

# ZAKAH & AWQAF

**ZAKAH IS A PILLAR OF ISLAM THAT  
PURIFIES WEALTH AND ERADICATES  
POVERTY IN A COMMUNITY OR NATION.  
AWQAF ARE ENDOWMENTS THAT ARE THE  
PUREST MEANS OF SADAQATUL JARIYAH  
THAT BENEFIT THE LIVING; AND FLOWS  
AFTER THE DEATH OF THE ENDOWER**



**Prof. Sani Abubakar Lugga, MFR  
The 5th Waziri of Katsina**

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## **Part One**

### **THE EMBARRASSMENT ON ISLAM BY DESTITUTION, BEGGING & ALMAJIRCI**

On March 28<sup>th</sup> 2022, the Executive Secretary of the National Board for Technical Education announced that, authentic data has shown that there are over 90 million unemployed youths roaming the streets of Nigeria. Earlier, the United Nations Children Fund (UNICEF) has announced that Nigeria has one of the highest numbers of children without access to education in the World with about 13.2 million out-of-school children. These statistics are staggering and hard to deny given the number of youths desperately looking for jobs and the number of children hawking or begging on the streets every day. The figures have shown that about 70% of Nigeria's out-of-school children are located in the Northern parts of the Country. Also, according to UNICEF's Deputy Representative in Nigeria, Bauchi State has the highest number with 1.1 million children that are out of school followed by Katsina State with 781,500. Corroborating the grim statistics, the Executive Secretary of Universal Basic Education Commission, added that the girl-child constituted over 60% of the children who are out of school. Which means that of the 13.2 million out-of-school children in Nigeria, 7.93 million are girls while 5.28 million are boys. Apart from the Boko Haram insurgency that is currently ravaging the North Eastern part of the Country, poverty is the underlying factor that makes children to be out of school. The National Bureau of Statistics revealed that 51% of children, ages between five and 17, are involved in child labour; thereby confirming the level of poverty in their parents.

The most unfortunate situation is that, the vast majority of these unemployed youths and out of school children are now dragged into destitution leading to begging by the feeble minded; and banditry and insurgency by the strong minded ones. In addition to these 100 million youths and children, are the millions of beggars all over the horizon made up mainly of the Hausa and Fulani people who happen to be Muslims thereby causing Islam an embarrassment and giving the Religion a bad name.

From the advent of Islam around 900 AD into the Kanem-Borno Empire and its later spread to Hausaland and other neighbouring areas, the Islamic Education System provided for the educational needs of Muslims in those areas. It was called “Makarantar Allo” or “Makarantar Tsangaya”. It was a School System where the “Almajiri” (someone who has travelled from his place of origin to reside in another place) and the resident pupils/students met for their studies. In order to castigate and degrade the Islamic Religion, the “Almajiri” name has now been transformed to refer to every “beggar” in the streets of Nigeria (the children, the youth, the elderly, the disabled, etc).

Sheikh Usman Dan Fodiyo, Sheikh Mohammed el-Amin el-Kanemi, HE Sir Abubakar Tafawa Balewa, HE Sardauna Sir Ahmadu Bello, HE Sir Kashim Ibrahim, HE Alhaji Shehu Shagari, HE Alhaji Umaru Musa Yar’adua, HE General Muhammadu Buhari, His Eminence the Sultan of Sokoto, HRH the Shehu of Borno, HRH the Emir of Gwandu, HRH the Emir of Kano, HRH the Emir of Katsina, General Murtala Mohamed, General Ibrahim Babangida, General Sani Abacha, General Abdulsalami Abubakar, Alhaji Atiku Abubakar, General Hassan Usman Katsina, Sheikh

Ibrahim Sheriff Saleh, Sheikh Abubakar Mahmud Gumi, Sheikh Dahiru Usman Bauchi, Sheikh Nasiru Kabara, Alhaji Aliko Dangote, Alhaji Aminu Dantata, Alhaji Mai Deribe and all Muslim Northern Leaders, Traditional Rulers, Elites and Businessmen, who are today above the ages of 60 years, were products of the “Makarantar Allo”! Yes, each one of these great men of Northern Nigeria sat at the feet of his Malam, together with others to study the Qur’an and other Principles of Islam!

1. How was this dignified system of Islamic education allowed to degenerate into a vocation for helpless, malnourished and sickly children wearing tattered dresses and roaming the streets in an undignified manner begging for alms?
2. How and why was this System turned into an insult to the wonderful Religion of Islam that enshrines hard work and abhors begging in all its ramifications?
3. What happened to the responsibility placed by Islamic jurisprudence upon Parents on their children, Leaders on their subjects and the Wealthy on Zakaah?
4. Why are the destitute increasing daily and why has banditry and insurgency taken over and creating the deaths of people, the loss of valuable properties and the displacement of millions of innocent persons?

