 2002 to March 2003, and (3) the Chairman's introduction to the report for 1424 and 1425 AH (March 2003 to February 2004 and February 2004 to February 2005), and (4) a summary of collections for all years for which we were given reports.

5.

Kaduna State

In Kaduna State the collection and distribution of *zakat* are handled by the Zakat Committee of the Bureau for Religious Affairs (Islamic Matters). For more on the Bureau, see Chapter 8 Part II.5. Here are given two items of information on the matter of *zakat*.

- (1) From an interview with the Permanent Secretary, Bureau for Religious Affairs (Islamic Matters):²⁷

The following committees, which are replicated at the Local Government Authority level, are under the Bureau for Religious Affairs (Islamic Matters):

- i. * * *
 - ii. The Zakat Committee: Has twenty-six members, headed by *Iyan Zaqqau*, Bashir Aminu as Chairman. Members are selected from the *ulama*, traditional rulers and the wealthy. The *ulama* would guide the committee on mode of collection and distribution; the wealthy would pay and lead others by example; traditional rulers would mobilise people in their domains as payers and beneficiaries. The various sects are also considered in the composition of the committee. The committee collects and distributes *zakat* according to Islamic principles.
- (2) From a paper presented by the Grand Kadi of Kaduna State:²⁸

To consolidate the judicial reforms His Excellency [the Governor] has also established Bureau for Religious Affairs under his office with two main departments – Christian and Islamic Matters – and appointed a Permanent Secretary to each. Under the Bureau (Islamic Matters) we have the Zakat and the Da’awah Committees among others. While the Zakat Committee collects and distributes *zakat* in accordance with Islamic injunctions, the Da’awah Committee undertakes public enlightenment, holds interactive sessions with learned scholars and organises seminars and workshops for *alkalai*.

²⁷ Interview conducted in Kaduna on 10th November 2005 with Malarabe Idris Jigo, the Permanent Secretary, by S.U. Fwatshak and S.H. Liman.

²⁸ Dr. Maccido Ibrahim, Grand Kadi, Kaduna State, “The Achievements of Sharia in Kaduna State”, a paper delivered at the National Conference on Leadership, State and Society Under the Sharia in Nigeria: The Dividends, organised by the Institute for Contemporary Research, Kano, held at Abuja, 10-12 July 2006, p. 4.

6.

Kano State**a. The Zakat Council, 1982-2003²⁹**

Zakat collection and distribution in post-colonial Kano started in 1982. This was the outcome of a conference held at Bayero University Kano (BUK) on 1st January, 1982. The communiqué of the conference stated the need for the establishment of a Zakat Committee or Council to collect and distribute *zakat*. The Council was then set up with Professor Muhammad Sani Zahradeen, the former Vice-Chancellor of BUK, as first Chairman, followed later by Shehu A. S. Galadanchi. The then military administration of Kano State, Col. Idanusa Umaru, assisted the Committee with the sum of ₦500,000.00 to build office structures with promises of additional support when the need might arise. His successor, Col. Idris Garba, also assisted with the sum of ₦500,000.00 as additional funds, and support also came from the contractor, Sani Buhari, and from donations from spirited individuals to the tune of ₦100,000.00. The office complex was completed for the sum of ₦1.2 million.

As at March 2003, the Zakat Council had a Board of Trustees, with the Emir of Kano as Chairman and a membership of about two hundred that met yearly under the State Chairman. At the Local Government level the leaders were imams and malams. There was an Executive Committee of twenty members, with Professor Zahradeen as Chairman (on a part-time appointment) and Adamu Gwaram [our interviewee] as Secretary (on permanent appointment). The Exco was an administrative committee that ran the daily affairs of the Council. It met every two or three months and received reports from the Secretary of what had been collected. It then distributed the collections as it also tried to solve any problems that may have accumulated. Yearly reports of collections and distributions were made.

Committee members were recruited mainly from among retired civil servants with sound background in Islamic religion and Western education.

Because Government did not constitute the Council, *zakat* payments were purely voluntary. But malams continued to enlighten the people on the religious obligation to pay. Collection was daily as people came forth with it. What individuals submitted was recorded, and receipts were issued. *Zakat* was collected only in cash and checks, but not in kind in the form of farm produce or animals because Kano town, where most of the Council's activities were centred, is not an agrarian community but a trading and civil service community. The money was taken to the bank and later distributed to those that qualified to get it, for example poor widows and their children. The Council verified their status and the number of children they had and gave them some support not exceeding ₦5,000.00. Other beneficiaries included Zakat Council office workers, stranded travellers (just the week before this interview a group of Islamic book sellers

²⁹ The information in this section is based on an interview conducted on 25th March 2003, in Kano, with Malam Adamu Gwaram, a long-time teacher and civil servant and from 1986 the Secretary of the Kano State Zakat Council. The interviewers were S.U. Fwatshak, K.A. Umar and M.D. Abubakar. We are most grateful to Mal. Gwaram for his kind cooperation.

from Cameroon were assisted with transportation in the sum of ₦15,000.00), prospective converts to Islam, the hospitalised poor unable to pay their bills or for their drugs, etc. In such cases a doctor in the hospital certified their indigent status and the Council took care of the bill. In all there are eight categories of beneficiaries. *Zakat* distribution did not benefit projects like the building of mosques and schools.

The introduction of Sharia in 2000 improved collections. Receipts were highest during the month Ramadan. There was discussion that government might further encourage the payment of *zakat* by requiring the receipt as a part of tax clearance.

The statistics of *zakat* collected and distributed for 1999/2000, 2000/2001 and 2001/2002 are as follows. Note: for all years the amount shown as collected includes the balance forward from the prior year.

Table 1: *Zakat* collection for three years

Year	Collected	Distributed
1999/2000	₦2,506,344.50	₦1,802,326.20
2000/2001	₦2,887,819.00	₦2,292,649.44
2001/2002	₦3,202,559.80	₦2,408,554.20

Afterword: The Kano State Zakat Council, after twenty years of service, was superseded in 2003 by the new Zakat and Hubusi Commission established late that year. The complete law establishing the Zakat and Hubusi Commission is reproduced in section c below. Attention is called here only to §25:

25. (1) From the commencement of this Law and without further assurance the Independent Zakat Council shall no longer collect *zakat* in the State.
- (2) All regular staff on the payroll of the State Independent Zakat Council shall transfer their services to the Commission.

b. The Zakat Committee, 2002-2003³⁰

(1) Background:

In May 2002 a Zakat Committee was set up by the Kano State Government, then under Governor Rabi'u Musa Kwankwaso, charged to determine how *zakat* might better be administered in the State. Among other things this Committee produced a memorandum in Hausa on “*Zakat* in Islam”; and by March 2003 it had made recommendations on the basis of which a bill for the establishment of a new Zakat Commission for the State had been drafted by the Ministry of Justice and was awaiting consideration by the House of Assembly. But then the 2003 elections intervened (April/May); a new Governor, Ibrahim Shekarau, was elected; and it was not until November 2003 that the law establishing the new Zakat and Hubusi Commission was finally passed and signed by the

³⁰ Information and documents referred to or quoted in this section were generously supplied by Nasidi Abdullahi, the Secretary to the Committee. He was interviewed in Kano on 25th March 2003, by S.U. Fwatshak, K.A. Umar and M.D. Abubakar.

Governor. That law is reproduced in the following section. It is not known how that law differs, if at all, from the draft that had been made by the Kwankwaso administration.

(2) Report of the Committee on its visit to Jigawa State in September 2002:

In order to inform its deliberations the Kwankwaso administration's Zakat Committee visited Jigawa and Zamfara States, in September and October 2002, to study their systems of *zakat* collection and distribution, and a report on these visits was prepared. The part of the report on the Committee's visit to Jigawa State was provided to researchers on this project, and, as it pertains more to Jigawa than to Kano, is reproduced in [Part II.4](#) above. Although the part of the report pertaining to Zamfara State are unfortunately missing from what was provided, the part pertaining to Jigawa gives valuable insight into the work of the Kano Committee and its views on the system for the administration of *zakat* adopted in Jigawa State.

c. The Zakat and Hubusi Commission, from 2003

(1) The Zakat and Hubusi Commission Law, 2003:³¹

A LAW TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF ZAKAT AND HUBUSI IN THE STATE AND FOR OTHER MATTERS CONNECTED THERETO

Arrangement of sections:

1. Citation and commencement.
2. Interpretation.
3. Establishment of the Commission.
4. Functions of the Commission.
5. Membership of the Commission.
6. Departments of the Commission.
7. Local Government Zakat Councils.
8. Composition of Local Government Zakat Councils.
9. Village Zakat Committees.
10. Composition of Village Zakat Committees.
11. Staff of the Commission.
12. Other staff of the Commission.
13. Director-General.
14. Finance and funding.
15. Office of the Secretary/Legal Adviser.
16. Annual report.
17. Annual estimate.
18. Standing orders.
19. Meetings of the Commission.
20. Quorum.

³¹ Signed into law on 7th November 2003, Kano State of Nigeria Gazette No. 7 Vol. 35, 27th November, 2003, Supplement Part A pp. A25-A31. Throughout this statute the gazetted copy has '*zakat*' rather than '*zakat*'. *Hubusi* is the Hausa form of the Arabic *hubs* or *hubus*, pl. *ahbas*, and is used synonymously with *naqf*, or in Hausa *wakafi*.

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21. Validity of proceedings.
22. Account and audit.
23. Remuneration of members.
24. Pension.
25. Succession of collection of *zakat*.
26. Power to make regulations.

BE IT ENACTED by the State House of Assembly as follows:

1. This Law may be cited as the Kano State Zakat and Hubusi Commission Law 2003 and shall come into force on 7th day of November, 2003.
2. In this Law, unless otherwise requires:
 - “Chairman” means Chairman of the Commission.
 - “Commission” means Kano State Zakat and Hubusi Commission.
 - “Governor” means the Governor of the State.
 - “*hubusi*” means endowment or a voluntary gift of wealth more especially property.
 - “State” means Kano State of Nigeria.
 - “*zakat*” means obligatory alms ordained by the Sharia on Muslims paid from a specified amount of wealth yearly.
3. (1) There is hereby established for the State a Commission to be known as the Kano State Zakat and Hubusi Commission.
[(2) and (3): The Commission is a corporate body which may sue and be sued in its corporate name, hold, own and dispose of property and operate bank accounts.]
4. The Commission shall have the following functions:
 - (a) regulate all matters relating to *zakat* and *hubusi*;
 - (b) collect *zakat* and *hubusi* from individuals and/or organisations;
 - (c) distribute such collected funds to the deserving members of the public in accordance with the dictates of Sharia;
 - (d) invest, in accordance with Islamic jurisprudence such resources at the disposal of the Commission, not immediately required for its purposes in such securities as may be approved by the Governor, and to dispose of such securities;
 - (e) act as a trustee of all funds, wealth and property entrusted in the Commission including, but not limited, to orphan children’s property, charity funds, alms and lost items;
 - (f) any other function that is incidental to the smooth running of the Commission as to the carrying out of its functions as well as any such function(s) that may be assigned to it by the Governor.
5. (1) The following persons shall be members of the Commission to be appointed by the Governor:
 - i. a full-time Chairman who shall be an erudite scholar in Islamic jurisprudence and of proven integrity;
 - ii. two persons designated as Permanent Commissioner I and II respectively;
 - iii. a representative of the Office of the Secretary to the State Government;
 - iv. a representative of the Emirate Council;
 - v. a representative of the Sharia Commission;
 - vi. a representative of the Hisbah Board;

DOCUMENTARY MATERIALS: KANO STATE

- vii. fourteen other persons of unquestionable character to be appointed by the Governor as part-time members in consideration of geographical spread;
 - viii. the Director-General of the Commission who shall be the Secretary of the Commission;
 - ix. without prejudice to the foregoing, all members shall be of proven integrity.
- (2) Members of the Commission other than *ex officio* members shall serve for a period of four years and shall be eligible for re-appointment for a final term of four years.
- (3) Notwithstanding the provision of subsection (2) of this section, the Governor may revoke the appointment of any member whose conduct is unsatisfactory.
- (4) In this section, unsatisfactory conduct includes:
- i. absenting himself from the meetings of the Commission for three consecutive periods without leave of the Chairman;
 - ii. bankruptcy;
 - iii. insanity; and
 - iv. gross misconduct.
6. The Commission shall with the approval of the Governor establish such number of departments as may be desirable for the smooth running of its activities.
7. (1) There shall be established in each Local Government Area in the State a Local Zakat and Hubusi Council.
- (2) The Local Zakat and Hubusi Council so established pursuant to subsection (1) of this section shall administer *zakat*, *hubusi* and other related issues as directed by the Commission.
8. (1) The Local Zakat and Hubusi Council shall have the following persons as members who shall be appointed by the Commission on the advice of the Local Government Council:
- i. one learned Islamic scholar residing in the Local Government as the Chairman;
 - ii. the District Head;
 - iii. the Chief Imam of the Local Government Area;
 - iv. representative of Local Government Council;
 - v. representative of business/commercial entrepreneurs;
 - vi. representative of farmers group;
 - vii. representative of livestock farmers;
 - viii. three responsible and respected notable persons;
 - ix. a secretary, who shall be a resident staff of the Commission at the Local Government Area.
- (2) The Local Zakat Council, on a regular basis shall furnish the Commission with its activities in the Local Government Area.
- (3) Members of the Council other than *ex officio* members shall serve for a term of three years and shall be eligible for reappointment for a final term of three years.
9. (1) There shall be established in every village a Village Zakat and Hubusi Committee.
- (2) The Committee established pursuant to subsection (1) of this section shall have responsibility of administering *zakat*, *hubusi* and other related matters as directed by the Commission.
10. (1) The Village Zakat Committee shall have the following persons as members who

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shall be appointed by the Commission on the advice of the Local Government Council.

- (a) a renowned Islamic scholar residing in the village as Chairman;
 - (b) the Village Head;
 - (c) the most senior imam of the village;
 - (d) representative of the Local Government Council;
 - (e) two representatives of the business community/merchants;
 - (f) representative of farmers group;
 - (g) representative of the livestock farmers;
 - (h) two persons of proven integrity from the community;
 - (i) representative of *hisbah*; and
 - (j) a Secretary who shall be a resident staff of the Committee.
 - (2) The Village Zakat and Hubusi Committee shall on a regular basis furnish the Local Government Council with its activities.
11. The Chairman of the Commission shall be the chief executive as well as accounting officer, and shall also have the following responsibilities:
 - i. responsible for the day-to-day administration of the Commission;
 - ii. conduct all correspondence of the Commission;
 - iii. coordinate activities of Zakat and Hubusi Local Councils as well as Village Committees;
 - iv. any other responsibility assigned to him by the Commission.
 12. The Commission shall have power to ask to be sent on secondment or posting officers from other ministries and parastatals of the Government to enhance its efficiency.
 13. There shall be appointed by the Governor a Director-General who shall be responsible to the Chairman in the general administration of the Commission.
 14. The funds of the Commission shall comprise of the following:
 - i. grant from the State Government;
 - ii. *zakat*; and
 - iii. *hubusi*.
 15. (1) There shall be appointed for the Commission a Secretary/Legal Adviser.
(2) The person so appointed pursuant to subsection (1) of this section, shall be a legal practitioner who must have had not less than six years post call experience.
 16. The Commission shall within three months after the expiration of each financial year prepare and submit to the Governor its annual activities for the proceeding year and a statement of account of the Commission.
 17. The Commission shall prepare and submit to the Governor its annual estimate and its establishment proposal.
 18. The Commission may make standing orders for the purpose of regulating its proceedings.
 19. The Commission to meet at least once a month; the Chairman to preside or in his absence the Permanent Commissioner I or II; the Chairman has original and casting votes.]
 20. Nine members present at any meeting of the Commission shall form a quorum.
 21. The validity of the proceedings of the Commission shall not be affected by any vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled so to do has taken part in such proceedings.
 22. (1) The Commission shall keep proper accounts in respect of all monies with

- respect to other charges and personnel emoluments.
- (2) The accounts of the Commission for each year shall be audited after the end of each year by the Auditor-General of the State.
23. Members of the Commission shall be paid such remuneration/allowances as may be determined by the Governor.
24. Service in the Commission shall be approved service for the purposes of the Pensions Law in force in the State and accordingly staff of the Commission shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Law.
- EXCEPT THAT** nothing in this Law shall prevent the appointment of a person to any office on terms, which preclude the grant of pension and gratuity in respect of that office.
25. (3) From the commencement of this Law and without further assurance the Independent Zakat Council shall no longer collect *zakat* in the State.
- (4) All regular staff on the payroll of the State Independent Zakat Council shall transfer their services to the Commission.
26. The Governor shall have power to make regulations generally to give effect to any provision of this Law.

(2) From the Kano State Sharia Commission Law, 2003:³²

- | | | |
|----|---|--------------------------------|
| 3. | <p>(1) There is hereby established for the State a Commission to be known as the Kano State Sharia Commission.</p> <p style="text-align: center;">* * *</p> | Establishment of
Commission |
| 4. | <p>The Commission shall have the following functions:</p> <ol style="list-style-type: none"> i. promote, enhancement and development of Islamic social and cultural values in the State; ii. sensitise the general public to appreciate, accept and practice Government's policy on Islamic social aspect of the Sharia through media, public lectures, seminars, workshops, symposia and courses; iii. initiate, organise and administer effective machinery for Islamic propagation and necessary guidance of the general public in their day-to-day activities; <p style="text-align: center;">* * *</p> <ol style="list-style-type: none"> iv. initiate policies to assist Government in realising its set objectives on the implementation of social aspect of Sharia as well as promoting Qur'anic and Islamic education in the State. <p style="text-align: center;">* * *</p> | Functions of the
Commission |

³² Law No. 3 of 2003, Kano State of Nigeria Gazette No. 5 Vol. 35, 13th November, 2003, Supplement Part A pp. A7-A12, as amended by Law No. 6 of 2004, Kano State of Nigeria Gazette No. 6 Vol. 36, 10th June, 2004, Supplement Part A pp. A17-A18. For the complete law as amended see Chapter 8 Part II.6.

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- | | | |
|--|---|---|
| 6. | (1) The following persons shall be the members of the Commission to be appointed by the Governor:
* * *
vi. a representative of the Zakat and Hubusi Commission;
* * * | Members of the Commission |
| * * * | | |
| 12. | (1) There shall be established in all Villages in the State a Sharia Committee by the Local Government Sharia Council.
(2) [The Village Sharia Committees] ³³ established pursuant to subsection (1) of this section shall have the following persons as members:
* * *
(f) representative of Zakat and Hubusi Commission;
* * * | Establishment of Village Sharia Committees |
| 13. | The Village Sharia Committee shall perform such functions as stipulated in section 4 of this Law within the Village. | Functions of Village Sharia Committees |
| (3) <u>From the Kano State Hisbah Board Law, 2003:</u> ³⁴ | | |
| 3. | (1) There is hereby established for the State a Board to be known as the Kano State Hisbah Board.
* * * | Establishment of the Hisbah Board |
| 4. | For the purpose of proper co-ordination of <i>hisbah</i> activities in the State, the Governor shall appoint the following persons to be members of the Board:
* * *
iii. a representative of the Zakat and Hubusi Commission;
* * * | Composition of the Board |
| * * * | | |
| 7. | (1) The Board shall establish for the State a Hisbah Corps who may be eligible for appointment as justices of the peace.
* * *
(4) The Hisbah Corps shall have the following responsibilities:
* * *
v. encourage charitable deeds particularly the payment of <i>zakat</i> ;
* * * | Establishment of Hisbah Corps

Responsibilities of Hisbah Corps |
| 8. | There is hereby established in each Senatorial Zone a Hisbah Committee for the purposes of coordinating the Local Government Hisbah Committees in their respective Zones for a term of three years. Each Zonal Management Committee shall comprise of:
* * *
i. a representative of Zakat and Hubusi Commission in the Zone; | Establishment of Zonal Hisbah Committees |

³³ In place of the bracketed language the original text has "There shall be".

³⁴ Kano State of Nigeria Gazette No. 6 Vol. 35, 20th November, 2003 Supplement Part A pp. A13-A18.

* * *

(4) From an interview with Malam Ahmed Shuaibu, the Director-General of the Zakat and Hubusi Commission:³⁵

The structure of the Zakat and Hubusi Commission and its related bodies is as laid down in the 2003 law.

- At the State level there is the Commission itself, with its Chairman, other members, and Director-General. Although the Commission has as ex officio members, representatives of both the Sharia Commission and the Hisbah Board, it is completely independent of these other bodies. The Commission meets once a month. The Commission also has a central administrative staff under the Director-General. This is divided into three departments: Operations, Finance, and General Questions. The full-time members and central staff of the Commission are on the payroll of Kano State.
- At the intermediate level, each Local Government Area has its own Zakat and Hubusi Council; and at the local level there are village and ward Zakat and Hubusi Committees in all LGAs, all with memberships as laid down in the law. The members and staff of these councils and committees are remunerated by keeping part of *zakat* collected as laid down in Islamic law.

The Commission tries to create a climate of awareness among the people about all aspects of *zakat* and *hubusi*. In Kano State payment of *zakat* is not mandatory as in some other States; people are merely encouraged to give and many do give on a voluntary basis. *Zakat* is collected both in cash and in kind, e.g. grains and animals. Records of collections are made and the process is completely transparent. Distributions to the poor and needy, made at the local level where the *zakat* was collected, are public events which the Commission documents with photos and videos. Distributions are not only to Muslims; non-Muslim needy persons too can benefit. Just during Ramadan this year [13th September through 12th of October, 2007] the Commission distributed ₦39,500,000 to 5,880 persons. (Unfortunately the most recent written report on the Commission's activities could not be released because it had not yet been approved by the Commission.)

The other part of the Commission's mission is the encouragement and management of *hubusi*, or *waqfs*. The creation of such endowments is a recent development which is being strongly encouraged by the Commission. Among other things the creation of *waqfs* will give the Commission more financial independence, because income generated from them will go directly to the Commission. *Waqf* administration is one responsibility of the Commission's Operations Department. (Unfortunately no figures were available about the level or kinds of *waqf* creation.)