This Publication seeks to answer these and many other questions and presents the true perspectives on, and possible solutions to the problems of Destitutions, Begging and Almajirci. These problems have now become eyesores and time bombs that are about to fully explode if they are not tamed in time!

## Part Two

### TOWARD UNDERSTANDING THE TERMS DESTITUTION, BEGGING & ALMAJIRCI

**DESTITUTION** has been described as an extreme state of poverty, in which a person is almost completely lacking in resources or means of support. Destitution implies an extreme poverty that threatens life itself. It is also said to be the state of being without money, food, a home, or possessions. Destitution leads to **BEGGING**, which is the practice of imploring others to grant a favour, often a gift of money or materials, with zero expectation of reciprocation. A person doing such is referred to as a beggar. Besides money, they may also ask for food, drinks or other small items. Most dangerously, the able bodied destitute are ready materials for insurgency, banditry, armed robbery; and they readily partake in all sorts of insecurities.

**ALMAJIRCI**, which is purely and Islamic System of Education has now been turned into the unsavoury “begging” and is being treated as such; unfortunately even by Muslims themselves. Almajirci evolved from the Arabic word: “*Al-Muhajir*” (traveller for an Islamic cause), which has been localised in Hausa as: “Almajiri” (someone who has travelled from his place of origin to reside in another place for Qur’an and Islamic learning). In order to castigate and degrade the Islamic Religion, the “Almajiri” name has now been transformed to refer to every “Beggar” in the streets of Nigeria (the children, the youth, the elderly, the disabled, etc).

What is to be currently noted is that, Destitution, Begging and Almajirci are now brothers and sisters to each other. Destitution leads to Begging in adults and Almajirci in children.



### Part Three

## **DESTITUTION, BEGGING & ALMAJIRCI ARE PRODUCTS OF NEGLIGENCE BY AUTHORITIES, COMMUNITIES AND PARENTS**

In Islam, the responsibilities of Leaders (the Government), the Community (all people in general) and Parents (on their children) are clearly spelt out in the Hadith narrated by Abdullah ibn Umar (RLA), who narrated that, the Messenger of Allah, Prophet Muhammad (SAW), said,

*Beware! Every one of you is a shepherd (guardian) and every one of you shall be questioned with regard to his flock. The Leader is a shepherd over his people and shall be questioned about all his subjects. A Man is a guardian over the members of his family and shall be questioned about all of them. A Woman is a guardian over the household of her husband and his children and shall be questioned about all of them. A Servant is a guardian over the property of his master and shall be questioned about all of it. Beware! Every one of you is a shepherd (guardian) and every one of you shall be questioned with regard to his flock (i.e., shall account to Allah SWT). (Reported by Al-Bukhari and Muslim)*

In the modern democratic context, all people (Muslims and non-Muslims) are bound by their National Constitutions and other State Laws on justice, fairness and good governance that make all persons to account for their deeds right in this World. The Constitution and the other Laws of the Land provide the dos and the don'ts for the Leaders and the Citizens; and equally prescribe the benefits of obedience and the punishments for disobedience. Destitution, Begging and Almajirci are clearly the products of

negligence by the Government, the Community and the Parents of the youths and the children. The result is clearly manifesting in insurgency and banditry. No nation can survive in peace, harmony, security and development as long as the Citizens are left in poverty and squalor. Take the case of ALMAJIRCI as an example:

1. The rot in the Almajiri Education System was set up when the Parents simply dump their children in areas far away from their domains without the means of sustenance and parental care. The parents should have sent their children to Qur'an Schools in their immediate vicinities and at the same time taught them some trade in farming, handcrafts, "Western" education, etc.
2. If the parents did not, the Authorities should have forced the parents to do so. In addition, the Authorities in the Muslim dominated areas should have forced the Wealthy in the community to pay Zakaah. The Authorities should also have provided the environment for all children to obtain Western and Islamic Education properly. The Nigerian Constitution has clearly placed on Government the responsibility of peace, security, education and the welfare of the people.
3. The Community should also be made to do its duty. The Wealthy Muslims should be forced to pay Zakaah and others should contribute their widow's might in the form of development levies and even by simple community of development of building and clearing drainages.

The emphatic statement here is, if the Authorities', the Communities' and the Parents have not abandoned their responsibilities; Destitution, Begging, Almajirci and their Militancy and Banditry products wouldn't have been here today!