A new, amended version of the Zakat and Hubusi Commission Law has been drafted and submitted to the House of Assembly for its consideration and enactment; it

³⁵ Interview in Kano, 29th October 2007, by F. Kogelmann and A.S. Garba.

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is still pending in the House. (No details were provided about what changes in the law would be made.)

(5) From an essay by Ahmad Yahya:³⁶

The government of Malam Ibrahim Shekarau, through the Zakat and Hubusi Commission undertook a free optical service in the state. It distributed more than four hundred million naira as *zakat* to the needy [over what period is not stated].

³⁶ “Between An Invading Centre And A Marauding Periphery: The Shari’ah Based Governance Of Malam Ibrahim Shekarau”, http://www.esinislam.com/Readers_Articles_Posted/Between_Invading_Centre_And_Marauding_Periphery_Shariah.htm (n.d.; apparently published in early 2007). Ed. note: Malam Yahya’s essay uses ‘zakkah’ and ‘hubsi’: these have been changed for present purposes to conform to the spellings adopted throughout this work.

7.

Katsina State**a. Early proposals for a Zakat Council or Board³⁷****(1) Proposal for a Zakat Council when Katsina State was created:**

As early as 1987, when Katsina State was first created (out of the old Kaduna State), attempts were made to create a Zakat Council for the State, presumably on the model of the Council set up in Kano State in 1982, see [Part II.6 a. above](#). But these efforts, which would to a large extent have centralised and regulated the process of *zakat* collection and distribution, were successfully resisted by a number of malams, who were accustomed to collect and distribute *zakat* themselves, on a purely local and individual basis, unsupervised by anybody, in the process keeping a share for themselves (as is permitted by Islamic law); in some cases they were directly the beneficiaries of the *zakat* given; and they did not want to lose this source of income.

(2) Proposal of the Technical Committee on Application of Sharia in Katsina State:

The Technical Committee (Katsina State's "Sharia Implementation Committee") submitted its report to the Governor in January 2000. Included in the report is the following recommendation:³⁸

- (e) Zakat Council: *Zakat* is the obligatory Muslim alms imposed on every well-to-do Muslim. Under Islamic political system, *zakat* is a major source of revenue for running the Government through the public treasury (*bait ul-mal*). *Zakat*, therefore, is a necessary institution with Sharia. The Committee is of the firm conviction that establishment of a *zakat* institution would in addition to ensuring social justice and equitable distribution of wealth, serve as a catalyst for poverty alleviation. The Government should take bold initiatives to institutionalise *zakat* so that its moral and social objectives could be achieved. In this regard, it is strongly recommended that an agency, Zakat Council, be established by law. The Council shall be made responsible for the collection, management, distribution and general administration of the *zakat* funds. It is further recommended that a committee of experts be

³⁷ The information in this section, except where quoted from documents which are cited, is from interviews conducted in Katsina in March 2003 by M. Gaiya, F. Kogelmann and R. Awal, in May 2003 by S.U. Fwatshak and D. Abubakar, in December 2005 by S. Mohammed and A. Garba, and March 2008 by P. Ostien and A. Garba, with (among others) Justice S.A. Mahuta, Chief Judge of the High Court, Justice I.M. Dodo, Grand Kadi of the Sharia Court of Appeal and ex officio Chairman of the Sharia Commission, Justice M.D. Abubakar, Judge of the High Court and one-time member of the Sharia Commission, Lawal J. Dan-Haire, Permanent Secretary in the Ministry of Religious Affairs, and Barr. Ibrahim Jibiya, long-time Secretary to the Sharia Commission. Further summaries of information from these interviews are in Chapters 8 and 10 Parts II.7.

³⁸ Report of the Technical Committee on Constitutional Provisions for the Application of Sharia in Katsina State, <http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria>, Vol. II, Supplementary Materials, item II, at pp. 15-16.

constituted to work out such details as the organisational structure, functions, powers, composition etc. of the proposed Zakat Council.

(3) Proposal of the Sharia Commission:

Katsina State's Sharia Commission Law was the first piece of Sharia-related legislation enacted in Katsina State, signed into law in April 2000.³⁹ Among the assigned functions of the Commission it created was "advising the Government on the implementation of certain Islamic injunctions such as *zakat*, Islamic markets, measures and sighting of moon for purposes of fasting" (§8(f)). Among other things which the Commission did early on was to recommend the establishment of a Zakat Board, evidently going so far, probably in conjunction with the Ministry of Justice, as the drafting a bill for a law on the subject. This bill, or another on the same subject, pended before the House of Assembly for some time, but was never enacted.

(4) Proposal of the Ministry of Religious Affairs:

Katsina State's Ministry of Religious Affairs too was assigned the functions of "formulating of policies on *zakat* collection" and "liaise with Emirate Councils on religious matters, such as collection of *zakat*, sighting of moon, etc."⁴⁰ The Ministry seems to have agreed with the Sharia Commission's proposal for a Zakat Board; the Permanent Secretary to the Ministry said in 2003 that the Ministry too had made a proposal to the House of Assembly to that effect, but that the proposal was never acted on by the House.

b. The Zakat and Endowment Trust Fund

(1) Overview:

Although Katsina State's politicians, during Governor Yar'Adua's first term, obviously did not like the idea of creating a statutory Zakat Board, about a year into Yar'Adua's second term (in September/October 2004) it was agreed that, with the cooperation of the Government, an "independent/non-governmental *zakat* and *awqaf* institution" should be created.

When established, the Zakat Committee shall be responsible for administering the Zakat and Endowment Fund to be raised through donations and as *zakat* collected from persons due and liable to pay *zakat*. The funds shall be applied for the implementation of such social responsibilities relating to the welfare of the orphans, the poor and the needy, on *da'awah* and on such charitable causes as maintenance of mosques and graveyards, relief and rehabilitation of disaster victims and generally for the promotion and protection of the welfare and social security of weaker members of the society.⁴¹

³⁹ The full text of the law is given in Chapter 8 Part II.7.

⁴⁰ Poster obtained from the Ministry in 2003, giving the "General Functions of the Ministry of Religious Affairs" in Arabic, Hausa and English, quoted in full in Chapter 8 Part II.7.

⁴¹ "Memorandum to the State Executive Council on the Need for the Establishment of an Independent Zakat and Awqaf Institution for Katsina State Prepared by the Ministry of Religious Affairs (Monday 11th October 2004)", copy in the possession of the editor.

An initial Zakat Committee was accordingly appointed by the Government; that Committee worked out the modalities for the establishment of the new Zakat and Endowment Trust Fund; the Government appointed the Fund's first Board of Trustees; that Board adopted a constitution for the Fund; and the Fund was launched in May 2005.

(2) The initial Zakat Committee and its work:

ARRANGEMENTS FOR THE LAUNCHING OF KATSINA STATE ZAKAT FUND
AND INAUGURATION OF ZAKAT COMMITTEE⁴²

Introduction:

The Sharia legal system is predicated upon the Islamic social order. The Islamic social order encompasses the spiritual, moral and economic rules. *Zakat* is enshrined as an obligatory tax over wealth to provide for social harmony and social equilibrium. *Zakat* is so significant that it was made the central pillar of Islam after faith (*iman*) and prayer (*salat*) and is followed by fasting and *hajj*. In addition to the obligatory *zakat*, Islam, through its moral injunction enjoined Muslims, particularly the well-to-do, to have the disposition of sympathy, kindness and fraternity towards the weak and less privileged members of the society.

In furtherance of the promotion and sustenance of *zakat* as an institution, Islam made elaborate provisions and places a measure of responsibility on the leadership of the Muslim *ummah* to ensure its practice. It was as a result of the importance of the practice and enforcement of *zakat* that the first war waged by Khalif Abubakar (RA) after the demise of the Holy Prophet was to enforce *zakat*. Allah (SWT) admonished leaders of the *ummah* on *zakat* thus:

They are those if We give them leadership will establish regular prayers and ensure payment of *zakat*, those that will enjoin what is good and prevent the doing of evil. Hajj: 41.

Establishment of Zakat Committee:

Zakat is meant to be a social institution for the promotion and protection of the welfare and social security of weaker members of the society. However, despite the annual exercise of its distribution, *zakat* has failed to achieve the desired objective within our social structure. A number of factors have come together in making the present state of *zakat* in the society. The abolition of *bait ul-mal* after colonisation, subsequent shortcomings and laxity from the rulers and *ulama* and general laxity in enforcement came to make *zakat* a mere ritual practice that could not achieve its objectives. It became so individualised as there is no mechanism in place for its collection and administration, thus hardly will its impact be felt in addressing the welfare of the poor and the needy and social insecurity.

With the re-introduction and full implementation of Sharia in Katsina State, the sustained efforts of the present administration in re-orienting the society towards

⁴² A two-page document, evidently prepared by the Ministry of Religious Affairs, probably in October 2004, copy in the possession of the editor.

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imbibing Sharia culture and in order to consolidate the gains of implementing the Sharia in the State, a Committee to be known as Katsina State Zakat Committee has been established.

Because of the significance of the Committee and the importance of institutionalising *zakat* a committee is hereby constituted to make necessary arrangements for the formal launching of the Zakat Fund and inauguration of the Zakat committee.

Composition:

- | | |
|--|-----------|
| 1. Justice Musa Danladi Abubakar | Chairman |
| 2. Alhaji Umar Isa Mani | Member |
| 3. Alhaji Aminu Danbaba | “ |
| 4. Alhaji Umaru Adamu | “ |
| 5. Alhaji Ibrahim Dabo | “ |
| 6. Alhaji Lawal Mani Gambarawa | “ |
| 7. Malam Ibrahim Sabi’u Jibiya | “ |
| 8. Alhaji Bello Ahmad K/bai | “ |
| 9. Rep. of Katsina Emirate Council | “ |
| 10. Rep. of Daura Emirate Council | “ |
| 11. Rep of Ministry of Religious Affairs | Secretary |

Terms of Reference:

The Committee shall be responsible for general preparations and arrangements towards successful launching of the Zakat Fund and formal inauguration of the State Zakat Committee, specifically the launching Committee shall:

1. Undertake mobilisation and sensitisation of people to contribute to the Zakat Fund.
2. Organise public enlightenment on the benefits of *zakat* as an institution.
3. Contact all well-to-do indigenes of the State as well as well-wishers and friends of Katsina State.
4. Selection, contact and role assignment to dignitaries that will grace the launching.
5. Selection of an appropriate date, time and venue for the launching.
6. Sourcing the funds for organising the launching.
7. Production of invitations and arranging for public announcements through the media.
8. Collection of funds and setting up the instrument for the take-off of the Committee, opening of account and handing over to the Committee.

(3) Constitution of the Zakat and Endowment Trust Fund:

THE CONSTITUTION OF THE KATSINA STATE
ZAKAT AND ENDOWMENT TRUST FUND⁴³
MAY, 2005

Arrangement of sections:

- | | |
|---|--|
| Preamble. | 16. [Powers of Board of Trustees]. |
| 1. Zakat and Endowment Trust Fund. | 17. Meetings. |
| 2. Supremacy of the Constitution. | 18. Advisory Committee. |
| 3. Membership. | 19. Meetings of the Advisory Committee. |
| 4. Objectives. | 20. Secretariat. |
| 5. Activities. | 21. [Secretary and officers]. |
| 6. Organs. | 22. Functions and tenure etc. |
| 7. General Assembly. | 23. Financial year. |
| 8. Annual general meeting. | 24. Auditing of account. |
| 9. Special provisions on annual general meeting. | 25. The common seal. |
| 10. Power of General Assembly. | 26. [Disputes over interpretation; amendment]. |
| 11. Special General Assembly. | 27. [Indemnity]. |
| 12. [Board of Trustees]. | 28. Alignment with political party. |
| 13. Appointment. | 29. Oath of officers. |
| 14. Trustees and members disqualified from holding salaried office. | Schedule. |
| 15. Tenure. | |

PREAMBLE

We, Trustees of the Katsina State Zakat and Endowment Trust Fund, desirous of promoting the welfare of the needy, orphans and poor, through social justice and encouraging the well-to-do in being their brothers' keepers and in furtherance of our desire to instil the spirit of Islam on social justice, equity, the care of those in need and generally in the establishment of *zakat* as a social institution in Katsina State, do hereby resolve unto ourselves the following Constitution.

PART I: KATSINA STATE ZAKAT AND ENDOWMENT TRUST FUND

1. (1) There is hereby established a body known as Katsina State Zakat and Endowment Trust Fund (hereinafter called "The Trust Fund"), which shall be a body corporate with perpetual succession and a common seal, and which may sue or be sued in its corporate name, and may acquire, hold and dispose of movable and immovable property.
 - (2) The registered office of the Trust Fund shall be situated in Katsina.
 - (3) The logo of the Trust Fund shall be a design showing open palms with maize comb, a sheep and naira note and coin with the inscription "*Fi Sabilillah*".
2. (1) This Constitution is supreme and its provisions shall have binding force on all the Trustees.

⁴³ From a copy in the possession of the editor..

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- (2) The Trust Fund shall not be administered or managed, nor shall any person or group of persons take control of the Trust Fund except in accordance with the provisions of this Constitution.
3. (1) All residents of Katsina State who profess the Islamic faith and all indigenes of Katsina State residing in other places within and outside Nigeria shall be eligible for membership of the Trust Fund.
- (2) An application for membership shall be made on a prescribed form and submitted to the Secretary for approval by the Board of Trustees.
- (3) Every member shall pay to the Trust Fund an enrolment fee and an annual subscription fee as may from time to time be determined by the Board of Trustees.
- (4) A membership card shall be provided to each member and such card shall be produced at every occasion in which the Trust Fund is involved.
- (5) The Emirs of Katsina and Daura shall be the Patrons of the Trust Fund.
- (6) Notwithstanding subclause (5) of this clause, the Trust Fund may at any time add to the list of its Patrons.

PART II: OBJECTIVES OF THE TRUST FUND

4. The Trust Fund shall be a charitable philanthropic organisation dedicated to the promotion of *zakat* as an institution, its advancement and the furtherance of the overall Islamic social and economic justice in the society.
5. (1) In addition to the powers conferred by the provision of Part C of the Companies and Allied Matters Act 1990 the Trust Fund shall have power to:
 - (a) take over from the State Government all the proceeds and donations of the Zakat and Endowment Appeal Fund;
 - (b) collect *zakat* annually from all eligible Muslims residing in the State and those residing outside the State;
 - (c) receive donations, grants, gifts, charities and endowments from governments, corporate bodies or individuals;
 - (d) administer the funds for the purpose of *zakat* and endowments as enshrined in the Holy Qur'an and Sunnah within Katsina State;
 - (e) work towards the revival and sustenance of *zakat* and endowments as social institutions in Katsina State;
 - (f) encourage research and documentation of advancements and new *fatama* on *zakat* and endowments as social institutions;
 - (g) co-operate with Government and non-governmental organisations having similar functions, aims and objectives in the advancement of *zakat* and endowments in the State;
 - (h) create and maintain proper books of accounts for all the financial transactions of the Trust Fund;
 - (i) administer and where applicable invest its financial resources in accordance with the provisions of Sharia;
 - (j) do all such acts as may appear to it to be expedient for the purpose of implementing the functions aforementioned.
- (2) In the exercise of its functions, the Board of Trustees shall be guided by Islamic provisions and rulings in relation to *zakat* and endowments in addition to the provisions of this Constitution.

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PART III: ORGANS OF THE TRUST FUND

6. For the purpose of the smooth conduct of its affairs and the effective attainment of its objectives under this Constitution, the Trust Fund shall have the following organs:
 - (a) the General Assembly;
 - (b) the Board of Trustees;
 - (c) the Advisory Committee;
 - (d) the Secretariat.

PART IV: THE GENERAL ASSEMBLY

7. There shall be a body to be called the General Assembly, which shall comprise all registered members of the Trust Fund.
8.
 - (1) Once in each year the Board of Trustees shall convene a meeting of the General Assembly.
 - (2) The first meeting of the General Assembly shall be convened by the Board of Trustees for the following purposes:
 - (a) receive report from the Board of Trustees on the pre-incorporation affairs of the Trust Fund covering activities since its inception;
 - (b) appointing honorary members;
 - (c) ratifying the appointment of members of the Advisory Committee; and
 - (d) appointing an auditor or auditors.
9.
 - (1) The General Assembly shall be deemed convened and its proceedings valid provided that not less than 30 members are in attendance.
 - (2) For the purpose of subclause (1) of this clause the composition of members shall be:
 - (a) members of the Board of Trustees;
 - (b) members of the Advisory Committee;
 - (c) not less than one member from each Local Government Area of Katsina State.
10. Subject to the provisions of this Constitution, the General Assembly may regulate its procedures including the agenda of meetings, quorum, voting and nature of meeting.
11. The Chairman of the Board of Trustees may at any time on his own motion or within twenty-one days of receiving a written request to amend the Constitution or to transact any other business signed by not less than fifty members shall convene a special General Assembly for the purpose.

PART V: THE BOARD OF TRUSTEES

12.
 - (1) There shall be established a Board of Trustees which shall be the highest governing and policy making body of the Trust Fund.
 - (2) The Board of Trustees shall consist of:
 - (a) a Chairman, and
 - (b) not less than five, nor more than twelve other members.
 - (3) The Chairman of the Board of Trustees shall be appointed by the Government initially and subsequently shall be elected at a meeting of the General Assembly.
13.
 - (1) The first Trustees are those twelve persons appointed by the Government of Katsina State as listed under Schedule I to this Constitution.
 - (2) The proceedings of the Board of Trustees shall not be invalidated by any failure to appoint or any defect in the appointment or qualification of any member.

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- (3) Any casual vacancy in the Board of Trustees may be filled by the Trustees and any member appointed to fill such a casual vacancy shall hold office until the next annual meeting of the General Assembly when his name will be put up for ratification.
14. No member of the Board of Trustees or the Advisory Committee shall be appointed to any salaried office of the Trust Fund or the contractor to it and no remuneration or benefit in money's worth shall be given by the Trust Fund to any member of the Board of Trustees or the Advisory Committee.
PROVIDED that no payment of out of pocket expenses duly incurred on behalf of the Trust Fund shall be deemed to be improper.
15. A member of the Board of Trustees may hold office for life, but shall cease to hold office if he/she:
- (a) resigns;
 - (b) ceases to be a member of the registered Trustees [sic: members] of Katsina State Zakat and Endowment Fund;
 - (c) becomes insane;
 - (d) is officially declared bankrupt;
 - (e) is convicted of a criminal offence involving dishonesty by a court of competent jurisdiction;
 - (f) is removed on grounds of misconduct or incapacity as a result of ill-health or inability to discharge the functions of his office.
16. In addition to the powers conferred upon it by this Constitution, the Board of Trustees shall have power to:
- (a) disburse funds available to the categories of persons and causes eligible for *zakat* and for the purpose of its administration, charitable and philanthropic purposes;
 - (b) consider and approve any recommendations made to it by the Advisory Committee or any committee set up by it to consider any other matter;
 - (c) circulate to members, the annual audited accounts of the affairs of the Trust Fund not less than 30 days before the annual General Assembly meeting including:
 - (i) full report on the activities and business of the Trust Fund since the previous meeting and plans for the future;
 - (ii) a statement of account and balance sheet for the previous financial year duly certified by the external auditors;
 - (iii) budget of revenues and expenditures for the next finances of the ensuing year;
 - (d) liaise with the Advisory Committee as and when the need arises including holding a joint meeting;
 - (e) appoint the Secretary and other principal officers;
 - (f) determine conditions of service of all employees;
 - (g) accept the resignation of the Secretary and the principal officers;
 - (h) approve all banking and financial policies including appointment of authorised signatories;
 - (i) approval of acquisition and disposal of the Fund; and
 - (j) perform such other policy matters.
17. (1) The Board of Trustees shall regulate its proceedings at its meetings.
(2) The Board of Trustees shall meet as often as is necessary to transact its business

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but not less than twice in [every] year.

PART VI: THE ADVISORY COMMITTEE

18. (1) There shall be an Advisory Committee, which will interface on behalf of the Trust Fund particularly in the following areas:
 - (a) appropriateness of the programme of the Board of Trustees in tackling the socio-economic objectives of *zakat* and endowments in the State;
 - (b) prioritising the programmes of the Trust Fund to meet the objectives of *zakat* and endowments;
- (2) The Advisory Committee shall be appointed by the Board of Trustees and shall consist of fifteen members, three of which shall be members of the Board of Trustees.
19. The [Advisory] Committee shall meet at least twice a year and it shall regulate its proceedings including quorum, voting, the nature of the meeting.

PART VII: THE SECRETARIAT

20. There shall be a Secretariat of the Trust Fund, which shall be responsible for the implementation of policies and programmes approved by the Board of Trustees.
21. (1) The Secretariat shall be headed by the Secretary who shall be supported by the following officers:
 - (a) the Accountant/Treasurer;
 - (b) chairmen of various *zakat* standing committees; and
 - (c) any other position to be established in future.
- (2) The principal officers shall be appointed by the Board of Trustees.
22. (1) The Secretary shall be the head of the Secretariat and Chief Executive.
- (2) Subject to the general policy direction of the Trustees, the Secretary shall manage the day-to-day affairs of the Secretariat.

PART VIII: MISCELLANEOUS PROVISIONS

23. The financial year of the Trust Fund shall commence on the 1st of Ramadan of [each] Hijra year and ends on 29th Sha'aban of each Hijra year.
24. The accounts of the Fund shall be audited by professionally qualified auditors.
25. [Common seal to be in custody of Secretary; to be used only by authority of Board of Trustees; every document to which it is affixed to be signed by Chairman of Board of Trustees and another member of the Board or the Secretary; registers to be kept of members of Board of Trustees, of Advisory Committee, of members of the Trust Fund, and of donors of each *zakat* and endowment.]
26. (1) In the event of any dispute over the interpretation of any provision of the Constitution, the person concerned shall refer such dispute to the Chief Judge of Katsina State whose decision shall be final and binding.
- (2) An amendment to this Constitution shall be made by the joint meeting of the Board of Trustees and the General Assembly approved by at least two-thirds of the members present.
27. A member of the Board of Trustees, the Advisory Committee or any other committee and the management staff including an auditor or any person employed by the Trust Fund shall be indemnified out of the funds of the Trust Fund against any liability incurred by him in good faith in the performance of his duties.
28. The Trust Fund shall not be aligned to any religious sect, ethnic group or political

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- party.
29. A member of the senior officers of the Trust Fund shall subscribe the oath for the due execution of duties of his office prescribed in the second schedule to this Constitution.

SCHEDULE I: ARTICLE 13(1) [listing first trustees; omitted here]

SCHEDULE II: ARTICLE 29 [this schedule missing in the copy of the constitution provided].

- (4) From an interview with Justice Musa D. Abubakar, Chairman of the Board of Trustees of the Zakat and Endowment Trust Fund:⁴⁴

The Trust Fund's first Board of Trustees [see list above] includes *ulama*, businessmen, politicians, and of course the Chairman who is a judge of the High Court of Katsina State, and the Permanent Secretary of the Ministry of Religious Affairs who is a civil servant. Besides per diems the members do not receive any remuneration for their service.

The Trust Fund was set up as an NGO for several reasons. The State House of Assembly didn't like the idea of establishing a Zakat Commission as a unit of the State Government, and the political leadership also was not interested in creating such a body, partly because of the cost. The Chairman also had some reservations about the developments in some other States where Zakat Commissions were established as part of government. Making the Trust Fund an NGO gives it more independence from the State Government and from politics. This means its decisions and operations can be carried out solely for the purposes intended, without regard to political considerations, and that the reputation of this essentially Islamic institution will not be hurt by being too close to politics.

The Trust Fund was launched in May 2005. After that it took some time to get the new system working: to establish and staff the Secretariat in Katsina, to establish Zakat Committees in all the Local Government Areas of the State, and to lay down procedures. Everything started working in May 2006.

Payment of *zakat* is not mandatory in Katsina State; everything collected is given on a voluntary basis. The basis of both collections and distributions – i.e. who should give *zakat*, what and how much they should give in view of their wealth, etc., and on the other side who should benefit from distributions – are the rules of the Maliki school of law. An important part of the work of the Secretariat and its staff is creating a sphere of awareness about all of this among the people by sending people all over the State to preach and teach. They are hoping to set up a website soon, which can reach people outside of the State.

In 2007 they collected about ₦10 million in money and about ₦3 million worth of commodities, mostly grains and animals. 80% of what is collected is distributed locally in the general areas where it is collected; then 10% goes for administration and the other 10% goes into an *awqaf* fund.

⁴⁴ Interviewed in Katsina on 30th October, 2007 by F. Kogelmann and A.S. Garba.

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There is a long history of *awqaf* in Katsina. But at present awareness about *awqaf* among the public is very low. Among the functions of the Zakat and Endowment Trust Fund as laid down in its Constitution are to try to build up this awareness and to encourage the endowment of *awqaf* for various socially beneficial purposes. One benefit of making the Trust Fund an NGO is that the administration of *awqaf* that are endowed will be by the Fund, and thus independent of the Government and the politicians.

8.

Kebbi State

**a. The Sharia Implementation Committee's recommendation
for a Zakat Board**

The first Committee on the Implementation of Sharia in Kebbi State, in its report to the Governor of early 2000, made the following recommendations among many others:⁴⁵

A strong committee made up of people of proven integrity should be established in the State to collect appropriate *zakat* in accordance with the teaching of Islam. This committee should also be charged with the responsibility of organising the necessary enlightenment training aimed at both securing the confidence of the public and getting them understand the necessity of giving out *zakat* by those qualified to do so.

This recommendation was acted on quickly and favourably by the enactment of Kebbi State's Zakat and Sadaqat Board Law, reproduced in the next section.

**b. The Zakat and Sadaqat (Collection and Distribution)
Board Law, 2000⁴⁶**

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE KEBBI STATE ZAKAT AND
SADAQAT COLLECTION AND DISTRIBUTION BOARD AND FOR OTHER MATTERS
CONNECTED THEREWITH

Arrangement of sections:

- | | |
|---|---|
| 1. Citation and commencement. | 12. Meetings of the Board. |
| 2. Interpretation. | 13. Tenure of office of the Chairman, members of the Board. |
| 3. Establishment of the Board. | 14. Resignation and removal of members of the Board. |
| 4. Composition of the Board. | 15. Remuneration of members. |
| 5. Functions of the Board. | 16. Subcommittees. |
| 6. Committee of the Board. | 17. Quorum. |
| 7. Composition of the State Committee. | 18. Common seal. |
| 8. Functions of the State Committee. | 19. Rules of procedure. |
| 9. Composition of Local Government Committee. | 20. Accounts. |
| 10. Functions of the Committee. | 21. Invalidity of proceedings. |
| 11. Funds of the Board. | 22. Co-option of a person. |

WHEREAS payment of *zakat*, as one of the cardinal Pillars of Islam, is made mandatory to every Muslim of specified income;

AND WHEREAS it is considered expedient and desirable to establish a Board for the collection, custody and distribution of *zakat* according to Qur'anic injunctions.

⁴⁵ Report of the Committee on the Implementation of Sharia in Kebbi State, <http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria>, Vol. II, Supplementary Materials item III, at p. 15.

⁴⁶ Kebbi State of Nigeria Gazette, No. 1 of 1999 [sic: 2000], Vol. I, pp. 80-84.

NOW THEREFORE BE IT ENACTED by the Kebbi State House of Assembly as follows:

1. This law may be cited as the Kebbi State Zakat and Sadaqat (Collection and Distribution) Board Law, 2000 and shall come into effect on the 13th day of March 2000
2. In this Law unless the context otherwise requires:
[giving boilerplate definitions of “Board”, “Local Government Committee”, “State Committee” and “State”.]
3. There is hereby established a body to be known as the Kebbi State Zakat and Sadaqat Collection and Distribution Board which shall be a body corporate with perpetual succession and a common seal, with power to sue and be sued in its corporate name.
4. (1) The Board shall have the following members:
 - (a) a Chairman who shall be learned in Islamic Law and Western Education to be nominated by the Governor;
 - (b) three *ulama*;
 - (c) three Muslims who shall be successful businessmen;
 - (d) two representatives of the State Government who shall be learned in Islamic law and western education;
 - (e) two representatives of the State House of Assembly;
 - (f) Secretary.(2) The members of the Board shall be appointed by the State Executive Governor.
5. The Board shall perform the following functions:
 - (a) create awareness amongst the Muslim *ummah* on the relevance of *zakat* as one of the pillars of Islam and on the need to give it out;
 - (b) collect and keep in proper custody *zakat* and *sadaqat* from individuals and philanthropic organisations.
 - (c) distribute *zakat* and *sadaqat* collected according to Qur’anic injunctions;
 - (d) ensure that all Muslims eligible to pay *zakat* shall do so as and when due in accordance with the Qur’anic injunctions; and
 - (e) to do any other thing that is incidental to the proper discharge of its functions under this law.
6. There shall be a State Zakat and Sadaqat Collection and Distribution Committee and a Local Government Zakat and Sadaqat Collection and Distribution Committee in each Local Government Area of the State.
7. (1) The State Committee shall have the following members:
 - (a) a pious Islamic scholar who shall be the Chairman;
 - (b) ten Muslims who are learned in both Islamic and western education as members; and
 - (c) a civil servant learned in Islamic and Western education as Secretary.(2) The members of the State Committee shall be appointed by the Executive Governor.
8. The State Committee shall perform the following functions:
 - (a) advise the Board on the principles to be applied in the collection and distribution of *zakat* and *sadaqat*;
 - (b) create awareness amongst the public on the importance of *zakat* and *sadaqat* through public lectures, seminars, conferences and workshops.
 - (c) identify the eight categories of people who are eligible to receive *zakat*;

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- (d) ascertain and verify the genuineness of all requests for assistance brought before the Board; and
 - (e) compile the list of names and addresses of well-to-do Muslims and philanthropic organisations in the State.
9. The Local Government Committee shall have the following members:
- (a) Local Government Chairman or his representative – Chairman;
 - (b) representatives of the District Heads – members;
 - (c) representative of the Chief Imam – member;
 - (d) representatives of religious organisations – member;
 - (e) Secretary.
10. The functions of the Local Government Committee shall be as follows:
- (a) identify the eight categories of people that are eligible to receive *zakat*;
 - (b) identify the destitute and the needy in the Local Government for the purpose of *sadaqat*;
 - (c) ascertain the genuineness of requests for assistance in the Local Government before forwarding them to the State Committee;
 - (d) compile the names and addresses of well-to-do Muslims and philanthropic organisations in the Local Government and forward same to the State Committee.
11. The funds of the Board shall consist of:
- (a) monthly allocation from the State Government;
 - (b) monthly contribution from each Local Government; and
 - (c) donations from individuals and organisations.
12. [The Board to meet at least three times a year and otherwise as circumstances warrant; the Chairman to preside or in his absence someone else chosen from amongst the Board.]
13. [The Chairman and members of the Board to hold office for three years and may be re-appointed for one further term.]
14. [Board members may resign or be removed by the Governor if they cannot discharge their functions by reason of dishonesty, ill health or insanity, or if they are declared bankrupt or found guilty of committing an offence by a court of law, or are absent from three consecutive meetings without permission or genuine reason.]
15. The members of the Board shall not be entitled to any remuneration but they shall be compensated for all expenses reasonably incurred in the course of their official assignment under this law.
16. The Board may from time to time appoint a subcommittee for the effective discharge of its functions under this law.
17. The quorum at any meeting of the Board shall be two-thirds of the members of the Board.
18. The Board shall have a common seal which shall be such as may be determined by the Board.
19. The Board may make such rules or standing orders that will govern its proceedings at any meeting.
20. The Board shall cause to be kept proper records of accounts that will give an accurate view of the activities of the Board.
21. No act or proceedings of the Board shall be invalidated by reason of defect in the appointment of a member.
22. Where, upon any special occasion, the Board requires to obtain the advice of any

person on any particular matter, the Board may co-opt such a person to be a member of such meeting as may be required and such person whilst so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote or be voted for in any question.

c. From interview reports

(1) Officials of the Office of Special Adviser on Religious Affairs:⁴⁷

Within the Office of Kebbi State's Special Adviser to the Governor on Religious Affairs, there are four departments: Da'awah, Sharia, Personnel Management, and Finance. Included in the schedule of duties of the Director of the Da'awah Department is the following:

- 7) Liaise with other Government boards and parastatals with bias in Islamic issues (e.g. Arabic and Islamic Education Board, Pilgrims Board, Zakat Board, Preaching Board).

In short, the Zakat and Sadaqat Board reports to the Governor through the Director Da'awah and the Special Adviser on Religious Affairs. The Da'awah Department also works with the Board on "creat[ing] awareness amongst the Muslim *ummah* on the relevance of *zakat* as one of the pillars of Islam and on the need to give it out" (§5(a) of the Board's statute).

(2) Justice Tukur Sani Argungu of the Sharia Court of Appeal:⁴⁸

Kebbi State's Zakat and Sadaqat Board does not have the same powers of enforcement of the payment of *zakat* as Zamfara State's Board does. Thus, even though Kebbi's Board is supposed to "ensure that all Muslims eligible to pay *zakat* shall do so as and when due" (§5(d)), its powers are persuasive only, not coercive. In fact, Kebbi's *ulama* are divided on whether there should even be a Zakat Board at all, some holding that the payment of *zakat* should be entirely private and voluntary.

(3) Malam Umar Isa, former Chairman of the Zakat and Sadaqat Board:⁴⁹

Malam Isa is a geologist, with a B.Sc. in petroleum geology and an M.Sc. in hydrogeology, both from King Abdul Aziz University in Jiddah, Saudi Arabia. He has worked as a geologist in Nigeria and taught both in Nigeria and in Saudi Arabia. In 2000 he was appointed to be Kebbi State's first Special Adviser to the Governor on Religious Affairs, and also the first Chairman of the Zakat and Sadaqat Board, positions in which he served until 2007.

⁴⁷ Interview in Birnin Kebbi with Musa Abdullahi Jega, Director Da'awah Department, Abubakar Muhammad Augie, Director Sharia Department, Alh. Garba Yahaya, Director Personnel Management Department, Lawal Muhammad Kangiwa, Director Finance Dept., and Muhammad J. Abubakar, of the Preaching Board, on 13th March 2008, by P. Ostien and A.S. Garba. Further details of the interview are given in Chapter 8 Part II.8.

⁴⁸ Interviewed in Birnin Kebbi on 26th February 2003, by P. Ostien and M.K. Idris.

⁴⁹ Interviewed in Birnin Kebbi, 2nd November 2007, by F. Kogelmann and A.S. Garba.

Before the Zakat and Sadaqat Board was created in 2000, the distribution of *zakat* in Kebbi State was for the most part done by individuals acting on their own, except that in some places leaders of the 'Yan Izala tried to organise local collections and distributions on a communal basis, an effort that did not get very far. Most wealthy people preferred to make distributions themselves, to people selected by themselves, who thus became their clients and dependents; often such distributions were essentially bare of religious significance. The process was inefficient, susceptible to corruption, and hardly served the social purposes for which *zakat* is intended.

The creation of a Zakat and Sadaqat Board was controversial in Kebbi State. Mal. Isa was himself doubtful about its advisability, fearing the interference of politicians in the work of any Board set up as an agency of the State Government, and the high potential for corruption of the process. Many others shared this distrust of too close an association with the state. There was also the fear, outside of the capital, that all *zakat* collected, whether in cash or in kind, would end up in Birnin Kebbi and be distributed there (this is not the case: most *zakat* is distributed in the same locality where it is collected). And many "big men" wanted to continue the old pattern of distributions by themselves to hand-picked individuals without any guiding social purpose.

Nevertheless, after consultations, in which the *ulama* were also included, it was agreed to create a State Zakat and Sadaqat Board, with members appointed by the Governor, to educate the people of the State about *zakat*, to encourage them to give, and to administer *zakat* given through the Board. The members of the Board receive no salaries, but only reimbursement for their expenses. Under the Board is a State Zakat and Sadaqat Collection and Distribution Committee with executive functions; and under the State Committee there are Local Government Committees, on which the Districts of the Local Governments are also represented. The salaries of the employees of the State Committee are paid by the State Government; the Local Government Committees take their share of the *zakat* they collect, according to the rules of Islamic law.

According to its law, the Board is supposed to "ensure" that Kebbi State's Muslims pay their *zakat*. But the Board has no power to do this; it cannot, for instance, prosecute defaulters as the Zakat Boards in some other States can do. There is also nothing in the law about what percentage of the *zakat* due from a given person should be paid into the Board, and what percentage may be distributed privately by the person. In practice, the wealthy of Kebbi State have not accepted the ratio of 2/3 to 1/3, and even 1/2 to 1/2 is highly problematic. This has made the work of the Board less effective than it would otherwise be.

Once the Zakat and Sadaqat Board Law was enacted [in March 2000], it was a difficult process to select the right persons as Board and State Committee members. They wanted only people with high reputations for having good moral standards, and they also wanted to try to keep politics out of it by including, for instance, both ANPP and PDP people. Selection members of the Local Government Committees was also difficult: it was a long process to find individuals with immaculate reputations, which this sort of work demands if it is to be successful.

The Committees have all been in place for some years now. But *zakat* collections, unfortunately, have been far below expectations. The Board has worked hard to convince target groups to give their *zakat*, but its appeals to their social and religious consciences has not been getting good results. It has been hard to find individuals willing to serve as good examples. Even the wealthy Kebbi traders, many of them resident in Kano, have been hard to convince. Some of the Local Government Committees have been inactive; the Board has tried to get them to show more activity; but sometimes this is inhibited by local conflicts between traditional titleholders and the Local Government authorities. There have been some successes: in Augie District the management of *zakat* was put into the hands of an ex-Deputy Governor, who stimulated very high giving of *zakat* particularly on farm produce. The State Government has also been making an annual grant of ₦20 million, and there have been donations from some indigenes of Kebbi State living abroad. But it is going to take more time and effort before the administration of *zakat* as intended by the Zakat and Sadaqat Board Law really becomes effective.

As to distribution of what is collected: they use three methods. (1) Main distributions: 70 beneficiaries per year are selected in each of the 21 Local Governments; (2) periodic distributions: these reach another 40 to 50 beneficiaries who must also apply and be approved by the Zakat and Sadaqat Committees; (3) imprest distributions: the Executive Secretary has authority to distribute immediate support to people in dire need; in the first two years about ₦50,000 was distributed in this way. This is not enough to meet the need, but it is what they have been able to do.

Turning to *awqaf*: these have a history in Hausaland, in the form, for instance, of institutions to take care of travellers and students. The *awqaf* were endowed on the local level, and fixed by written contracts. But corruption destroyed confidence in the institution. There was an effort to revive *awqaf* after Sharia implementation began in 2000, led by some returning *hajjis* who were impressed by *awqaf* endowed by the Saudi ruling family: in fact there was a proposal to establish an Endowment Board by law. But unfortunately the whole thing collapsed, and there has been no new initiative so far.

Mal. Isa believes that it is going to be necessary to organise workshops and conferences on *zakat*-related topics from the Local Government, through the State, and even at the National level to address technical issues and to raise the level of understanding and commitment about *zakat* and *awqaf*, before more progress can be made.

9.

Niger State

a. Administration of *zakat* before Sharia implementation began

Before Sharia implementation began in Niger State in 2000 and 2001, *zakat*, to the extent that it was being collected and distributed at all, was collected and distributed informally by Islamic malams. With the establishment of the State Zakat and Endowment Board in 2001, the Board took over this whole field throughout the State, ousting informal collections by the malams. The malams were not necessarily happy with this development, although some of them were co-opted into the Zakat Board or its Zonal or District organs.⁵⁰

b. The Zakat and Endowment Board Law, 2001

In late July and early August 2000 the Niger State Advisory Council on Religious Affairs spent several days in Zamfara State, gathering information about the progress of Sharia implementation there. Zamfara's approach to the administration of *zakat* and endowments was one topic that was discussed, in meetings in the Ministry of Justice and the Ministry for Religious Affairs.⁵¹ Zamfara's approach must have made a favourable impression on Niger State's officials, because the following year Niger adopted Zamfara's Zakat and Endowment Board Law, 2000 with very few changes, with the enactment of its own Zakat (Collection and Distribution) and Endowment Board Law, 2001.⁵² Because the laws are so similar, Niger State's is not reproduced here. Rather, Zamfara's law, given in full in [Part II.12 below](#), has been annotated, section by section, to show variations between it and Niger's law. The most notable Niger variation is the omission of §27 of Zamfara's law, levying *zakat* on "the gross salaries of State officials and other sectors, and on the wages, gratuities, pensions as well as other profits of professionals and craftsmen". Quite possibly Niger omitted this section because of its apparent inconsistency with the Federal Government's exclusive right to tax incomes, profits and capital gains, as laid down in §59 of Part I of the Second Schedule to the 1999 constitution. It is notable that when Zamfara State amended its Zakat and Endowment Board Law in 2003, it too deleted that section.

c. *Zakat* responsibilities of the Sharia Commission

Niger State's Sharia Commission Law came into operation on the same day as its Zakat and Endowment Board Law. One of the assigned functions of the Sharia Commission, perhaps redundantly, was "advising the Government on the implementation of certain

⁵⁰ From interviews cited at the beginning of section **d** below.

⁵¹ Records of Visits of the Niger State Advisory Council on Religious Affairs (NISACORA) to Niger State Local Government Areas and to Zamfara State, June, July and August 2000, <http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria>, Vol. II, Supplementary Materials, item V, at pp. 27ff.

⁵² Niger State of Nigeria Gazette No. 10 Vol. 26, 3rd September, 2001, Supplement Part B pp. B39-B53. The law came into operation on 10th July 2001.

Islamic injunctions such as *zakat*, Islamic markets, measures, etc.”⁵³ Judging from the plan of activities of the Sharia Commission, it has seen its principal roles in this matter as oversight and coordination of inter-Board affairs rather than anything more substantive.⁵⁴

d. Organisational structure and functions of the Zakat and Endowment Board

Researchers for this project were granted lengthy and informative interviews with officials of the Zakat and Endowment Board in 2003⁵⁵ and again in 2005.⁵⁶ Information gathered in those interviews is summarised in section **f** below. A lengthy document that was also provided, a report on the organisational structure and functions of the Board, dated September 2001, is reproduced in the Supplementary Materials to this chapter, available online at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>.

e. Miscellaneous Papers and Reports of the Zakat and Endowment Board

Contents of this section:

- (1) Objectives of *Zakat*
- (2) Begging
- (3) Guidelines for the Distribution of *Zakat* Collected by the Zakat and Endowment Board
- (4) Distribution Form
- (5) Report on Distribution of *Zakat* in the Zones as Directed by the Board

(1) Objectives of *Zakat*:

The objective of *zakat* first and foremost is to have social justice in the community.

Zakat does not only purify the property of the contributor but also purifies his heart from selfishness and greed. It also purifies the heart of the recipient from envy and jealousy, from hatred and uneasiness, and it fosters instead good will and warm wishes for contributors. *Zakat* has a deep humanitarian and socio-political value.

1. *Zakat* is a solid pillar in Islam without which a person's Islam is incomplete and therefore has a very serious problem.
2. *Zakat* when misunderstood can, instead of bringing people out of poverty subject more people to poverty.

⁵³ For Niger State's Sharia Commission Law see Chapter 8 Part II.9. The subsection quoted is §8(f).

⁵⁴ Chapter 8 Part II.9.

⁵⁵ Interviews with Muhammad Shaku, the Director of Distribution, in Minna, on 6 February and 8 April 2003, by J.M. Nasir, D. Gwamna and R. Awal.

⁵⁶ Interview with Adamu Idris Tagina, the Executive Secretary, in Minna, on 28 November 2005, by S.U. Fwatshak and S.H. Liman.

3. People who give *zakat* should not do so improperly. In other words, they should not give *zakat* in small sums of ₦5,000, ₦10,000 etc. rather it should be a sum of money that should be able to provide capital to start some scale business so that the recipient can also make enough to support someone else.