## **Part Four**

### **ISLAMIC PERSPECTIVES ON THE PROBLEMS OF DESTITUTION & BEGGING**

Unfortunately, Nigerian Muslims, mainly those of the Hausa Tribe, seemed to have created an unsavoury atmosphere that allows non-Muslims to see begging as it is enshrined in Islam. About 90% of those who are in the streets begging for alms and a vast majority of those who sit idly expecting “manna” (not from heaven!) but from other people, are Muslims!

Nigerian Beggars are in three categories. The first category is made up of young, helpless, malnourished and sickly children wearing tattered rags, holding small bowls and roaming the streets in an undignified manner begging for alms simply because they are pupils of the Almajiri School System.

The second category is made up of the destitute some of who are genuinely handicapped and cannot fend for themselves, while others profess to be engrossed in poverty, like those in the Displaced Persons Camps due to banditry or insurgency.

The hangers-on are the third category and the worst group, which is made up of faceless and healthy adults who do nothing productive but traverse the towns and move from one house to another seeking for money and material wealth from others, especially from those in public office. If a political office holder “steals” money from public funds and greases their palms, he is the “good politician”. If he does not “steal” and therefore has nothing to give them, he is the “bad politician”. Funnily enough, such people are in the forefront of carrying rumours about on “the big thieves” in government! By the way, what is the difference

between a thief and the receiver of stolen properties? If there are no receivers of stolen properties, there would be no thieves!

Because most beggars are Muslims, the “trade” is ascribed to Islam. Let it be made abundantly clear that Islam does not condone nor encourage idleness or unnecessary begging. There is no other religion that teaches human beings the ways to preserve their integrity, morality and honour as much as Islam does. In Islam, the honour and integrity of the community and its people are important and must be absolutely preserved. Therefore each Muslim in the community is responsible for the preservation of that valuable trust, by avoiding anything that will dishonour Islam.

Those begging without any need cause their honour and respectability and that of their community to decay and to fall into the pit of spiritual bankruptcy. For this reason, Islam, which strongly commands helping the destitute and the very weak, forbids those who are not gravely poor and who are not in dire need from begging.

Allah (SWT) made it incumbent upon people to strive to change their bad habits of indolence with the good habits of hard work and sincerity of purpose. It is only by so doing that Allah (SWT) shall change peoples’ bad conditions into good ones. Allah states that,

*Verily, Allah will not change the condition of a people as long as they do not change their state (of affairs) themselves (Qur’an 13:11)*

In addition, Allah admonishes people to pray to Him seeking for His Bounties and at the same time work hard to actualise that prayer. He says,

*And when the Prayer is finished, disperse (you people) through the lands, and seek the Bounties of Allah (by working hard, etc.), and observe the praises of Allah very much, so that you may be successful and prosperous (Qur'an 62:10)*

*That man can have nothing but what he strives for; that (the fruit of) his striving will soon come in sight: then will he be rewarded with a reward complete (Qur'an 53:39-41)*

A good Muslim should always remain grateful to Allah and always remain contented with whatever he has got (whether little or much), and which ever state he finds himself in (whether good or bad). Begging people is akin to complaining to people that “Allah has denied me so and so”. Why not work within your capacity and limits and seek the bounties of Allah? Why complain to humans what the Divine Creator has cast upon you? Gratitude to Allah is one of the most important aspects of the Islamic Faith. Muslims should always be thankful to Allah (SWT) for all the blessings He has bestowed on them. Those who are grateful to Allah shall attract more bounties and those who are not grateful shall attract His wrath. Allah says,

*And remember when your Lord declared that, “If you are grateful, I will add more (favours) unto you; but if you show ingratitude; truly My punishment is terrible indeed”... “If you show ingratitude, you and all those on Earth together, (remember that) Allah is free of all wants, worthy of all praise. (Qur'an 14:7-8)*

Prophet Muhammad (SAW) directed Muslims to keep away from begging and instructed them to work diligently, as he wanted no Muslim to prefer the ignominy of begging to the honour of working for one's livelihood.