(2) Begging:

- 1) Begging, is an extremely detestable act in Islam, which can bring the wrath and punishment of Allah on the people who engage themselves in this act.
- 2) Begging, as practiced in our society is done by people who have lost confidence in themselves. They do not have faith that it is Allah who sustains life on earth and provide for the whole universe. They do not have the believe that begging cannot solve their problems except Allah who can help and support them.
- 3) People can contribute to eliminating this begging by not giving out alms to the beggars on the street.
- 4) Government must be involved in the fight against begging by supporting more social welfare centres.

(3) Guidelines for the Distribution of *Zakat* Collected by the Zakat and Endowment Board:

1. No *zakat* collected by the Board at the Headquarters, Zonal and District levels shall be distributed to beneficiaries unless with the explicit approval of the Board and the written authority of the Board's Executive Secretary.
2. *Zakat* distribution at all levels shall be in accordance with the Board's procedures duly communicated to the distributors through the Board Secretariat.
3. Distribution to the various administrative or community units must be based on equity, fairness and justice.
4. *Zakat* must be distributed only to those categories of people mentioned in the Holy Qur'an, *Suratul Taubah*, verse 60, namely:
 - i. the poor;
 - ii. the needy;
 - iii. *zakat* collectors;
 - iv. in Allah's cause;
 - v. inclined hearts to al-Islam;
 - vi. to free captives;
 - vii. insolvent debtors;
 - viii. wayfarers (travellers who are cut off from everything, helpless).
5. 10% of *zakat* monies received at the Board Headquarters shall be retained by the Board for distribution periodically to beneficiaries who occasionally call at the Secretariat, and to enhance its general collection efforts.
6. Each of the beneficiary groups mentioned in (4) above shall have the share of the *zakat* to be distributed in the following proportion:

i.	the poor	-	30%
ii.	the needy	-	30%
iii.	collectors	-	10%

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- iv. cause of Allah - 10%
 - v. inclined hearts - 5%
 - vi. freeing captives - 5%
 - vii. insolvent debtors - 5%
 - viii. wayfarers - 5%
7. The individual *zakat* beneficiaries shall receive not less than ₦25,000.00 or not more than ₦50,000.00 in cash or their equivalent in collected *zakat* property.
 8. *Zakat* beneficiaries need to be counselled on the need for the prudent use of the *zakat* money received by them so as to make them non-beneficiaries of *zakat* subsequently.
 9. Proper documented account must be rendered to the Board by both the Zonal Zakat Committees and District Zakat Councils on who receive the distributed *zakat* and how much, not less than one month either after distribution of same.
 10. *Zakat* money collected at the Board Headquarters shall be distributed equally among the (presently) 117 Districts in the State. For example if ₦ x million is collected at the Board Headquarters, 10% of it shall be deducted (as per item 5 above) and the rest shared viz:

$$\frac{\text{₦ x million minus 10\%}}{117} = \text{₦ y}$$

Where 'y' is the amount each District is to receive.

Abubakar Gimba

Treasurer

for: Chairman

Nov. 22, 2002

18 Ramadan, 1423

(4) Niger State Zakat and Endowment Board Distribution Form:

DISTRIBUTION FORM ZONE

1. BENEFICIARIES

- a. NAME _____
- b. WARD _____
- c. DISTRICT _____
- d. LOCAL GOV'T _____

II. CLASSIFICATION

S/NO	DESCRIPTION	SIGN
A	THE POOR	
B	THE NEEDY	
C	ZAKAT COLLECTOR	
D	INCLINED TO ISLAM	
E	FREE SLAVE	
F	DEBTOR	
G	SPREADING ISLAM	
H	TRAVELLER	

III. TYPE OF ZAKAT GIVEN

- a. FARM PRODUCE _____

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- b. ANIMALS_____
- I. CAMEL_____
- II CATTLE_____
- III SHEEP AND GOATS_____
- c. MONEY_____

SIGNATURE_____

DATE_____

Chairman sign_____Date_____

Director Zakat Distribution Sign_____Date_____

(5) Report on Distribution of *Zakat* in the Zones as Directed by the Board:

In line with the resolutions of the Board at its 12th regular meeting held on 20th November, 2002, the Secretariat has supervised the distribution of *zakat* at five zones namely Minna, Agaie, Kagara, Suleja and Lapai respectively.

At the occasions, the Emirs implored the wealthy Muslims to give out their *zakat* as when due to purify their wealth and souls. They also commended the efforts of the Board in the collection and distribution of *zakat* in the State. They also assured the Board of their unflinching co-operation and assistance to enable it realise its noble objectives.

The Executive Secretary who was represented at all the Zones enjoined the *zakat* collectors at all levels to intensify their efforts in the collection of *zakat* in their areas. He assured them that the Board will continue to support them in this direction. He also enjoined the beneficiaries to use the money given to them judiciously. He reminded them that the Board has set up machinery to monitor them.

The beneficiaries expressed their delight and prayed to Allah to continue to protect and purify the wealth of the givers of *zakat* and their respective families. They also assured the Board that they will be prudent in spending the money given to them.

The distribution of *zakat* for the remaining three Zones namely Bida, Kontagora and Borgu has not taken place. Bida Zone has not yet submitted its completed distribution forms despite repeated reminders sent to it to this effect. Kontagora Zone has collected all its cheques after submitting its completed distribution forms, but it has not fixed a date for the distribution.

In addition to this, the Kontagora Zone has collected some *zakat* from Col. Sani Bello and has distributed same without approval from the Board. Therefore, the Board was not represented at the occasion.

The distribution forms for the beneficiaries were brought to the Secretariat without Director Collection's signature. He was the officer sent to represent the Board but did not see the beneficiaries physically on the date fixed for the exercise. While Borgu Zone has collected cheques for the Districts which have submitted their completed distribution forms.

The Board is expecting the return of the remaining forms and date for the distribution exercise.

[sgd]
Muhammad Muhammad Shaku
Director, Zakat Distribution
for: Executive Secretary

f. From interview reports

Subsections (1) and (2) of this section give information from the interviews mentioned at the beginning of section **d** above. For the source of subsection (3) see the footnote thereto.

(1) Muhammad Muhammad Shaku, Director of Distribution, February and April 2003:

In Islam, it is the duty of the State to administer *zakat* collection and distribution. Now that Niger State has assumed this responsibility, the traditional *zakat* collectors feel threatened, though some of them have been co-opted into the Board.

Zonal and District *zakat* offices have been created. Each of Niger State's eight Emirates has been made into a Zone for this purpose, and then subdivided into Districts, as follows:

1. Bida - has 22 Districts
2. Kontagora - has 20 Districts
3. Suleja - has 16 Districts
4. Kagara - has 7 Districts
5. Lapai - has 11 Districts
6. Minna - has 10 Districts
7. Agaie - has 18 Districts
8. Borgu - has 13 Districts

Zonal Committee members are nominated by the Emirs who are the Zonal Chairmen. The Zonal Committees work with the District Councils in the ways described in the document on "Organisational Structure and Functions of the Zakat and Endowment Board" which has been supplied [see section **d**]. The District Councils collect and distribute *zakat* at their levels after consultation with the Board. People are being encouraged to give *zakat* in their Zones and Districts without necessarily coming to the Board, although some have preferred to deal directly with the Board. The Board supervises the distribution at each District though the Board also collects and distributes at its own apex level. For instance, in addition to money, the Board has collected and distributed grains. The Board operates two accounts: one for *zakat* and the other for *sadaqat*. There is a Finance Department which handles all the financial transactions and keeps careful records. The Zonal Committees also have their own bank accounts.

The staff of the Zakat and Endowment Board are on posting from other Ministries. For example, the Director of Zakat Distribution is a staff and on salary of the College of Education, Minna. It may be that in future the Board might become more autonomous,

by getting its own dedicated staff. At present only the Chairman is on a part-time basis and paid by the Board.

Nobody is being compelled to pay *zakat* but people are being persuaded to pay. Sermons are used to enlighten people and to encourage Muslims to give *zakat* and this method has worked tremendously. There is provision in the law to prosecute defaulters, but that is not the immediate concern of the Board. Even without using that power the general response has been encouraging. The Directorate of Assessment is not yet functional. It is hoped that both the givers and beneficiaries of *zakat* will be encouraged into true Islamic lifestyles.

So far the Board has been in operation for only a little over a year. For the first phase of distribution, the Board decided to select four beneficiaries from every District and to give each one a minimum of ₦25,000.00 and a maximum of ₦50,000.00 from *zakat* collected in the form of money. This plan is meant to empower the people. The beneficiaries were educated to appreciate the fact that the *zakat* given them was not to be shared but to be invested into a meaningful business in order to yield profit and generate more money for them to live by. The beneficiaries are monitored to ensure that they use the money well. Seminars are being organised to conscientise people on this. The beneficiaries, who were randomly selected, have shown appreciation to this scheme.

Some *zakat* has also been given to meet special demands or needs. In addition, *zakat* collected in kind has of course been distributed in kind. In some cases a beneficiary got a bag of guinea corn or maize, and in some cases, they were paired. The *zakat* collectors are entitled to 10% of what is collected in their zones.

(2) Adamu Idris Tagina, Executive Secretary, November 2005:

An important function of the Board continues to be creating public awareness on *zakat* issues, especially reminding Muslims to pay what is due. *Zakat* payment is one of the five pillars of Islam and a true Muslim cannot practice some and leave one out. The awareness campaign and reminders are in the form of media publicity: television and radio programmes, jingles, leaflets, and preaching at mosques and any other place where large numbers of Muslims are gathered. But *zakat* is not fixed at a flat rate like a tax. It is based on certain criteria, called *nisab*, for the different types of things on which *zakat* is due. [Here follows discussion of the *nisab* and *zakat* to be paid on various things: see section d above.] Yam, a tuber crop is excluded because in some communities it is not regarded as food. However, it can be given as *sadaqat*, i.e. voluntary alms.

Before Sharia implementation started and the Board was created, Islamic malams collected and distributed *zakat*. With the establishment of the Board, the powers to do this were taken away from them and they are not happy about it.

As to collections: the Board designs and distributes *zakat* assessment forms to eligible payers. Such persons fill in and return the forms to the Board with payment in cash or check payable to the Board, or in kind. The Board does not make an independent assessment but leaves asset declaration to those eligible to pay because they are fulfilling an obligation, which is between them and their Creator. Some people turn up by themselves and pay or give. In all cases payers are issued with receipts for what

they give in. The Board has the power to prosecute any eligible payer but it has not yet started doing so because people need to be enlightened more. Moreover, the hesitant process accords with the way the Law came to the Prophet. It came piecemeal because God wanted human beings to absorb and understand the law knowing that bringing all the laws at once could make people not to remember them.

As to distribution: collection and distribution of *zakat* in Niger State are not centralised, as they are in other states. Instead collection and distribution take place at the level of the Ward, Village, District, Zonal and State level. In effect, at each of these levels, there are *zakat* committees. *Zakat* collected by them is distributed by the local *ulama* based on their knowledge of Islamic law but under the supervision of the Board: a day is set for distribution, and the Board is notified and invited to supervise the process. All *zakat* collected at the State Headquarters level is shared out to beneficiaries state-wide. The selection of beneficiaries starts with malams in the respective communities who identify prospective beneficiaries and give them distribution forms to be filled in triplicate: one copy each for the District, Zonal, and Board levels. The final selection is done by the Board. The principle of sharing is first of all equity. Each District gets one beneficiary who gets ₦25,000. Formerly the sum was given in cash but now checks are issued to beneficiaries to ensure maximum security. The Board notifies all successful beneficiaries and informs them also of the date and venue of distribution in advance (usually the Zonal Emir's Palace). Distribution is done openly to ensure transparency. Those Districts that collected more *zakat* in their areas get one additional beneficiary for every ₦25,000 they generated above others.

The Board still does not have its own permanent staff. Instead the Executive Secretary is given a free hand to recruit any suitable person from any Ministry for secondment to the Board, but that person takes his/her salary from their Ministry.

Reports on collections and distributions have been prepared, by the various District Councils and by the central Board. These are at the State Headquarters but are not ready for public consumption because the Governor is yet to approve them. The Sharia Commission has written a letter to the Governor requesting audience with him to present the reports, but no time had been set for this when this interview took place.

(3) Mohamed Abubakar Erana, Director of Collections, November 2007:⁵⁷

[Discussion of the administrative structure of the Board at its various levels of organisation, as documented above.]

Except at the State level, where Board employees are on the State's payroll, those who do the work of *zakat* collection and distribution at all other levels share a portion of what is collected according to Islamic law.

Unfortunately the response in Niger State to the efforts of the Zakat and Endowment Board to persuade people to pay their *zakat* has been very poor. The law only requires people to pay into the Board 60% of the total *zakat* due from them,

⁵⁷ Interviewed in Minna on 9th November 2007 by F. Kogelmann and A.S. Garba.

allowing them to distribute the other 40% directly to whomever they choose. But even some high officials of the previous State Government refused to pay their *zakat* to the Board. The former Governor refused an audience with the members of the Board to discuss the shortcomings of *zakat* collection in the State. Although the Zakat and Endowment Board Law allows the Board to prosecute people who don't pay what is due from them, this must be done through the Office of the Attorney-General, and this was not on under the previous administration. The Board was given very little money to work with. For instance, it has no vehicles to tour the different districts of the State, and no money for the necessary work of producing and distributing books and pamphlets about *zakat* and encouraging Muslims to give. It has however been able to use radio and TV messages, in the various languages of Niger State, to propagate the duty of every Muslim to give. The new Governor has promised to do better, he was a student at the College of Arab and Islamic Studies in Sokoto. There have been some exceptions to the general failure to respond, but not very many.

Malam Erana was unable to provide any figures on collections or distributions so far. Complete registers of all collections and distributions of *zakat* since 2001 exist, but they have not yet approved by Government, so he could not give out copies.

As to *anqaf*: there seem to be no *anqaf* in Niger State, and, no tradition of them. The Board is called the Zakat and Endowment Board, but there is virtually nothing in the law on endowments and for now the law seems to be a dead-letter in this matter.

10.

Sokoto State

a. From the Final Report of the Committee Set Up to Advise the Sokoto State Government on the Establishment of Sharia

The Committee set up in October 1999 by the Governor Bafarawa of Sokoto State, to advise him on how to proceed with Sharia implementation, made the following recommendation in its Final Report:⁵⁸

xii. *Zakat*

The Islamic policy of distribution of wealth through *zakat*, *sadaqat*, etc. helps a lot in discouraging accumulations and concentration of wealth in a few hands. The Government is advised to give emphasis on *zakat* collection and distribution as prescribed by Islamic injunctions. The Zakat Committee should intensify the collection of *zakat* and publish the amount and names of the individuals who give out the *zakat*.

The reader will observe that this recommendation implies an already-existing Zakat Committee [or, as it is called in the next section, a Sadaqat and Endowment Committee], not a statutory body but a group of prominent citizens constituted from time to time by the Governors and charged with encouraging and coordinating the unofficial collection and distribution of *zakat* and other *sadaqat* throughout the State. In fact such a Committee has existed for a long time in Sokoto State and was not instituted as part of the recent implementation of Sharia.⁵⁹ Unfortunately no further information was gathered about this Committee, as to when it first began in existence or its activities over the years.

b. The Department of Sadaqat and Endowment of the Office of the Special Adviser to the Governor on Religious Matters⁶⁰

The Office of Special Adviser on Religious Matters, discussed in more detail in Chapter 8 Part II.10, is divided into four departments: Community Services, Da'awah, Sadaqat and Endowment, and Sharia Implementation. Each Department has a Director, a Deputy Director, and support staff.

⁵⁸ See Interim and Final Reports of the Committee Set up to Advise the Sokoto State Government on the Establishment of Sharia, submitted to the Executive Governor of Sokoto State on 13 October, 1999 and 16 December, 1999, respectively, <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>, Vol. II, Supplementary Materials item I, pp. 26-27.

⁵⁹ Per interview with Muhammad Aminu Ahmad, then-Chairman of the Sokoto State Law Reform Commission, in Sokoto on 24th February 2003, by P. Ostien and M.K. Idris.

⁶⁰ The following information about the Office of Special Adviser on Religious Matters was generously provided by the Permanent Secretary, Umar Attahiru Sokoto, in an interview in Sokoto on 14th March 2008.

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As to the Department of Sadaqat and Endowment: There is a Committee under this Department, the Sadaqat and Endowment Committee. This Committee was already in existence before Sharia implementation began in late 1999. In fact it was “reconstituted” by Governor Bafarawa when he came into office in June 1999 (i.e. the old committee was dissolved and new members were appointed to it), and now (in 2008) Bafarawa’s committee has in turn been dissolved by the new administration elected in 2007 and new members will again be appointed. The Committee collects *zakat* and *sadaqat*, and makes distributions to the categories of recipients identified in the Islamic law. They are trying to discourage street begging by their good works. The Committee has subcommittees on planning, the needy and the sick, destitutes, victims of natural disasters and other special cases, and mental patients. These are the people who receive distributions. Apparently early in Bafarawa’s regime, in the early enthusiasm for Sharia implementation, there was an agreement that the State Government would contribute ₦1 million annually to the Committee’s fund, while each Local Government Area (of which there are 23) was supposed to contribute ₦250,000 monthly. While the Local Governments would thus put in much more money, most of the money would then be distributed back to their own people (presumably by Local Government subcommittees of the main Committee). Voluntary contributions by individuals were also sought. But this scheme broke down; collection from the State and Local governments became difficult and the thing didn’t work very well. They are now going to reconstitute the Committee and try to get things moving again; they are talking about giving the Committee legislative backing, and they will suggest among other things that all contractors with the State be required to pay some percentage of the contract price (say 1%) into the fund.

11.

Yobe State

a. The Directorate of Zakat and Endowment
of the Ministry of Religious Affairs

As is discussed more fully in Chapter 8 Part II.11, when Sharia implementation began there, Yobe State first gave itself a Religious Affairs Board, established in 2001 under its own statute; and then in 2003 the Board was converted into a full-fledged Ministry of Religious Affairs. The structure and functions of the Ministry are much the same as those of the Board before it. In particular, the division of the Board into Directorates of Sharia, Da'awah, Religious Affairs, Zakat and Endowment, and Finance and Administration still applies to the Ministry, as do the following provisions of the Religious Affairs Board Law related to the Directorate of Zakat and Endowment and to Yobe State's Board of Trustees for Zakat and Endowment:

9. (1) * * *
- (2) * * *
- (3) There shall be appointed by the Executive Governor a Board of Trustees for Zakat and Endowment comprising notable and reputable representatives of the people of Yobe State drawn from different walks of life charged with the responsibility of overseeing all the functions relating to *ḥaḳat* and endowment and shall have power to form *ḥaḳat* committees at Emirate, District and Village levels.

* * *

11. The functions of the Board [now Ministry] shall be:

* * *

- (b) Working out and implementing a programme of collection and distribution of *ḥaḳat* in the State in accordance with Sharia injunctions;

* * *

* * *

13. (1) Each of the Directorates shall have the functions set out hereunder:

* * *

E. Directorate of Zakat and Endowment. The Directorate of Zakat and Endowment shall have the following functions:

- (i) Updating and announcement of *nisab* of *ḥaḳat* periodically;
- (ii) Assessment and verification of *ḥaḳat* items;
- (iii) Collection and distribution of *ḥaḳat* according to Sharia injunctions;
- (iv) Establishment and supervision of Local Government *ḥaḳat* committees;
- (v) Management of Islamic endowment (*waḳf*) funds, properties and investments donated by individuals, groups or corporate bodies in accordance with Sharia injunctions;
- (vi) Custody and disposition of lost and found properties;
- (vii) Any other functions related to the above that could be assigned to it from time to time.

**b. Responses by the Religious Affairs Board
to questions on *zakat* (2003)**

The following paragraphs were provided in early 2003, by Alhaji Hassan Gana, then the Executive Secretary to the Yobe State Religious Affairs Board, in response to written questions submitted to him in December 2002. We are most grateful to Alh. Gana for his kind cooperation with our research efforts.

1. The relevant legislation on *zakat* [in Yobe State] is the establishment of State Trustees on Zakat and Endowment, with powers to create Zakat Committees at Emirate, District and Village levels [see §9(3) of the Religious Affairs Board Law, above].
2. The members of Trustees on Zakat at the State level comprise retired and serving civil servants, members of the *ulama* and some business class representatives as well as that of cattle rearers. The civil servants constitute the secretariat of the Trustees.
3. Copy of the disbursement report by a committee of the Trustees is attached [for 2002: see section **d** below]. This report covers the disbursement of the *zakat* collected by the State Trustees only, while those of Emirates, Districts and Village Committees keep their own reports.
4. As a matter of policy, the present position is that of deregulation with individuals allowed to make their own assessment [and] turn over to the committees what is due as *zakat*. There are assessment forms, which guide individuals while those who cannot use the forms are to contact committee members or any of the learned *ulama* around.
5. The guidelines give the individual *zakat* payer liberty to give any portion of his *zakat* he deems appropriate to the Central Committee and the rest to the people he is used to giving [to] before the formation of the Central Committee.
6. There is no strict enforcement of compliance now owing to the guiding principle of Sharia implementation in the State being gradualist promoting conscientious compliance through enlightenment rather than use of force by authority at least in the early stages.
7. No force used so far as explained above.
8. [Complete] data [on collections and distributions] at now is not handy as the Emirate and District Committees have not yet compiled their reports. The State Trustees collection has however experienced a slight decline compared to the first year. This is in the region of about 10% and the reason attributed is the shifting of payment to the lower-level committees as publicised by the Trustees themselves.
9. The proceeds are used strictly in accordance with guidelines from the Holy Qur'an and Hadith and the interpretations by Maliki scholars of jurisprudence. The Zakat Handbook [see below] contains the guidelines, which has been submitted to Research Committee representatives.
10. The Trustees on Zakat are looking for avenues for improving effectiveness in the performance of all the committees through more strict enforcement.

c. Yobe State Zakat Handbook (2002)

YOBE STATE BOARD OF TRUSTEES ON ZAKAT AND ENDOWMENT

The Zakat Handbook

January 2002

Damaturu

Preface

In the name of Allah the Beneficent, the Merciful. All thanks, praises and glorification are due to the Almighty Allah (SWT), who out of his infinite mercy guided us to Islam and enabled us to adopt His Way, the Sharia, as our way of life. May peace and blessings be upon His messenger Muhammad whom He gave us as a perfect model to emulate and propagate.

This short publication was necessitated by the formation of various Zakat Committees and the mobilisation of the Muslim population on the importance of this third pillar of Islam. It is not written as a textbook on *zakat*, but rather as a quick reference guide to ease the work of Zakat Committees as well as to assist individuals on basic facts of *zakat* and its assessment.

The operational guidelines and the basic facts on *zakat* have all been authenticated and approved by the Board of Trustees and therefore carry stamp of its authority which are all based on injunctions and regulations of Sharia as relate to *zakat* and its management.

The Trustees in liaison with the Religious Affairs Board (RAB) shall issue further policy guidelines as circumstances may warrant. It is our ardent hope and prayer that this publication will facilitate compliance with Sharia regulations in respect of *zakat* and Endowment.

Contents:⁶¹

1.0 Introduction	6.0 Non- <i>zakatable</i> property
2.0 Conditions that make <i>zakat</i> obligatory	7.0 Groups of people entitled to receive <i>zakat</i>
3.0 <i>Nisab</i> of <i>zakatable</i> wealth	8.0 Apportioning of <i>zakat</i> to the different <i>zakat</i> recipients
4.0 <i>Zakat</i> on farm produce and livestock	9.0 Operational guidelines
5.0 <i>Zakat</i> on gold/silver, currency notes, wares of trade, and company shares	References

1.0 Introduction

1.1 *Zakat* is the third of the five pillars of Islam, which is an obligation on every Muslim who fulfils the required conditions for giving out *zakat*. It literally means purification or

⁶¹ We give here only the main headings, according to the actual content of the nine main sections of the pamphlet; variations from the actual headings and the many numbering problems are noted in the text.

growth as taking out *zakat* purifies the wealth from which it is taken and that ensures the spiritual growth of the person who gives out *zakat*.

1.2 In the language of Sharia, *zakat* is used to refer to a specific amount of wealth at a specific level and given out to a specific groups of people among the Muslims as an obligation dictated by Allah (SWT).

2.0 Conditions that make *zakat* obligatory

2.1 It must reach the fixed minimum “*nisab*”.

2.2 It is paid only on the types of wealth specified by Sharia.

2.3 In the case of cash or forms of wealth other than farm produce, it must have been in possession for a period of twelve calendar months.

2.4 The payer of *zakat* must be a free Muslim, male or female, sane or insane, child or adult. In the case of a child or insane person, his guardian is responsible for giving *zakat* from his wealth.

2.5 The payer’s wealth must be equal to or more than the “*nisab*” after subtracting all his debts. This does not apply to farm produce.

3.0 *Nisab* of *zakatable* wealth

Nisab is the minimum amount a person must possess before *zakat* should be paid. This minimum varies according to the type of wealth from which *zakat* is to be paid.

4.0 [*Zakat* on farm produce and livestock]⁶²

4.1 **Farm produce.** The *zakat* on farm produce is paid at the time of harvest. The *zakatable* produce found particularly in Yobe State include millet (*gero*), guinea corn (*dama*), maize (*masara*), beans (*wake*), rice (*shinkafa*), groundnut (*gyada*), date (*dabino*), beniseed (*ridi*), and *guna*.

4.2 The amount to be given out as *zakat* is 1/10 (one tenth) of the total amount produced if it reaches the *nisab*. In the case of produce which is cultivated through artificial irrigation by use of water pumps, wash boreholes and canals, the rate is 1/20 (one twentieth) of the total produce if it reaches the *nisab*.

4.3 ***Nisab* of farm produce.** The *nisab* of all farm produce is 5 (five) *ausuq* which is equal to 300 *sa’i* which is equal to 1,200 *mudunnabiy*, in other words, *nisab* is:

<i>Ausuq</i>	=	5
<i>Sa’i</i>	=	300
<i>Mudunnabiy</i>	=	1,200

4.4⁶³ **Explanation.** It has been assessed practically that 4 *mudunnabiy* is approximately equal to one of the types of measure commonly used in our markets called “*kwanon sha mai lamba ashirin*”. That means 1 *kwanon* is roughly equal to one *sa’i* and 60 *kwanon* is equal

⁶² The heading in the text is “Types of *zakatable* wealth”.

⁶³ Numbered 4.2 in the text.

to one *ansuq*. Since 5 *ansuq* is the *nisab*, then 5 x 60 is equal to 300 *kwano*. The same is equal to 7½ big size sacks of the type, which contains 40 *kwano*.

4.5⁶⁴ **Zakat on livestock.** Animals for *zakat* must attain *nisab* and they must have been in possession for a period of one year. The *nisab* for camels is 5 and the rates payable for different quantities are as presented below:

Quantity of Camels	Zakat to be paid
5 camels	one 1- year old goat or sheep
10 camels	two 1-year old goat or sheep
15 camels	three 1-year old goat or sheep
20 camels	four 1-year old goat or sheep
25-35 camels	one 2 –year old she-camel
36-45 camels	one 3- year old she-camel
46-60 camels	one 4-year old she-camel
61-75 camels	one 5-year old she-camel
76-90 camels	two 3 –year old she-camels
91-120 camels	two 4-year old she-camels

For more than 120 camels, on every additional 40 camels, a three-year-old she-camel is the *zakat* while a four-year old she-camel is due on every 50 additional camels.

4.6 **Zakat on cattle.** The *nisab* for cattle is 30 cows. One who possesses 30 cows will give out 2-year she cow as *zakat*. The rate which increases as the number of cows increases is as presented below:

Number of Cows	Zakat to be Paid
30 cows	one 2-year old she-cow
40-59 cows	one 3-year old she-cow
60 cows	one 4-year old she-cow
70 cows	two she-cows consisting of: one 2-year old and one 3-year old
80 cows	two 3-year old she-cows
90 cows	three 2-year old she-cows
100 cows	three she-cows consisting of: two 3-year old and one 3-year old
110 cows	three she-cows consisting of: two 3-year old and one 2-year old she-cows
120 cow	either three 3-year old she-cows or four 2-year old she-cows

When the number exceeds 120, there is an option of paying out one two-year old she-cow for every 30 or one three-year old she-cow for every 40.

⁶⁴ Numbered 4.3 in the text.

4.7 **Zakat on sheep and goats.** The *nisab* for sheep and goats is 40. The rate is shown in the diagram below:

Quantity of Sheep/Goats	Zakat to be Paid
40-120 sheep/goats	one 1-year old sheep/goat
121-200 sheep/goats	two 1-year old sheep or goat
201 and above	For each 100, one 1-year old sheep or goat

5.0 [Zakat on gold/silver, currency notes, wares of trade, and company shares]⁶⁵

The rates of *zakat* payable on [gold and silver] is 1/40 or 2½% of the total amount. The *nisab* for gold according to *fiqh* is 20 dinar or 200 dirham in the case of silver.

5.1 The *nisab* on currency notes like naira is based on the currency value of 20 dinar equivalent of gold. Some modern Islamic scholars have estimated 20 dinar as 85 grams of gold. In order to get the *nisab* in naira, cost of one gram of gold is to be multiplied by 85. One fortieth or two and half percent of that is to be given out as *zakat*. Thus, in order to arrive at the *nisab* in naira for the year 1422 Hijra [2001], the average dollar value of 20 dinar worth of gold in the international market is multiplied by the prevailing exchange rate of ₦133.00 per dollar. Thus \$741.17 x ₦133.00 will give *nisab* value of ₦98,575. This figure shall, however, vary according to change in the price of gold and exchange rate of naira.

5.2⁶⁶ **Zakat on wares of trade.** All commodities which are for sale, are also *zakatable* based on reaching the *nisab* value. The *nisab* is computed by getting the total cost price of the commodities. Two and half percent is given out as *zakat* in monetary form.

5.3⁶⁷ **Zakat on company shares.** Shares in quoted companies should be valued according to their quoted worth at the time *zakat* is due and their value in monetary terms is added to *zakatable* assets for the purpose of calculation and payment of *zakat*.

6.0 Non-zakatable property

6.1 Money, animals, farm produce and other forms of wealth which do not measure up to the *nisab*.

6.2 Perishable farm produce or fruits.

6.3 Tools of trade.

6.4 Personal effects, clothing, furniture, residential house, motor vehicles, jewellery, provided they are not for sale.

6.5 Capital assets used for generating money e.g. transport vehicles, machinery for producing goods, generating sets, tractors or animal traction for cultivation.

⁶⁵ The heading in the text is “Zakat on gold/silver and currency notes”.

⁶⁶ Numbered 5.1 in the text.

⁶⁷ Numbered 5.2 in the text.

6.6 Animals which are not edible like horses, donkeys, dogs, pigs provided they are not kept for sale.

6.7 Household items e.g. beds, kitchen utensils, etc.

6.8 There is no *zakat* on the amount which has been given out on loan. However, on repayment, the amount will be added to the total *zakatable* assets and computed for the purpose of payment of *zakat*.

6.9⁶⁸ Landed property e.g., plots, buildings not *zakatable* if they are not for sale. If they are for sale however the amount sold will be *zakatable* if it reaches the *nisab*. If the amount is not up to *nisab*, it is to be added to the total *zakatable* asset.

7.0⁶⁹ Groups of people entitled to receive *zakat*

7.1 **The poor (*fuqara*).** Those who do not own enough to be liable for *zakat* and those who do not have enough provision to take them for a year.

7.2 **The needy (*miskina*⁷⁰).** Those who do not own enough to be liable for *zakat* and those who do not have enough provision to take them for a year.

7.3 **Those who collect *zakat* (*amilina alaiha*).** Those who are employed to collect and distribute *zakat*.

7.4 **Those whose hearts are to be reconciled to Islam (*muallafatu qulubuhum*).** Those new converts to Islam who need economic support to enable them settle.

7.5 **Freeing of slave (*fi riqab*).**

7.6 **Those who are indebted (*gharimina*).** Those who are indebted through lawful loans.

7.7 **In the way of Allah (*fi sabilillah*).** Those who are struggling in the way of Allah like *mujahidun* or those engaged in the pursuit of learning.

7.8⁷¹ **The wayfarer.** Those who are stranded in the course of their journey, they are away from their homes and the journey must be lawful.

8.0⁷² Apportioning of *zakat* to the different *zakat* recipients

8.1 Drawing from the Sharia principle that the body charged with the responsibility of collecting and distributing *zakat* can use its discretion in accordance with the needs of the circumstances to allocate *zakat* among the 8 categories of beneficiaries, the Board of Trustees agreed that the *zakat* collected in the State is to be distributed as follows:

(i)	<i>Fuqara</i>	50% = 10/20
(ii)	<i>Fi sabilillah (ulama)</i>	25% = 5/20

⁶⁸ Numbered 6.2 in the text.

⁶⁹ Numbered 6.0 in the text.

⁷⁰ Or to give the Arabic plural, *masakin*.

⁷¹ Numbered 7.3 in the text.

⁷² Numbered 6.0 in the text.

- (iii) *Miskinai*... .. 10% = 2/20
- (iv) *Muallafatu qulubuhum* 5% = 1/20
- (v) *Amilina alaiba* 5% = 1/20
- (vi) District and Emirate Committee... 5% = 1/20

8.2 Out of the 5% *zakat* funds to be remitted to it by the District Committees within its area in accordance with the regulation, each Emirate Committee shall in turn remit 5% to the State Board of Trustees which shall be kept by the latter for emergency cases and for areas of deficits.

9.0⁷³ Operational guidelines

9.1 This is to be left to the individual *zakat* payer. However, the Committees as well as the Board shall carry out assessment on request using the prescribed form.

9.2 The proportion to be paid to the collecting agency by the *zakat* payer is to be decided by the payer but should be at least 50%.

9.3 The committee should identify and acquire a warehouse for keeping *zakat* property before distribution. Local Governments should be requested to assist in this direction. Where it is not possible to get Local Government assistance the committee can use its 5% to rent or build one.

9.4 There should be a treasurer for each committee who should be a trustworthy person and be responsible for security and custody of all *zakat* property and funds.

9.5 If it is deemed more convenient for handling purposes, the committee is free to convert *zakat* given in kind to money by selling it through a subcommittee appointed for that purpose.

9.6 Logistical requirements for collection and distribution of *zakat* should be shouldered by the Local Governments. Where is not possible, the committee should use part of its 5% share.

9.7 All village area committees should register and keep comprehensive list of all *zakat* recipients in their areas using the prescribed forms.

9.8 Similarly, a comprehensive register containing list of all *zakat* payers should be kept. The State Board as well as Emirate and District Committees should inspect such register.

9.9 All payers of *zakat* or endowment should be given the appropriate receipt. Similarly records of the amount disbursed per each *zakat* recipients should be kept.

9.10 Make public announcement of all collections and disbursements including names of payers and recipients as well as the amount paid and the amount given out to each recipient.

9.11 Before any disbursement is to be made in any unit, clearance from the next higher *zakat* agency (committee) should be sought and the latter should send its representative who will in turn submit a report on the disbursement made.

⁷³ Numbered 6.0 in the text.

9.12 Such summary reports should be collated as part of the required quarterly reports to be submitted by each committee.

9.13 The recipients of *zakat* should collect their share in person and not through any representative.

9.14 Emirate committees should notify the Board of Trustees of the major disbursements to be made within their areas so that the monitoring and verification committee can make random representations to witness some of the disbursements. Such notifications should be sent at least one week in advance by mails or radio message.

9.15 All people to be involved in handling proceeds of *zakat* should be people of proven integrity and all should be made to understand that no fraud or any form of misappropriation shall be condoned.

9.16 Where there are surpluses of *zakat* collections as compared to recipients, the District Committee or the Emirate Committee or the State Board of Trustees is allowed to transfer the surplus to areas of serious deficits.

9.17⁷⁴ All committees are advised to embark on continuous publicity and enlightenment on *fiqh-us-zakat* and the operational modalities of the committees through *juma'at khutbah* and pre-*khutbah* as well as through organising lectures.

9.18⁷⁵ Amounts of money and assets received as *waqf* (endowment), should be used in a sustainable way through dividend-yielding *halal* investments.

REFERENCES

1. *Zakat: Poor Due* by Sheikh Ahmad Abdullahi: Lagos, 1992.
2. *Dutse Emirate Zakat Da'awah Committee End of Year Report, 2001*.
3. *A-Z Manual on Zakat* by Ahmad Zakari & Co. Kano, 1998 [1419 H].
4. *Fiqh-us-Zakat* by Sheikh [Dr.] Yusuf Al-Qardawi.

d. Zakat Disbursement and Verification Committee Report (2002)

A copy of this report, the full title of which is “Yobe State Board of Trustees on *Zakat* and Endowments Disbursement and Verification Committee Report”, was obtained in 2003 from the Yobe State Religious Affairs Board, courtesy of Alhaji Hassan Gana, then the Executive Secretary. The full report is reproduced in the Supplementary Materials to this chapter, available online at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>.

e. From an interview report⁷⁶

The *zakat* system was launched in Yobe State 2001, with a grant from the State of ₦50 million for a fund for *zakat* and *awqaf* together. Since then they have been quite

⁷⁴ Numbered 9.2 in the text.

⁷⁵ Numbered 9.3 in the text.

⁷⁶ Interview with Alhaji Ali Gaji Grema, Permanent Secretary, Ministry of Religious Affairs, conducted in Damaturu on 8th November 2007 by F. Kogelmann and A.S. Garba.

successful at collecting *zakat* and of course distributing it, all through the various committees. For instance, the former Governor invited the Director of Zakat and Endowment to come and collect from him: he paid 100% of the *zakat* due from into the fund (not holding any back to give out at his own discretion); he also gave cash as *waqf*. This way of administering *zakat* is much more organised than the way it used to be handled, which was simply that everyone gave individually, to whomever he wished. But although they are now more organised, there are still no sanctions in Yobe State for failure to pay, this may come later.

Awqaf are nothing new in this State, there is a long tradition of them in Kanem Borno. For instance, people have endowed houses for *almajirai* to live in until they complete their studies, they have supported *ulama*, assisted young people with the means to get married, and so on. They are making efforts to revive and reinvigorate this traditional Islamic institution. They have raised funds specifically for the purpose of *awqaf*. Some of the things they are doing with these funds: supporting *da'wah*, building schools (including a school for the blind), investing in mass transit for women, buying land that poor people can farm on.

As it is now, the whole system of administering *zakat* and endowments is closely tied to and monitored by the State Government. It might be better if it were more independent of the politicians. This could happen at the end of the day.

12.

Zamfara State**a. The Zakat and Endowment Board Law, 2000 as amended in 2003, annotated**(1) Preliminary remarks:

Zamfara State's Zakat and Endowment Board was first established in late 1999. Its first statute, the Zakat (Collection and Distribution) and Endowment Board Law 2000, was signed into law in May 2000. In 2003, Zamfara replaced its 2000 law with a new Zakat (Collection Distribution and Endowment) Board Law, 2003.⁷⁷ Most of the changes made in 2003 are minor and are shown below in annotations to the 2000 law. But one important new definition and three entirely new sections added in 2003 are given separately, after the schedule of *nisabs*.

As the reader will see, one principal purpose of the 2003 changes was to bring out more clearly the Board's functions respecting endowments. Another notable change was the omission of §27 of the 2000 law, levying *zakat* on "the gross salaries of State officials and other sectors, and on the wages, gratuities, pensions as well as other profits of professionals and craftsmen". One may speculate that this section was taken out because of its apparent inconsistency with the Federal Government's exclusive right to tax incomes, profits and capital gains, as laid down in §59 of Part I of the Second Schedule to the 1999 constitution.

Zamfara's 2000 law was copied, in almost identical terms, by Niger State, in its own Zakat (Collection and Distribution) and Endowment Board Law 2001. The annotations to Zamfara's 2000 law, below, besides showing changes made by Zamfara's 2003 law, also show the few changes made by Niger State when it adopted Zamfara's 2000 law as its own. The most notable Niger State variation is the omission of §27 of Zamfara's 2000 law, probably for the reason given above.

Sections 1-2, 13-26, 28-30, 35-36, and the schedule to Zamfara's 2000 law were also copied, in substantially the same terms, by Bauchi State in its 2003 Zakat and Endowment Fund Law. But there are enough variations in Bauchi's law that it has seemed best to reproduce it separately in [Part II.1 above](#), rather than try to account for the variations by annotating Zamfara's law.

⁷⁷ Zamfara State of Nigeria Gazette No. 2 Vol. 4, 10th October 2003, pp. A1-A18.

SHARIA IMPLEMENTATION IN NORTHERN NIGERIA 1999-2006: A SOURCEBOOK
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(2) The Zakat (Collection and Distribution) and Endowment Board Law, 2000,
Annotated:

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF ZAKAT AND ENDOWMENT BOARD
AND FOR THE MATTERS CONNECTED THEREWITH⁷⁸

Arrangement of sections:

- | | |
|---|--|
| 1. Citation and commencement. | 21. Crops and fruits disposed of. |
| 2. Interpretation. | 22. Crops and fruits eaten by animals used for tilling. |
| 3. Establishment of the Board. | 23. <i>Zakat</i> of livestock. |
| 4. Appointment of and composition of the Board. | 24. Schedules. |
| 5. Powers of the Board. | 25. Addition of property together. |
| 6. Appointment of Secretary and other staff of the Board. | 26. Invested property. |
| 7. Functions of the Secretary. | 27. Salaries, wages, gratuities and profits of professional and craftsmen. |
| 8. Tenure of Chairman and members of the Board. | 28. Absence of owner of property subject to <i>zakat</i> . |
| 9. Removal of a member of the Board. | 29. Property not subject to <i>zakat</i> . |
| 10. Remuneration of the members. | 30. Distribution of <i>zakat</i> fund. |
| 11. Personal liability of members. | 31. Establishment of Zonal Boards. |
| 12. Remuneration of Secretary and staff of the Board. | 32. Financial resources of the Board. |
| 13. Persons upon whom <i>zakat</i> is levied. | 33. Budget of the Board. |
| 14. Conditions for the levy of <i>zakat</i> . | 34. Accounts and audits. |
| 15. <i>Zakat</i> of trade wares. | 35. Cheating, evasion and refusal to pay <i>zakat</i> . |
| 16. <i>Zakat</i> of silver and gold. | 36. Disclosure of issues pertaining to <i>zakat</i> . |
| 17. <i>Zakat</i> of money and money's worth. | 37. Exemption of <i>zakat</i> property from taxes. |
| 18. <i>Zakat</i> of debts, stolen and extorted property. | 38. Common seal of the Board. |
| 19. <i>Zakat</i> of treasure-trove. | Schedule |
| 20. <i>Zakat</i> of crops and fruits. | |

CHAPTER ONE: PRELIMINARY

BE IT ENACTED by the House of Assembly of Zamfara State as follows:

1. This law may be cited as the Zakat (Collection and Distribution) and Endowment Board Law, 2000 and shall come into operation on the day of 2000.⁷⁹

⁷⁸ Law No. 31 of 2000, signed into law on 29th May 2000. No gazetted copy available; photocopy of law as enacted in the possession of the editor.

⁷⁹ Zamfara's 2000 law was signed by the Governor on 29th May 2000 and probably came into operation the same day. Niger's law came into operation on the 10th of July, 2001. Zamfara's 2003

2. In this law, unless the context otherwise requires:
 - “alms” means every property paid voluntarily to the Board other than the *zakat*.
 - “artificial irrigation” means irrigation at a cost, such as irrigation by lifting machines.
 - “*bint labun*” means a she-camel which has completed two years of age and enters into the third year.
 - “*bint makhad*” means a she-camel which has completed one year and entered into the second year.
 - “Board” means the Zakat Collection [, Distribution] and Endowment Board established under this Law.
 - “cow” includes buffalos.
 - “crops and fruits” include cereals and fruits.
 - “Governor” means the Governor of Zamfara State of Nigeria.
 - “for the sake of Allah” means the needs for the sake of religion and the State and includes preaching and propagation of Islam.
 - “*hiqqa*” means a she-camel which has completed three years of age and enters into the fourth year.
 - “*jaʿzaʿal*” means a she-camel which has completed four years of age and enters into the fifth year.
 - “on bonds” means freeing captives.
 - “indigent” means the destitute, who cannot find what to eat and includes one who is unable to earn his living due to disability, as well as an invalid who cannot afford the expenses for treatment, and the victims of disasters.⁸⁰
 - “insolvent” means one who is lawfully unable to repay a debt that is due but does not include a corporate body.
 - “livestock” means and includes camels, cows, sheep and goats.
 - “mineral” means anything extracted from the earth but is different from it whether malleable by fire or not and whether in a fluid state or not.⁸¹
 - “Commissioner” means the Commissioner for Religious Affairs.⁸²
 - “*mussina*” means a she-cow which has completed two years of age and enters into the third year.
 - “natural irrigation” means costless irrigation such as irrigation by rainfall, flood, basins and all types of non-artificial irrigation.
 - “*nisab*” means the minimum value or quantity or volume of *zakatable* property notwithstanding changes which a property might undergo in a year from its nature.
 - “paupers”⁸³ means persons who do not own their annual food, and in the case of a breadwinner of a family, includes one who has no sufficient source of income, and includes also a fulltime student who cannot afford the costs of

law gives its title as “Zakat (Collection Distribution and Endowment) Board Law”, and came into operation on 28th July 2003.

⁸⁰ Niger omits “who cannot find what to eat and includes one”.

⁸¹ Zamfara 2003 adds to this: “but buried in the ground or emerges from the surface or rebelled from water” [sic].

⁸² Niger omits this definition.

⁸³ This and all subsequent definitions omitted (perhaps inadvertently) from the gazetted version of Niger’s law.

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study.

“persons of inclined hearts” means persons who have recently embraced Islam, or those who desire to embrace Islam or those paupers who may be in jeopardy of renouncing their religion due to poverty.

“State” means Zamfara State of Nigeria.

“*labie*” means a cow which has completed one year of age and enters into the second year.

“trade wares” means any property eligible for trade which is not prohibited by Sharia, and includes lands, real estate and any utilities thereof, as well as crops, fruits, poultry and forests if owned for trade.

“treasure trove” includes any treasure of gold, silver or otherwise of minerals and property found buried in the ground, or emerges to its surface or revealed from water.

“Executive Secretary” means the Executive Secretary of the Zakat and Endowment Board.

“wayfarer” means a stranded traveller who cannot afford what it takes to reach his destination.

“year” means a year of the Hijra calendar.

“*zakat*” means the share assessed under Sharia law on a Muslim’s property on such conditions as prescribed by Sharia and/or by the provisions of this Law.

“*zakat* collectors” means all the employees of the Board and those who help them officially and authoritatively.

[additional definitions in Zamfara’s 2003 law]⁸⁴

CHAPTER TWO:

PART I: ESTABLISHMENT AND COMPOSITION OF THE BOARD

3. (1) There is hereby established in the State a body to be known as the Zakat Collection [, Distribution] and Endowment Board⁸⁵ (in this Law referred to as the “Board”).
- (2) The Board shall be a body corporate with perpetual succession and a common seal.
- (3) The Board may sue and be sued in its name.
4. (1) The Board shall consist of the following:
 - (a) a Chairman;
 - (b) a Treasurer;
 - (c) an Assistant Treasurer;
 - (d) not more than ten other members.
- (2) Members of the Board referred to in subsection (1) of this section shall be appointed by the Governor.

⁸⁴ Zamfara 2003 adds a new definition of ‘endowment’, given with the three new sections on endowments following the schedule to this law. Zamfara 2003 also adds boilerplate definitions of “Attorney-General” and “Auditor-General” (Zamfara’s) and “Local Government” (as defined in Zamfara’s Local Government Law).

⁸⁵ Niger has “Zakat Collection, Distribution and Endowment Board. Both Zamfara laws have “Zakat Collection and Endowment Board”, perhaps inadvertently omitting “, Distribution”.

PART II: POWERS OF THE BOARD

5. Subject to the provisions of this Law, the Board shall be responsible for the collection, administration and distribution of *zakat*,⁸⁶ and without prejudice to the generality of the foregoing, the Board shall have the following powers:
 - (a) to organise the administrative and financial affairs and all other activities of the Board;
 - (b) to collect up to 60 percent of the *zakat* due, leaving 40 percent to the payer to be distributed to his close relations who are entitled;
 - (c) to require, accept and approve *zakat* declarations from persons eligible to pay *zakat*;
 - (d) to constitute such number of committees as may be necessary through which complaints of non-payment of *zakat* can be referred and determined;
 - (e) to make policies, plans, rules and regulations necessary for the conduct of its affairs and the realisation of its objectives;
 - (f) to invest *zakat* funds or the surplus of *zakat* funds in ways that will meet the objectives of the Board and serve the purposes of *zakat*;⁸⁷
[management of endowments]⁸⁸
 - (g) to prosecute, through the office of the Attorney-General, such persons who are eligible but refused to pay *zakat*;
 - (h) to maintain account(s) with bank(s) into which *zakat* funds⁸⁹ and resources of the Board shall be kept and run;
[power to acquire and dispose of property]⁹⁰
 - (i) to exercise such other powers necessary for the due discharge of its functions in accordance with the provisions of Sharia.
[physical assessment of *zakat* owners]⁹¹
6. (1) There shall be an Executive Secretary to the Board and not less than three Directors to be appointed by the Governor on the recommendations of the Commissioner.⁹²
(2) The Secretary shall not be a member of the Board.
7. The Secretary⁹³ shall be the accounting officer and be responsible for the day-to-day activities of the Board and in particular shall carry out the following functions:
 - (a) formulate policies and work plans and submit same to the Board for approval;

⁸⁶ Zamfara 2003: “*zakat* and endowment”.

⁸⁷ Zamfara 2003: “To invest *zakat* and endowment funds or the surplus of *zakat* and endowment funds. . .and serve the purposes of *zakat* and endowment.”

⁸⁸ Zamfara 2003 has a subsection here: “To make plans, rules and regulations for the good management of endowment.”

⁸⁹ Zamfara 2003: “*zakat* and endowment funds”.

⁹⁰ Zamfara 2003 has a subsection here: “The Board shall have the power to acquire, hold and dispose of property, movable and immovable.”

⁹¹ Zamfara 2003 has a subsection here: “A *zakat* officer shall conduct physical assessment of *zakat* owners on farm products or livestock.”

⁹² Zamfara 2003 and Niger both omit “on the recommendations of the Commissioner”. Niger adds after “Governor”: “as follows: (a) Director Distribution; (b) Director Endowment and Collection’ (c) Director Finance and Administration.”

⁹³ Zamfara 2003: “Executive Secretary”, and similarly wherever “Secretary” is used here.

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- (b) prepare the annual budget and the financial account and submit same to the Board;
 - (c) prepare an annual report on the performance of the Board and submit same to the Commissioner;⁹⁴
 - (d) conclude contracts the value of which shall not exceed two hundred thousand naira;⁹⁵
 - (e) dispose of any matter the value of which shall not exceed two hundred thousand naira in accordance with the approved budget;⁹⁶
 - (f) exercise any other functions that may be assigned to him by the Board.
8. (1) The Chairman shall hold office for a period of four years from the date of his appointment and may be eligible for re-appointment for another period of four years only.
- (2) A member of the Board shall hold office for such a period not exceeding four years as may be determined by the Governor and he may be eligible for re-appointment to hold office for a similar duration.
- (3) The Chairman or any member of the Board may by notice in writing to the Commissioner, resign his office and any such vacancy occurring in the membership of the Board shall be filled by the appointment of another person in accordance with the provisions of this Law.
9. A member of the Board may be removed from office by the Governor on grounds of incapacity, disability, misconduct or failure to discharge his functions or responsibilities. For the purpose of this section, member includes the Chairman.
10. There shall be paid to the Chairman and members of the Board, such remuneration by way of allowances as the Governor may from time to time determine.
11. The Chairman and any member of the Board shall not be personally liable for any act, omission or default by the Board so long as the act, omission or default is done in good faith, and for the due discharge of his duty under this law.
12. The Secretary and other staff of the Board shall be paid such remuneration by way of salary⁹⁷ as the Governor may determine.

CHAPTER THREE: LEVY OF THE *ZAKAT*

13. *Zakat* shall be levied on any person who professes the Islamic faith, and resident in the State, and who owns property the subject of *zakat*.
14. (1) Subject to the provisions of this Law *zakat* shall be levied on any person upon the fulfilment of the following conditions:
- (d) the person owns property the value of which has reached the prescribed *nisab*;
 - (e) the person owns the property for a period of one year in cases where such period is required;
 - (f) the property shall not relate to personal use;
 - (g) the person is not indebted in such a way as may cover all his property or bring the same below the *nisab*.

⁹⁴ Niger and Zamfara 2003: "submit same to the Governor".

⁹⁵ Zamfara 2003: "... two hundred thousand naira from *zakat* and/or endowment fund".

⁹⁶ Zamfara 2003: "...approved budget from *zakat* and/or endowment fund".

⁹⁷ Zamfara 2003: "...by way of salary and allowances".

- (2) Where there are several owners, or where there is mixed ownership such that the property may be considered as one, *zakat* shall be levied on the property as a whole where it reaches the *nisab*.⁹⁸
15. (1) *Zakat* shall be levied on trade wares, including expected debts after deduction of any liabilities.
- (2) The time for *zakat* of trade wares and funds shall be after one year has elapsed thereon, and the time for *zakat* for other kinds of trade is the time of sale thereof.
- (3) The *nisab* for the *zakat* on funds or trade wares shall be assessed proportionate to gold.
- (4) The amount of the *zakat* of trade wares shall be one quarter of one tenth.⁹⁹
16. (1) *Zakat* shall be levied on gold and silver, other than jewellery, where one year has elapsed and the weight of:
 - (c) pure gold is eighty-five (85) grams and
 - (d) pure silver is five hundred and ninety grams.
- (2) For the purposes of subsection (1) of this section, gold and silver shall not be required to be minted.
- (3) The amount of *zakat* of gold and silver shall be one quarter of one tenth.
17. (1) *Zakat* shall be levied on coins, bank notes, deposits, negotiable instruments of monetary value, and instruments of money worth where one year elapses and the value amounts to the *nisab*, whether saved or otherwise.
- (2) The *nisab* for the *zakat* of all the types of property mentioned in subsection (1) shall be one quarter of one tenth.¹⁰⁰
18. *Zakat* shall be levied for one year on the property of a person which is not used in trade and borrowed by another, or the property which is stolen or extorted by any person¹⁰¹ even if the same remain with the debtor, thief, or extorter for more than one year. The person shall be obligated to pay *zakat* for extorted property.
19. *Zakat* shall be levied on treasure-trove¹⁰² and the amount thereof shall be one-fifth and shall be levied upon obtaining the same.
20. (1) *Zakat* shall be levied on crops and fruits.¹⁰³
- (2) The *nisab* for the *zakat* shall be one hundred *rubu'i* or fifty *kailas* or six hundred and fifty three kilograms weight as the case may be.¹⁰⁴
- (3) The time for the levy of the *zakat* on crops and fruits shall be on the ripening and harvesting thereof.
- (4) The amount of *zakat* on crops and fruits¹⁰⁵ shall be one tenth where they are irrigated by natural irrigation and one half of one tenth where they are irrigated by artificial irrigation.

⁹⁸ Zamfara 2003: "...the *zakat* shall be levied on the property according to the individual share where it reaches the *nisab*".

⁹⁹ Zamfara 2003 adds: "(that is one over forty)".

¹⁰⁰ Zamfara 2003 adds: "(that is one over forty)".

¹⁰¹ Zamfara 2003: "any person having been due for *zakat*". Zamfara 2003 omits the last sentence of this section.

¹⁰² Zamfara 2003: "treasure trove (*rikaɗ*)".

¹⁰³ Niger: "cereals and fruits".

¹⁰⁴ Niger: "five *ausuq* for crops and 300 *sa'i* for cereals". Zamfara 2003 has "six hundred and fifty" rather than "six hundred and fifty three".

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Provided that when fixing the *nisab* for the *zakat* of crops and fruits of the same class, they shall be added together, and also crops and cereals of the same year shall be added together even if the time of their planting and the soil on which they are grown are different.

21. *Zakat* shall be levied on any person who sold or donated any of his crops or fruits after ripening and on the buyer, donee or heir¹⁰⁶ as if he is the cultivator, if the sale, donation or death has occurred before ripening of the crops and fruits.
22. *Zakat* shall not be levied on the following:
 - a. crops and fruits eaten by owners or by animals used for tilling;
 - b. crops and fruits eaten by passers-by, or what has been donated by the owner to be so eaten.

Provided that where there is difference of quality in the crops or fruits for better or worse, *zakat* shall be levied from the medium thereof.

PART TWO: *ZAKAT* OF LIVESTOCK

23. (1) *Zakat* shall be levied on livestock, except those used for tilling land where one year has elapsed.¹⁰⁷
(2) For the purposes of the *nisab* of livestock, males shall be added to females and the young shall be counted with the old.
24. The *nisab* on each type of livestock shall be as specified in the schedule to this Law.
25. Where a person owns a group of property subject to *zakat*, and no one of such property reaches the *nisab*, then such property shall be added together and their value shall be assessed in terms of money for the purpose of ascertaining the *nisab*.
26. (1) *Zakat* shall be levied on invested property yielding profits other than, cash, trade wares, crops, fruits,¹⁰⁸ and livestock, and the return on such investment shall be treated as cash for the purpose of fixing the *nisab* and the amount of the *zakat* thereof.
(2) The *zakat* of invested property shall include the net rent of real estate, farm produce, livestock products, and the net income of the means of transportation.¹⁰⁹
- 27.¹¹⁰ (1) *Zakat* shall be levied on the gross salaries of State officials and other sectors, and on the wages, gratuities, pensions as well as other profits of professionals and craftsmen; upon the same reaching *nisab* and exceed the basic amount thereof.
(2) The amount of *zakat* of the property provided for in subsection (1) of this section, shall be one quarter of one tenth. Such amount shall be deducted from the tax levied under any State law for the time being in force.
(3) For the purpose of subsection (1) of this section, the basic amount shall be assessed from time to time by the Board and presented to the Governor

¹⁰⁵ Niger: “crops and cereals”, and similarly in the proviso.

¹⁰⁶ Zamfara 2003: “and on the buyer, offence or licit”, evidently a typographical error.

¹⁰⁷ Zamfara 2003: “except those used for tilling land reserved and feed for livestock and paltered cows where one year has elapsed.”

¹⁰⁸ Niger: “cereals” instead of “fruits”.

¹⁰⁹ Niger adds: “payable immediately if payment is on annual basis”.

¹¹⁰ This entire section omitted both in Niger and in Zamfara 2003, with subsequent sections renumbered accordingly.

- through the Commissioner.
28. (1) Where the owner of the property subject to *zakat* is absent, any person responsible for the management of that property, or the authorised agent, shall pay the *zakat* due thereof.
 - (2) In the case of the death of the owner of property subject of *zakat*, the *zakat* shall be levied on the estate.
 29. Notwithstanding the provisions of this Law, the following property shall not be subject to *zakat*:
 - (a) public property, dividends and shares owned by the State in any company, corporation, institution, bank, commercial business or investment;
 - (b) charitable property; and
 - (c) the property normally kept in trust for everlasting charitable purposes.
 30. (2) The proceeds of *zakat* shall be spent on the following:
 - (i) paupers;
 - (j) indigents;
 - (k) *zakat* collectors;
 - (l) persons of inclined hearts;
 - (m) insolvent debtors;
 - (n) for the sake of Allah; and
 - (o) wayfarers.

[to free the captives]¹¹¹

 - (2) For the purposes of subsection (1) of this section the Board shall have power to make regulations on the priorities of the expenditure.
 - 31. (1) The State may be divided into zones wherein shall be established Local Government Zakat Boards as may be decided by the Board, which will be administered on behalf of the Board by such number of persons as the Commissioner¹¹² may determine.
 - (2) The Zonal Zakat Board shall exercise any powers delegated to it by the Board in accordance with the provisions of this Law; and shall do all such acts or things as may appear necessary for the performance of its functions under this law.¹¹³

[sections on endowments]¹¹⁴

¹¹¹ Niger adds subsection “(h) to free the captives”.

¹¹² Niger: “Governor” instead of “Commissioner”.

¹¹³ Zamfara 2003 has reformulated this entire section as follows: “(1) There shall be established a Zakat Board Committee in all Local Government Councils as may be determined by the Board. (2) The Local Government Zakat Committee shall exercise any powers delegated to it by the Board in accordance with the provisions of this Law; and shall do all such acts or things as may appear necessary for the performance of its functions under this Law. (3) The Local Government Committee shall be paid such remuneration by way of allowances as the Local Government Council may determine and pay.”

¹¹⁴ Zamfara 2003 here inserts three new sections on endowments, reproduced below, immediately following the schedule to this law.

CHAPTER FOUR: FINANCES OF THE BOARD

32. (1) The financial resources of the Board shall consist of the following:
(a) the *zakat* collected under the provisions of this law;
(b) the endowment collected from willing bodies or individuals;
(c) donations, alms and charities from Governments, individuals or organisations within or outside the State.
(2) Any other resources that may be approved by the Governor.
33. There shall be an independent budget for the Board which shall be prepared annually and one month before the end of every financial year and presented to the Governor through the Commissioner.¹¹⁵
34. (1) The accounts of the Board shall be audited by the Auditor-General or any person or body authorised by the him.¹¹⁶
(2) The Auditor-General¹¹⁷ shall have the right of access to the books of accounts, vouchers and other documents of the Board, and shall be entitled to such information and explanations as may be deemed necessary for the audit of the Board's account.
(3) The report of the auditor or auditors on the Board's account shall be submitted to the Governor through the Commissioner.¹¹⁸

CHAPTER FIVE: PENALTIES FOR REFUSAL TO PAY *ZAKAT*

35. (1) Whoever cheats, evades or refuses to pay *zakat* due from him shall be punished with fine not exceeding the total amount of *zakat* assessed and payable by him or six months¹¹⁹ imprisonment in default, and the court shall order such person to pay the amount of *zakat* due.
(2) For the purposes of this section, the court may attach any property movable or immovable to enforce payment of *zakat* due.
36. (1) Subject to the provision of section 34 of this law, all particulars pertaining to *zakat* and payment thereof shall be deemed secret.
(2) Whoever being a worker of the Board, wilfully by virtue of his office discloses any secret pertaining to the particulars of payment of the *zakat* of any individual, with the intention to injure that person who is the subject of such disclosure, shall be punished with imprisonment for a term not exceeding three years or with a fine or both.¹²⁰

CHAPTER SIX: MISCELLANEOUS PROVISIONS

37. The board's property shall be deemed as public property and shall be exempt from all types of taxes and fees.
38. The Secretary of the Board shall have the custody of the common seal of the Board and shall be responsible for affixing same to documents and certificates of payment of *zakat*.

¹¹⁵ Niger and Zamfara 2003 omit "through the Commissioner".

¹¹⁶ Niger: "audited by any person or body authorised by the Governor".

¹¹⁷ Niger: "The auditor or auditors so authorised".

¹¹⁸ Niger and Zamfara 2003 omit "through the Commissioner".

¹¹⁹ Niger: "three months".

¹²⁰ Niger: "imprisonment for a term not exceeding 1 year or with a fine or both". Zamfara 2003: "imprisonment for a term not exceeding three months or a fine of ₦10,000 or both."

DOCUMENTARY MATERIALS: ZAMFARA STATE

[repeal]¹²¹

SCHEDULE

1. *NISAB* OF ANIMALS

ZAKAT DUE

A. Camels

From	5 to 9	one sheep
	10 to 14	two sheep
	15 to 19	three sheep
	20 to 24	four sheep
	25 to 35	one <i>bint makbad</i>
	36 to 45	one <i>bint labun</i>
	46 to 60	one <i>hiqqa</i>
	61 to 75	one <i>jaḡa'ab</i>
	76 to 90	two <i>bint labuns</i>
	91 to 120	two <i>hiqqa</i>
	More than 120	every 50, one <i>hiqqa</i>
		every 40, one <i>bint labun</i>
	121 to 129	three <i>bint labuns</i>
	130 to 139	one <i>hiqqa</i> and two <i>bint labuns</i>
	140 to 149	two <i>hiqqa</i> and two <i>bint labuns</i>
	150 to 159	three <i>hiqqa</i>
	160 to 169	three <i>bint labuns</i>
	170 to 179	three <i>bint labuns</i> and one <i>hiqqa</i>
	180 to 189	four <i>bint labuns</i> and one <i>hiqqa</i>
	190 to 199	three <i>hiqqa</i> and one <i>bint labuns</i>
	200 to 209	four <i>hiqqa</i> and five <i>bint labuns</i>

B. Cows

From	30 to 39	one <i>tabie</i>
	40 to 59	one <i>mussina</i>
	60 to 69	two <i>tabies</i>
	70 to 79	one <i>mussina</i> and one <i>tabie</i>
	80 to 89	two <i>mussina</i>
	90 to 99	three <i>tabies</i>
	100 to 119	one <i>mussina</i> and four <i>tabies</i>
	120 and more	three <i>mussina</i> and four <i>tabies</i>
	more than 130	every 30, one <i>tabie</i> [or]
		every 40, one <i>mussina</i>

C. Sheep and Goats¹²²

From	40 to 120	one sheep
	121 to 200	two sheep
	201 to 399	three sheep

¹²¹ Zamfara 2003 has a final section as follows: “The Zamfara State Zakat and Endowment Board (Establishment) Law 1999 [sic: 2000] is hereby repealed”.

¹²² This part of the schedule omitted from the gazetted version of Niger’s law; moreover the *nisab* of sheep and goats is apparently different in Niger than in Zamfara, see [Part II.9](#) above.

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400 to 499	four sheep
500 to 500	five sheep
more than 600	every 100 one sheep

(3) New provisions on endowments inserted in Zamfara's 2003 law:

3. In this Law, unless the context otherwise requires: Interpretation
* * *
- “endowment” means giving out money, items or properties in part or in whole out of the ownership of oneself, transferring it permanently or for a fixed period of time to the ownership of Allah, and dedicating it all or its proceeds to the use of others or the Muslim *ummah*.
* * *
- * * *
31. Endowments shall be received from any individual persons or groups who profess Islamic faith, and who is residence in the State or outside of any part of the Muslim World and who is the rightful owner of the property endowed. Persons from whom endowments are received
32. These [i.e. items to be received as endowment] include all lawful items permitted by Sharia and of any amount and quantity. Items to be received as endowment
- (1) The Government should pay 2% of the total revenue accrued to the Board monthly as endowment.
- (2) Contractors shall give 1% of the total sum of each contract awarded by the State Government to the Board as endowment.
- (3) Other sources include the following:
- (a) estates;
 - (b) farmlands;
 - (c) shares in companies;
 - (d) centres of learning like schools, libraries and institutions;
 - (e) centres of worship like mosques;
 - (f) social amenities like wells or boreholes;
 - (g) orphanage homes;
 - (h) part of salary;
 - (i) special grants by Local and State Governments;
 - (j) foundations;
 - (k) social services like roads and hospitals;
 - (l) lost and found items in all parts of the State;
 - (m) inheritance of those who doesn't have heirs;
 - (n) donations; and
 - (o) other forms of *sadaqatun jariyyah*.¹²³
33. Once dedicated for endowment, the property ceases to be under the control of the owner and: Rules governing the operation of the *waqf* (endowment)
- (a) such endowment cannot be inherited, donated or sold out by anybody unless to improve them.

¹²³ *Sadaqatun jariyyah*: *Sadaqah jariyyah* or *sadaqah-e-jarya*: an ongoing, perpetual, or recurring *sadaqah* or charity. A *waqf* is a *sadaqah jariyyah*.

- (b) there shall be witness and certificate to testify that the owner(s) have released the property.
- (c) the endowment department and the Board are the trustees to administer the properties in such a way that the benefit goes to the general public or those persons to whom the endowments are made.

b. The Zakat and Endowment Board's Annual Report 2000

A copy of this report was generously supplied by the Board in 2003 to researchers working on this project. The full report is reproduced in the Supplementary Materials to this chapter, available online at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>.

c. The Zakat and Endowment Board's Achievements Recorded 2000-2007

ZAMFARA STATE ZAKAT AND ENDOWMENT

A Means of Achieving an Effective System of Social Security
Against Mass Poverty and Declining Living Conditions

Achievements so far Recorded from 2000 – 2007¹²⁴

Zakat, (alms) is one of the five pillars of Islam. It is a compulsory economic institution ordained by Allah (SWT) upon well-to-do individuals. *Zakat* is also prescribed system of deduction of certain percentage of wealth at a certain period of time for the purpose of redeeming the hardships of the needy and alleviating poverty in the society.

Realising the disparity between haves and have-nots among the society, Allah the creator made *zakat* (alms) one of the five pillars of Islam, a compulsory economic institution ordained by Him (SWT) upon well-to-do individuals. [And repeating the last sentence of the preceding paragraph.]

Realising its importance in bridging the gap between the rich and poor, God the Almighty enjoined believers to pay their due and promised them His blessing both in this world and hereafter.

And perform *as-salat*, and give *zakat*, and whatever of good (deeds that Allah loves) you send forth for yourself before you, you shall find it with Allah. Certainly Allah is All-Seer of what you do. *Baqara* 2:110 p. 38.¹²⁵

O you who believe: spend of that with which we have provided for you, before a day comes when there will be no bargaining, nor friendship nor intercession. And it is the disbelievers who are *zalimun* (wrongdoers). *Baqara* 2:254 p. 90.

The likeness of those who spend their wealth in the way of Allah, is as the likeness of a grain of a (corn) it grows seven ears and each has a hundred grains. Allah gives manifold increase to whom He wills. And Allah is All-Sufficient for His creature's needs, All-Knower. Etc.

¹²⁴ A copy of this report was kindly supplied by the Board's then-Executive Secretary, Alh. Atiku Sani Maradun, in 2008; copy in the possession of the editor.

¹²⁵ No text is cited to which the page reference can be related here or in the next quotation.

Verses from the Holy Qur'an and the traditions of the Prophet Muhammad (SAW) that enjoin believers to be sympathetic and their brother's keeper are many. I.e.:

"He is not a believer, until he loves for his brother what he likes for himself." A tradition of the Prophet Muhammad (peace and blessing of Allah be upon him). Ameen.

"... *Zakat* should be collected from wealthy individuals and surrender it to needy within the society." Another tradition.

On the other hand in Islam Allah the Creator has cursed those who failed to give out their *zakat* to the needy. Another Prophetic tradition explained that failure to give out *zakat* would tantamount the wrath of the Almighty to the wealth, and the owner. [sic]

More so, *zakat* means purification of one's wealth, which any wealth that has been purified through *zakat* could not be drowned in the river, and neither fire disaster nor thieves could destroy it. And Allah will give manifold increase to who so ever wishes.

Considering the importance of *zakat* in bridging the gap between the rich and poor, *zakat* (alms) and endowment (voluntary donations) activities is one of the areas which the administration of His Excellency, the Executive Governor Alhaji Mahamud Aliyu Shinkafi (*Dallatun* Zamfara) accords top priority (right from inception of the implementation of Sharia legal system in Zamfara State in 1999).

In the same year 1999, Zakat and Endowment Board was established and inaugurated under the State Government Law No. 130.¹²⁶ It is empowered with the powers of planning and conducting its activities. Its principal function is aimed at collection and distribution of *zakat* and endowments.

To ensure sufficient function of the Board in accordance with Islamic tenets, trusted eminent Islamic scholars, businessmen and civil servants were appointed as its members. Similarly, the Board is having five departments, namely Collection, Distribution, and Endowment, in addition to Administration and Finance. They deal with judicious collection and distribution of *zakat* and endowment. Furthermore subcommittees were also created within the Board to assist towards full realisation of the set-out objectives. They are:

- i) Contact Committee
- ii) Fatwa Committee
- iii) Verification Committee
- iv) Market Committee
- v) Relief Committee
- vi) Staff Committee

The activities of the Board were also expanded to all the Local Government Areas in the State. Consequently, committees were formed in all the 14 Local Government Headquarters, Districts and Wards in the State.

The decentralisation measures were meant to cater for the grassroots adequately. In this respect, each Local Government Committee, therefore, acts independently in the

¹²⁶ Sic. In fact the first Zakat and Endowment Board law was No. 13 of 2000, see above.

collection and distribution of *zakat* and endowment under the supervision of the Board.

This policy also clearly stipulates that people of each area remain as the immediate beneficiaries of the *zakat* and endowment at hand. It is also worth noting that the composition of each Local Government Committee is similar to what is obtained at the State level of the Board. This includes representatives of eminent scholars, traditional rulers, businessmen and civil servants.

Zakat and Endowment Board derives its funds from three sources. They are:

- i) *Zakat* from wealthy people.
- ii) Lost and found items whose rightful owners could not be identified.
- iii) Cash or valuable properties from individuals, organisations or government.

The State Government is particularly commended for the allocation of two million naira (₦2,000,000.00), 1% out of each contract awarded by the State Government and the allocation of one thousand bags of assorted grains monthly to the Board respectively.

The Board strictly follows the prescription of the Sharia in the process of conducting its activities. This is the structure and basis upon which the Zamfara State Zakat and Endowment Board was galvanised into action. From its establishment to date, the Board has worked tirelessly to achieve the desired goals.

The Board has succeeded tremendously in creating societal awareness on the people's obligation in respect of giving out *zakat* and endowment for proper utilisation to the Muslim *ummah* as enshrined in the Sharia legal system.

Indeed, adequate media publicity on the Board's activities has greatly helped in enlightening and sensitising the general public. The impact of such awareness is evident in the way and manner many groups and individuals from within and outside the State, continuously seek for guidance of emulating the formula adopted by the Zamfara State Zakat and Endowment Board.

Achievements/Distribution So Far Made

1. From inception to date the Board was able to realise the sum of ₦106,855,630.63 (one hundred and six million eight hundred and fifty five thousand six hundred and thirty naira sixty three kobo) as *zakat* and endowment from the Board headquarters and thirteen Local Government Areas in the State, and about 35,000 destitute benefited from the distribution exercise freely.
2. A total number of 49,590 bags of assorted grains were also collected as *zakat* and endowment state-wide and about 123,975 people benefited.
3. A total number of twenty six (26) houses, eight (8) plots and five (5) locked-up shops were recorded as endowments donated by the former Executive Governor Alh. Ahmad Sani and some other individuals.
4. About 5,600 people within and outside the State lodged their complaints on lost items and out of which 4,200 complainants successfully recovered their items. Comprising materials, equipments, animals, *hajj* luggage and others. Example: just recently 83 lost and found cows were handed over to their rightful owner in person of Bature Bello, a Fulani herder from Rafin S/Fawa village of Niger State, while about 50 cows were handed over to their rightful owners at B/Magaji. Another 56 sheep/rams at Bungudu and at Shinkafi, 20 cows were handed over to their rightful owners by the Board.

5. Six hundred and fifty (650) business items comprising grains, grinding machines, tomato grinding machines and sewing machines were bought and distributed to various categories of needy in the State free of charge.
6. A total number of six thousand two hundred and forty (6,240) destitute patients received major medical assistance within and outside the State.
 - i) Every month the Board sponsored the medical treatment of less-privileged with mental problems at Federal Neuropsychiatric, Kware, Sokoto, so also Dala Orthopaedic Hospital monthly.
 - ii) With ABUTH Ahmadu Bello University Teaching Hospital, Zaria. Including UDUTH, Usman Danfodiyo University Teaching Hospital Sokoto.
7. Twenty one thousand (21,000) patients with minor sickness such as headache, catarrh, stomach-ache, malaria, etc. benefited from medical assistance in the State.
8. Thirty-seven (37) houses were bought for the needy and the poor in the State to earn living shelters.
9. Five thousand two hundred (5,200) houses were renovated for less-privileged people in the State including donation of building materials free of charge.
10. A total number of three thousand six hundred (3,600) needy were assisted with substantial capital for business comprising lepers, blind men and women, orphans, mothers across the State, etc.
11. A number of 4,000 people were assisted on marriage commitments. Example: daughters of deceased persons, less privileged men and women across the State.
12. About 3,000 people received transport assistance both within and outside the country. Example: many wayfarers were assisted with transport fare to Kaduna, Kano, Maiduguri, Lagos, Sudan, Niger, Chad, Senegal, Liberia, Cameroon, Ghana, etc.
13. Seven hundred and thirty three (733) indebted destitute were assisted in settling up their genuine debts in the State in which some of them were already in prison custody.
14. One thousand seven hundred (1,700) orphans are receiving educational assistance from primary school education to tertiary institutions.
15. Six hundred and fifty six (656) Arabic schools were assisted in the State, while others were constructed, i.e. Markazu Nis'sai behind T/Wada Jumu'at Mosque, Gusau, etc.
16. A total number of 151 mosques were given various types of assistance in the State for renovations.
17. Fifty-five (55) cripple bicycles were bought and distributed to the cripples destitute in the State freely.
18. Forty-six (46) wells were dug by the Board at Sangeku village of Dansadau Emirate Council [and] other areas in the State.
19. About seventeen (17) Orphans and Less Privileged Hospitals were constructed for provision of free medical treatment.
20. About two hundred and six (206) orphans were assisted to acquire ZACAREP loans from Government while the Board gave them 206 hectares of farmlands free for cultivation to boost their economy, as from 2006 to date.

DOCUMENTARY MATERIALS: ZAMFARA STATE

21. The Board also provides potable drinking water to areas where the need arises in Gusau metropolis.
22. The Board provides emergency relief assistance worth ₦10 million to about 20 places where calamity befalls. Like Tsafe flood disaster, Gusau Barrage flood disaster, Shinkafi flood disaster, GGASS Gusau fire outbreak, Government Science Sec. School Gusau fire outbreak disasters and Kasuwar Kanawa area Gusau fire outbreak disaster among others etc.
23. The Board purchased shares from JAIZ Bank worth ₦2 million with a view to evolve its funds.
24. The Board provides 5,682 orphans with *sallah* of *Eid el Fitri* welfare clothes and *shadda* NBT x 10 yards for each male and 6 yards super wax for each female orphan to enjoy celebration at ease free of charge.
25. About 3,260 less privileged pupils/students of primary, post-primary and other tertiary institutions of higher learning were assisted with registration fees by the Board to settle charges in 2006 to 2007 academic years.

Prospects

1. It is the intention of the Board that, from this year, more hands would be put on deck towards provision of social welfare services. The Board has mapped out plans towards construction of more hospitals and clinics in the State and some Local Government Areas for orphans and destitute to enjoy free medical services.
2. The Board would purchase shares from different companies with a view to evolving its funds.
3. It would also be involved in transportation services etc.
4. There is also a plan for the Board to engage in different types of farming. All with the aim of producing more food to cater for the needy and destitute in the State. E.g. cassava, yams, carrots etc.
5. There is also a plan to establish petty-petty business centres for its revenue drive and for the welfare of the populace in this year 2008 (*insha* Allah).

Wassalam alaikum.

Prepared and presented by:

[signed]

(Alh. Atiku Sani Maradun)

Executive Secretary, Zakat and Endowment Board, Gusau

d. Two public enlightenment pamphlets issued by the Zakat and Endowment Board

The Board has issued a number of flyers and pamphlets, in Hausa and in English, discussing *zakat* and the obligation of Muslims to pay it, going into many details about what is “*zakatable*”, what the *nisabs* are, how and when payments should be made, and who is entitled to receive distributions. As a sample of this literature, we reproduce here two pamphlets issued by the Board in English.

(1) The first pamphlet.

The first pamphlet comprises eight pages of about 13 cm x 20 cm. The cover is shown here, followed by the text.



**IN THE NAME OF ALLAH THE MOST BENEFICENT
THE MOST MERCIFUL**

O My Brother in Islam!

Be ready and happy always to give out the *zakat* (poor due) from your Allah's given wealth.

This is because:

- * It would purify and develop your wealth;
- * Allah (SWT)¹²⁷ would bless it;
- * Allah would protect your wealth from all hazards;
- * It would sooth the mind of your fellow poor Muslim brother and prevents them from envy, enmity and anger;
- * Allah (SWT) has said in the Holy Qur'an

"The believers are but a single brotherhood"

(Suratul Al-Hujurat Verse 10)

Allah the Almighty would also protect you from the evil consequences of misery and greed. Allah (SWT) has said in the Holy Qur'an:

"And let not those who covetously withhold of the gift which Allah has given them of His Grace think that it is good for them nay, it will be worse for them; soon shall the things which they withheld be tied to their necks like twisted collars on the Day of Judgment."

(Suratul Al-Imran Verse 180)

Oh My Brother who gives out his Zakat!

* Be pleased always and punctual in giving out *zakat* from your wealth. Allah would purify you. Allah (SWT) says in the Holy Qur'an:

"But those will prosper who purify themselves (by giving Zakat)."

(Suratul A'ala Verse 14)

* You would be among those believers who Allah described as the inheritors of the highest Paradise (*Firdausi*).

"Those who are active in deeds of charity."

(Suratul Mu'minin Verse 4)

* Allah has promised that His Mercy and Compassion will definitely be with those who pay their *zakat*. Allah (SWT) has also said:

"My Mercy I shall ordain for those who do right, and practice regular charity, and those who believe in Our sayings."

(Suratul A'araf Verse 156)

Allah the Most High has said in the Holy Qur'an:

"Those that suppress any part of the Book Allah has revealed in order to gain a small price shall swallow nothing but fire into their bellies. On the

¹²⁷ In this and the next pamphlet "SW" is used after the name of Allah; the editor has inserted instead the more usual "SWT", for *subhanahu wa ta'ala*, "glorious and exalted is He".

Day of Resurrection, Allah will neither speak to them nor pity them, there shall be for them awful punishment.”

(Suratul Baqarah Verse 174)

Allah (SWT) has also said in another verse of the Holy Qur'an:

“Whatever wealth you give shall rebound to your own advantage, provided that you give it for the Love of Allah. And whatever wealth you give shall be paid back to you in full; you shall not be wronged.”

(Suratul Baqarah Verse 272)

The Holy Prophet Muhammad (SAW) was also reported saying:

“He who leaves this world (in his heart) full of the Unity of Allah (Taubid) and His worship, he does not worship any other god beside Him, he performs his prayers, gives out the poor due (Zakat). He has indeed departed the world while Allah (SWT) is happy with him.”

Somebody asked the Prophet saying:

“What do you see if one gives out the Zakat?”

The Holy Prophet then said:

“He who gives out the poor due (Zakat) from his wealth has indeed removed evil from himself.”

Oh My Muslim Brother!

Whenever the time has come for you to give out the *zakat* you should endeavour to give out.

If you fail to give out the *zakat* from your wealth then remember definitely the unlawful wealth destroys the lawful one (if left together).

The Holy Prophet of Allah Muhammad (SAW) has said:

“Wealth has never perished on land or in the sea, because of being used for righteous deeds, while the cause of its destruction is only due to refusal to give out the poor due (zakat).”

The Holy Prophet (SAW) was also reported saying:

“The moment ‘alms’ or ‘zakat’ are mixed with other wealth (by refusal to give out the zakat) it would lead to the destruction of the whole wealth.”

The Holy Prophet also has said:

“No people who refuse to pay the zakat due but Allah would test them and inflict them with years of hunger and severe famine.”

Oh My Muslim Brother!

Remember, definitely serious problems of hunger and nakedness would not affect the poor and the needy of any nation or community except by mere misery of their wealthy and rich members of those among them.

The Prophet of Allah (SAW) said:

“Allah (SWT) has shouldered on the well-to-do Muslims from their wealth a given portion that would be enough to cater for the poor. The poor and the needy would never be hungry or naked except because of what the rich are doing, of refusal to give out the Zakat. Allah would on the Day of Judgment put them to task. And he shall penalise them with heavy chastisement.”

The Holy Prophet (SAW) said:

“Woe on to the rich on the Day of Judgment; when the poor will say: Oh! Our Lord! They refuse us our right share, which you have given us in their wealth. Allah (SWT) would then say: I swear with my Might and Nobility I would near them (the poor) to my Mercy and I would distance them (the rich) from my Mercy.”

Oh My Muslim Brother!

Allah (SWT) has indeed promised those who refused to give *zakat* an awful punishment with irritating chastisement. Allah (SWT) said:

“And there are those who buy gold and silver and spend it not in the way of Allah: announce unto them a most serious penalty on the Day when heat will be produced out of that (wealth) in the fire of Hell and with it will be branded their foreheads, their flanks, and their backs. This is the (treasure) which ye buried for yourselves. Test you, then, the (treasure) you buried.”

(Suratul Taubah Verse 34)

Allah (SW) has also said:

“Oh believers, spend a part of what we have given you before that day arrives when there shall be neither trading nor friendship nor intercession. Truly it is the unbelievers who are the wrongdoers.”

(Suratul Baqarah Verse 254)

Allah (SWT) has given a vivid character of those who worship others beside Allah and one of those characters are refusal to give out the *zakat* and disbelieve about the Day of Judgment. He also said in the Holy Qur'an

“Woe unto those who join others with Allah, those who practice not regular charity, those who disbelieve the Hereafter.”

(Suratul Fussilat Verse 6)

Oh My Muslim Brother!

Be eager always to give out your *zakat* to the

ZAKAT & ENDOWMENT BOARD

set up under the **SHARIAH** implementation programme of the Zamfara State to collect *zakat* from the well-to-do Muslims for contribution to the eight (8) categories of the beneficiaries as mentioned by Allah (SWT) in the Holy Qur'an. May Allah bless your wealth and multiply it. Remember there are Zakat Committees established in all the 14 Local Government Areas of Zamfara State and Subcommittees at District levels throughout the State to collect and distribute *zakat*.

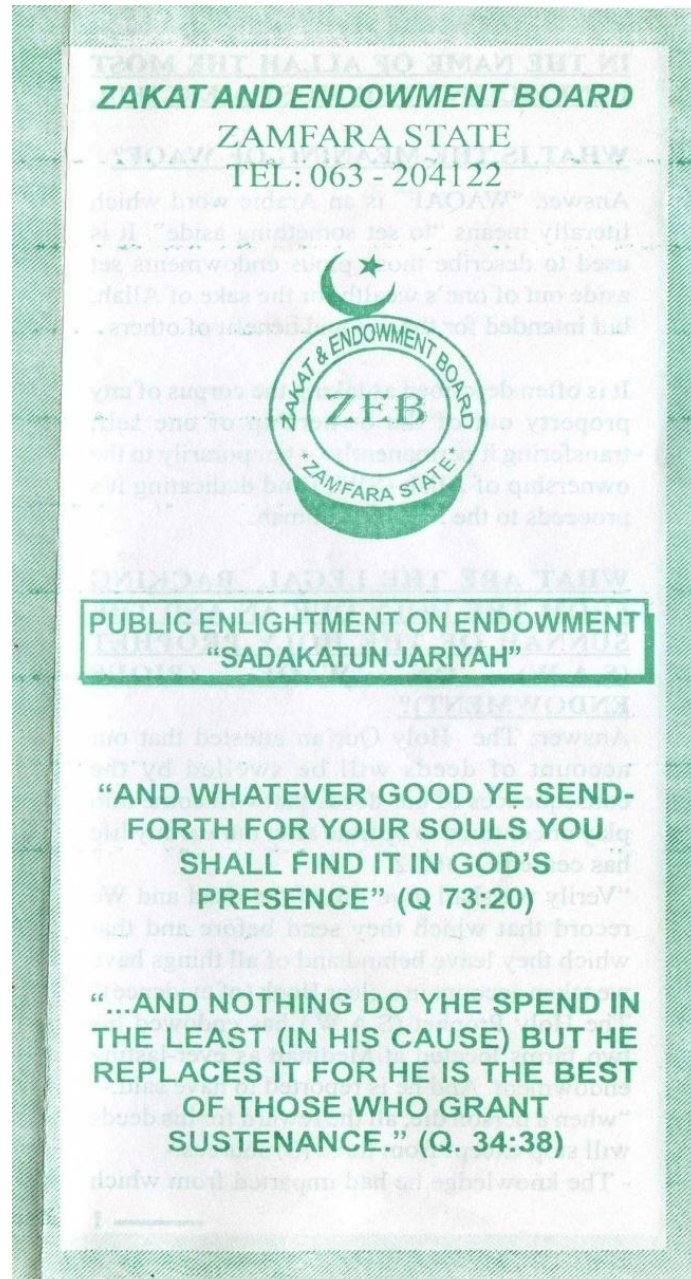
MA'ASSALAM

Prepared by:

Zakat & Endowment Board
PMB 01113, Zaria Road, Gusau, Zamfara State

(2) The second pamphlet.

The second pamphlet is printed on a single piece of paper, about 19 cm x 25 cm, printed on both sides, and folded in thirds as a flyer. The cover is shown here, followed by the text.



IN THE NAME OF ALLAH THE MOST BENEFICENT
THE MOST MERCIFUL

What is the meaning of *waqf*?

Answer: “WAQF” is an Arabic word which literally means “to set something aside”. It is used to describe those pious endowments set aside out of one’s wealth for the sake of Allah, but intended for the use and benefit of others.

It is often described as taking the corpus of any property out of the ownership of oneself, transferring it permanently or temporarily to the ownership of Allah (SWT) and dedicating its proceeds to the Muslim *ummah*.

What are the legal backing from the Holy Qur’an and the Sunnah of the Holy Prophet (SAW) on *Waqf* (Pious Endowment)?

Answer: The Holy Qur’an attested that our account of deeds will be swelled by the consequences of our deeds that will come into play or continue to operate after our earthly life has ceased. Q. 36:12.

“Verily We shall give life to the dead and We record that which they send before and that which they leave behind and of all things have we taken account in a clear Book (of evidence).”

The Holy Prophet (SAW) has endowed his two farms located at Medina as everlasting endowment. And he is reported to have said: “When a person dies, all the reward for his deeds will stop except from three (3) sources:

- The knowledge he had imparted from which people continue to derive benefit;
- A righteous child of his who continues to pray for him;
- An act of charity which he had put forward which continues to benefit people.”

A companion of the Holy Prophet (SAW) Jabri Ibn Abdullah reported that “I have never known any wealthy man among the people of Medina and Mecca that has wealth without him making a pledge of endowments out of it.”

What are those things that can be given out as *waqf* (pious endowment)?

Answer: The following are some general and common items that can be given out as endowments:

1. **Estates:** One may dedicate his house or estate as an endowment. By doing so one will cease to own or utilise the proceeds from such a house or estate from the day he gives it out to Allah as *waqf* if it is an everlasting endowment. But one can maintain the ownership and endow the proceeds or utilisation of the estate for a certain period of time, five (5) years or so, after which he will regain the proceeds of the estate.

2. **Farm lands:** One may give out his land as *waqf* for the benefit of a particular class of needy, Islamic organisations or the general public as explained in item one (1) above.

3. **Shares:** One may decide to give out certain number of his shares in a particular company as endowment for the dividend to go to a particular project or people or the general public, likewise, part of one’s salary or earning can be given as an endowment monthly or annually, quarterly for a fixed period or for the whole of one’s life.

4. **Centres of learning or worship:** It is also part of endowment to build an educational centre such as school, library, mosque, training centre etc., and give them out as endowment.

5. **Social services:** In the area of social services a donor can construct roads, sink wells or boreholes, hospitals, or clinic for the use of the general public.

What are the categories of endowment?

Answer: Endowments can be categorised into two (2):

1. **Non-everlasting endowment:** Means endowment in which the owner will maintain the ownership of property and dedicate the proceeds or benefit as “*waqf*”. Example: one may dedicate as “*waqf*” the rentage of his house/estate for five (5) years after which the *waqf* will lapse.

2. **Everlasting endowment:** Means endowment in which the ownership of the property is no longer maintained by the original owner forever. Example: one may construct a well or borehole and dedicate it to Allah (SWT) forever.

What are the rules and conditions governing the operations of *waqf*?

Answer: Once endowment properties are given out the items:

- Cease to be under the control of the donor;
- Are not to be sold out by the donor;
- Are not to be inherited from the donor;
- Are not to be given out as gift by the donor,

until after the period of the *waqf* elapsed in the case of periodic endowment.

What are the activities of the Endowment Department?

Answer: The Endowment Department of the Zakat and Endowment Board Zamfara State is mandated to take care of all the endowments in Zamfara State and outside.

Some of the activities of the Department include the following:

1. Receiving endowments from the donors and preparing the necessary documents of the endowments.
2. Executing and running the endowments on behalf of the donors.
3. Handling lost and found properties throughout the State until the eligible owner is found.
4. Looking after the welfare of orphans, their schooling, health and shelter.
5. It acts as the *bait ul-mal* or public treasury for taking care of the custody of the property of the deceased who has no heirs to inherit him or the left-over of the heirs.
6. Monitoring foreign humanitarian projects and services throughout the State.

What are the special areas that endowment can be utilised?

Endowment utilisation:

The main essence of endowment is relief, for the purpose of attaining spiritual reward or *exce* [sic: ?] in the hereafter. The underlisted are stipulated ways where endowment items are to be utilised, they are:

DOCUMENTARY MATERIALS: ZAMFARA STATE

1. Orphans' general assistance (their education, cloths, health and shelter).
2. Educational assistance.
3. Medical assistance.
4. Construction of schools.
5. Construction of mosques.
6. Construction of culverts.
7. Construction of drainages.
8. Construction of bridges.
9. Construction of boreholes.
10. Construction of business centres.
11. Assisting early ages who have no next of kin.
12. Looking after endowment structures.

Where one can give his endowment

The doors of Zakat and Endowment Board are open to receive any kind of endowment at the Endowment Department, Zaria Road, Samaru, Gusau or through telephone number 063-204122.

Or at any of its Committees in the 33 Local Government Areas of Zamfara State.

e. From interview reports

- (1) Alh. Atiku Sani Maradun, Executive Secretary of the Zakat and Endowment Board, Mal. Ibrahim Tudu, Director Zakat Collection, Mal. Dalhatu Umar Jaure, Director Zakat Distribution, Mal. Sani Hamza Kaura, Director Endowments, and Mal. Moh'd Nura Labbo Anka, Administrative Secretary, February 2006;¹²⁸

The Board is composed of the Chairman and 13 other members. The Executive Secretary, though not a Board member, is its chief administrative and accounting officer.

The Board itself has six committees: Contact, Fatwa, Verification, Market, Relief, and Staff. Then the administrative staff, under the Executive Secretary, is divided into five departments: Administration, Finance, *Zakat* Collection, *Zakat* Distribution, and Endowments. The Executive Secretary, the Treasurer and the Chairman of the Board are the signatories to the accounts of the Board. They said they are operating a non-interest-bearing account at Habib Bank. They also have their Government endowment at Guarantee Trust Bank but they have a memorandum of understanding with the bank to avoid interest.

Zakat collection and distribution is a very big challenge. But they have noticed progress in the area of collection since the implementation of Sharia in the State despite the fact that it is new. People have responded positively their appeals.

¹²⁸ These gentlemen were interviewed in Gusau on 6th and 7th February, 2006, by S.A. Mohammed and A.S. Garba; their separate contributions have been combined here in one summary. We are most grateful for their generosity with their time and information about their work.

The law governing *zakat* in Zamfara State is based on the Maliki school of law. However, nothing stops them from collecting *zakat* from followers of other schools.

If a person has some people that he wants to give his *zakat* to, he is free to do so, but only up to 40% of what is due from him. The other 60% will be collected by the Board and distributed under its rules. But sometimes the Board collects 100% and includes in its distribution those people whom the donor specifically wants to benefit. So far, the way the Board has been discharging its duties has made beneficiaries to prefer receiving *zakat* from the Board rather than from individuals.

People on their own do bring *zakat* to them to distribute. In addition they have compiled lists of people expected to give out *zakat*, that is people in the state who based on their wealth should be expected to give *zakat*. This was possible through the use of letters of introduction and sending people to ask questions on people's work or trade or location. This has brought success. This is why people bring their *zakat* to the Board to distribute. Although they have the power to take people to court to enforce their obligation to pay *zakat*, they have not done so yet, but are planning to start doing so as they move ahead.

Some people in order to give their *zakat* to the Board have collected the Board's bank account number so they can pay directly to the bank and later collect a receipt from the Board on presentation of the bank teller. There are others who pay into the account but who would not want their names to be known. Others bring their own directly to the Board.

The progress of the work has made it possible for the Board to establish branches, in the form of local committees, in all the Local Governments throughout the State. To ensure accountability and transparency all receipts and account books are controlled by the Board Headquarters in Gusau. The Local Government Committees are made of people selected carefully based on past record, reputation, integrity, and sense of responsibility that individuals had shown in their communities and their relationships with the members of their communities. The selection was not done only on the basis of qualifications or religious affiliation, but taking all these other factors into consideration. He gave example of the former Executive Secretary of the Board who has a Master's Degree in biochemistry. He was made the Executive Secretary not because of that but based on his reputation and integrity. Similarly, those individuals who approach businessmen and traders in the State, on behalf of the Board, are chosen from persons enjoying respect from these businessmen and traders.

The success recorded by the Board made the emirs to appeal to his Excellency, the Executive Governor of the State, to make them part of the *zakat* and endowment work. This was granted by the Governor and now emirs are the heads of all the local committees.

Distribution is based on the Qur'anic categories of beneficiaries. Sometimes people come to the Board requesting *zakat*, but the Board, on its own, looks for those who deserve, through people sent out to get information, and through District Heads, Village Heads, imams, etc. who provide names of the needy. They have informed people that anybody who knows of anyone in need should direct the person to their office. Among

others they have distributed *zakat* to those who lost their parents (orphans), the aged, widows, and the sick who are in need (these kind of patients are sometimes invited for a meeting to determine their actual need); they have built houses the orphans, aged, and patients in need; etc. He told us about a woman who gave birth recently and was greatly in need particularly that her husband disappeared. They gave her two bags of rice, provisions for the new born baby and cash (₦20,000.00). Every three months at least one thousand people benefit from their *zakat* distributions. All the distribution events are covered by video and still pictures. We were shown some of these pictures.

Wherever *zakat* is collected, it is distributed there. That is, they do not carry it to other places and distribute. He said that people who are not resident in a place are not entitled to collect *zakat* there. He said that they used to have visitors even from as far away as Plateau State seeking to collect *zakat*, but that they treat them under *sabil* that is charity.

The Department of Endowments receives endowments from individuals and from Government and administers them. It also handles lost and found items.

As to lost and found items: When such items come into their hands they make public announcements about them over the radio, in general terms. People coming in to make claims are then carefully screened, to make sure they are the rightful owners. Before an item is returned, any special costs the Board has incurred in keeping it are recovered from the owner; but no other commission is collected. If after some time the owner cannot be traced, the item is sold; about ₦600,000.00 has been realised in this way. But if after the item is sold the owner comes and gives satisfactory explanation, the proceeds of the sale are turned over to him. All lost and found items are photographed so that a proper record is kept.

Several examples of lost and found items were given. (a) There was a woman who lost a small bag in Saudi Arabia during *hajj*. The bag contained valuable items including money in foreign denominations. The woman heard announcements about recovery of the bag over the radio, and came to the Board's offices. They interviewed her and at the end of the day were satisfied that the small bag belonged to her and returned it to her. She was very surprised and happy. They did not collect any commission from her and to show her appreciation, she prepared food and invited people to come and eat freely. She also invited pilgrims to pray for the Zamfara State officials. (b) Last year, as lost and found, they got 74 pieces of luggage belonging to pilgrims from Plateau, Taraba, Zamfara and other States. They traced the people and handed over their properties after the necessary screening. (c) Another case involved 83 cows, stolen by thieves from Minna, Niger State. These were handed over to the Board by cow dealers in Zamfara State. The rightful owner heard the announcements made over the radio and came to the Board, who after interviewing him were satisfied that the cows were his. It is interesting to note here that when the Fulani cow owner approached the cows, the cows made familiar noises and became restless, indicating that they recognised him. (d) Another instance involved a Christian Igbo trader whose items, worth over ₦5,000,000.00, were brought to the Board as lost and found items. The items stayed with the Board for about eight months before the man heard of the announcement and went

to the Board. After being interviewed, the officials were satisfied that the items were his. They gave them to him and he became happy.

Coming now to endowments: An endowment is a special sort of *sadaqat* or charity for the purpose of getting a reward in one's life. It is often called *sadaqatun jariyyah*. There are two main types: *wakafil ahli*¹²⁹ (mostly for family members) and *wakafil khayri*.¹³⁰ These can be either everlasting or for a limited term: *wakafil abadi* or *wakafil mu'awwid*. Here he gave an example of the former Governor who initially endowed two of his houses for five years, but later made it everlasting.

The function of the Department of Endowments is receiving and administering endowments from individuals and Government. As at now there are: (1) eleven houses and all are being used for rental purpose; (2) five farms and all are being farmed; (3) many plots of land; on 2nd February 2006 one of these was used to build a free health centre for orphans; (4) shops (it is interesting to mention that a woman was the first to give a shop as endowment in the State); (5) bore holes. They also take care of deceased's properly who has no next of kin. As endowment, they also have cars and all properties are owned by the Board.

The Department generates income from many of the endowed properties. Some of this is ploughed back into the building or renovation of other houses and shops to generate more income. But much of the income is used directly for charitable purposes. [Lengthy description of various charitable projects of the Board omitted: see reports above.]

We asked if they question the source of individuals giving endowment, with particular reference to the hadith that says Allah is pure.¹³¹ He said, for now, they do not question the source of people giving them endowment.

(2) Mal. Dalhatu Umar Jaure, Director of Zakat Distribution, Mal. Ibrahim Tudu, Director of Zakat Collection, and Mal. Sani Hamza Kaura, Director of Endowment, November 2008:¹³²

We were invited to go and visit two *anqaf*: a house under construction, which will be presumably be used to generate income for the endowment fund; and a recently-opened Orphans and Less Privileged Hospital. The plot of land where the hospital was constructed was endowed as an everlasting endowment. The Zakat and Endowment Board decided to erect this hospital there. The cost of constructing the hospital was about ₦10 million (c. 6,000 €). We saw the different sections of the hospital. There are men's and women's sections, with male and female doctors to treat the patients. Altogether only about fourteen beds, so people who need inpatient care are limited to

¹²⁹ *Wakafil*: Hausa for *waqf*, pl. *anqaf*. *Hubusi* is also widely used = Ar. *hubs*, *hubus*, pl. *abbas*. *Waqf* or *wakafil ahli*: a private *waqf* usually for the benefit of one's descendants.

¹³⁰ *Waqf* or *wakafil khayri* or *khairi*: a public or charitable *waqf*, often for the endowment of mosques, schools, sanatoriums, etc.

¹³¹ "Abu Hurairah RA related, 'Allah's Messenger PBUH said: Verily Allah is pure and He accepts only what is pure...' " (Muslim).

¹³² Interviewed in Gusau on 1st November, 2008, by F. Kogelmann and A.S. Garba.

one night in this hospital before they are transferred elsewhere. But between 100 and 150 patients are treated every day, mostly on an out-patient basis. Treatment is restricted to orphans and widows and emergency cases. Before patients have access to the services of the hospital they are interviewed, to verify that they are eligible for treatment there. Treatment and medications are free. When we were there the waiting room was full of about 25-30 women with small children.

During our tour of the hospital, the Director of Zakat Distribution had to leave us, to take some mentally ill persons for treatment at a hospital in Sokoto. Care of those mentally ill persons who would otherwise receive no treatment at all is one of the tasks of the Zakat and Endowment Board.

[*Zakat* administration as documented above.] The employees of the central Zakat and Endowment Board in Gusau are employees of the State Government, which pays their salaries. The members of the Zakat and Endowment Committees at the Local Government and lower levels receive allowances out of the share of *zakat* collected that is allocated to them in accordance with Islamic law. The Local Government Committees are required to report to the central Board monthly. If they fail to report as required, the Board imposes [unspecified] sanctions.

The Board has been active in campaigns to enlighten and awaken the population of Zamfara State to their duty to pay in their *zakat* [including use of pamphlets and flyers as documented above]. In Zamfara only 60% of the *zakat* due must be paid into the Board; the rest may be distributed individually. The people were at first hesitant to pay in even 60%, but now the system is functioning well, thanks to the enlightenment campaigns and thanks also to the sanctions available to the Board in cases where *zakat* due is not paid. The power to prosecute defaulters is one possible sanction: it seems this has not yet been used but apparently there is one case the Board is now thinking of taking to court. But there are other things Zamfara State has done to encourage people to pay their *zakat*, notably requiring people to produce their *zakat* receipts before they are allowed to do various sorts of business with the State. Thus, those who want to do a contract with the State must show they have paid their *zakat*. People wanting to send their children to the public schools must do the same. Farmers wanting State assistance (e.g. subsidised fertilizer) must do the same. So far this year about ₦25 million, plus animals and farm produce, has been collected, much of which has already been distributed: in just the last three months, which included the month of Ramadan, ₦16 million was given out. All of these activities, from assessment through collection to distribution, are done in a highly transparent manner.

Among the enlightenment activities of the Board is the publication of the *nisabs*, i.e. the minimum amounts of various kinds of wealth on which *zakat* must be paid. Some of these *nisabs*, in order to state them in the Nigerian currency (naira), must be recalculated every year based on the value of gold and the exchange rate for the naira. The *nisab* on forms of wealth valued in money, for 1428 AH (almost coextensive with 2007 AD), is fixed in Zamfara State at ₦223,173 (c. 1,300 €): a person who owns wealth valued at this sum of money or more, has to pay 1/40 of it in *zakat*, of which at least 60% must be paid into the Board for distribution by it. We were also given some historical

information about *nisabs* (and some other important numbers) stated in naira, as follows:¹³³

	1421 AH	1422 AH	1423 AH
<i>nisab</i> for wealth valued in naira	₦69,544	₦86,760	₦112,600
minimum <i>sadaki</i> and <i>nisab</i> for theft punishable with <i>hadd</i>	899	1,085	1,407
<i>diyyah</i> for unintentional homicide	3,400,070	4,928,664	5,051,100

Turning now to *awqaf*: these have a history in this region, i.e. since the time of the Sokoto Caliphate; people including the Emirs used to endow *awqaf*; but the institution fell into decline during and after the colonial era (for unspecified reasons). They are trying to revive it, with some success, as we saw on our tour of the house being built and the Orphans and Less Privileged Hospital. He gave us a leaflet on *waqf* which the Board distributes for enlightenment purposes [reproduced above]. For its endowment fund the Board still depends on subsidies from the State, which is paying in ₦2 million per month earmarked for *awqaf*; 1% of money paid in as *zakat* also goes to the endowment fund. They hope to gain more independence from the State as they build up the income from their *waqf* property. Zamfara knows all forms of *awqaf* [see discussion of the different forms in the interview recorded in subsection (1) above]. We were shown a couple of endowment documents, on which the endower gives up his ownership of specified property forever. The previous Governor (Governor Ahmad Sani) endowed quite a bit of property: in 2005 he endowed two houses for five years, which he later converted to everlasting *awqaf*; then in 2006 he endowed everlastingly three or four farms and two plots of land in Gusau. No figures or statistics on endowments were available [but see section d above].

f. Other sources of information on Zamfara State

Zamfara State was much visited in 2000 and 2001 by delegations from other States interested in seeing how Zamfara was going about implementing Sharia. For the reports of two such delegations, which include discussions of Zamfara's approach to the administration of *zakat*, see the Report of the Bauchi State Sharia Implementation Committee, in Chapter 2 of this work, at pp. 125-26 and 141-45; and Records of Visits of the Niger State Advisory Council on Religious Affairs (NISACORA) to Niger State Local Government Areas and to Zamfara State, June, July and August 2000, <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>, Vol. II, Supplementary Materials, item V, pp. 27-34.

(2) From a news report:

29 July 2008: **Zamfara Zakat Board Assists 400 Women to Marry**.¹³⁴ Over 400 women who are either orphans or from poor families have been assisted by the Zamfara State Zakat and Endowment Board to get husbands within the past

¹³³ For a similar chart covering three later years, and explanations of the second and third rows, see [Part II.1](#) above. The years in question here are 2000/01, 2001/02, and 2002/03.

¹³⁴ *Daily Trust*, internet edition.

one year. The Executive Secretary of the Board, Malam Atiku Sani Maradun, said his Board had assisted the women with money to buy some household items necessary for marriage.

Malam Maradun, who was addressing a news conference in his office yesterday, said abject poverty among the people of the State was preventing some women from getting married, hence the resolve by his Board to assist them. He said there were instances where some women could not marry simply because their families cannot afford to get them clothes to go to their husbands' houses.

"The Board has also assisted 18,000 destitutes in the State by resettling them and finding jobs for them to establish profitable trades. The Board has also built and rehabilitated about 520 houses belonging to orphans and destitutes in the State. Over 3,000 travellers who had shortage of funds including victims of the war in Sudan that arrived [in] the State and came to us to demand assistance were given some financial aid by the Board," he said.

Malam Maradun said one of the major challenges being faced by the Board was the issue of orphans that cannot go to school due to lack of financial support. He said some orphans in the State had left school because they could not afford to pay ₦20 required by some schools per term. "Since the establishment of the Board in 1999, about 8,000 orphans have been assisted to go to school. Some of the ones we started assisting when the Board started operation have even graduated from the university," he said. He said 55 students with disability that are going to various schools have also been given tricycles which they are using to go to school. He said 242 orphans that cannot go to school have been assisted by the Board to go to farms and engage in mass production of farm produce. The Executive Secretary said one of the orphans that had been assisted by the Board to go to farm had last year alone, cultivated 60 bags of grains from his farm.

He said 151 mosques have been rehabilitated and 46 wells were dug mostly in communities where non-Muslims embraced Islam.