Anas Ibn Malik (RLA) narrated that, a man from the Ansar of Medina came to the Prophet (SAW) and begged him for sustenance. The Prophet (SAW) asked the man; “*have you anything in your house?*” The man replied that he has a piece of cloth, a part of which he covers himself with and a part of which he spreads on the ground, and that he also has a wooden bowl with which he drinks water with. The Prophet (SAW) said, “*bring them to me*”. The man brought the articles and the Prophet (SAW) took them in his hands and asked; “*who will buy these?*” One of those present said that he would buy them for one coin. The Prophet (SAW) said, “*who will offer more than one coin?*” Another man present said he would buy them for two coins. The Prophet (SAW) sold the items to that person for two coins and handed the coins to the owner saying, “*buy food with one of the coins and hand it to your family, and buy an axe with the other coin and bring it to me*”. The man bought the axe and brought it to the Prophet (SAW) who told him to go and gather firewood with it and sell and to continue doing so; and let him not come back to the Prophet (SAW) until after two weeks. The man went away and gathered firewood and sold it. When he had earned ten coins, he bought garments with some and food with the others. When he came back, the Prophet (SAW), said to him, “*this is more honourable for you in this World and is better for you than begging to appear as a spot on your face on the Day of Judgment*”. (Reported in Sunan Abu Dawud).

Abu Huraira (RLA), one of the closest companions of the Prophet (SAW) and the most famous male narrator of the Hadith, narrated that Prophet Muhammad (SAW) said,

*It is more desirable for one of you to take a rope and go to the forest to collect fire-wood and sell it, in order for Allah to guard his honour than for one to ask other people to assist him (with food, money or other things); whether they give him or not. In another narration, the Prophet (SAW) said, It is better for one of you to collect firewood, carry it on his back and make enough from it to give away some Sadaqa (alms-charity), hence becoming self-independent; than to ask someone who might give him or refuse to give him. Indeed, the upper hand (the hand that gives) is better than the lower hand (the hand that takes). The person should start (when giving charity) with those he is in charge of". (Reported by Al-Bukhari)*

Abu Huraira (RLA), narrated that the Prophet (SAW) said, *"Prophets of Allah had trades or professions". He was asked, "Including you O Messenger of Allah?" He answered, "Yes including me. I was a herdsman who was paid for it". The Prophet (SAW) also said, "Prophet Dawud (David) AS, was living on what his hands produced (he was a black-smith) and Prophet Zakariya (Zachariah) AS, was a carpenter". (Reported by Al-Bukhari and Muslim)*

Page 238 of the book, "Islam wal Idara", reported that Al-Hakim (RLA) narrated that the Prophet (SAW) said,

*Prophet Adam (AS) was a farmer (and hunter), Prophet Nuhu (Noah) AS, was a carpenter, Prophet Idris (AS) was a tailor and Prophet Musa (Moses) AS was a herdsman.*

Asking for material things from people is not allowed in Islam if the act is being done just for the sake of accumulating wealth for personal gains. This is regarded as begging that is taken as an

occupation, which is strictly prohibited in Islam. Prophet Muhammad (SAW) said,

*Whoever continues to beg people in order to accumulate much property, surely asks for a piece of fire, so let him ask a little or much... Some among you do not ever abandon begging; let them know that, finally, on the Day of Resurrection, such dishonourable persons will meet Allah with no flesh left on their faces (Muslim)*

The above mentioned Verses of the Glorious Qur'an and Sayings of Prophet Muhammad (SAW), clearly explain the unacceptability of unnecessary begging in Islam. However, the beauty of Islam is that the Religion prohibits unnecessary indulgence in any dishonourable act, but allows special cases of necessities within reasonable limits. In these regards, asking for help is permissible for the one who is in dire need and does not have enough to suffice him and he has not been able to earn something despite his trying very hard. Such a person may ask people for as much as will meet his immediate needs only. As for the one who is not in dire need, or the one who is in need but is able to earn something by trying, it is not permissible for him to beg and whatever he takes from people in this case is prohibited in Islam. These are measured by the narration of Qabeesah ibn Mukhaariq al-Hilaali (RLA) who said that he incurred a debt in order to reconcile between two parties and he could not pay it. He therefore went to the Prophet (SAW) and asked him for help. The Prophet (SAW) told him to wait until the Zakaah (obligatory alms) came, and he will order that something be given to him. Then the Prophet (SAW) added,

*O Qabeesah, asking for help is not permissible except in one of three cases: (1) a man who has incurred a debt in order to*

*reconcile between two parties is permitted to ask for help until he has paid it off, then he should refrain; (2) a man who has been stricken by a calamity that has destroyed all his property is permitted to ask for help until he gets enough to get by or he gets enough to meet his basic needs; and (3) a man who is stricken by poverty and three men of wisdom among his people acknowledge and affirm that he has been stricken by poverty, then it is permissible for him to ask for help until he gets enough to get by or to meet his basic needs. Apart from these cases asking for help, O Qabeesah, is illegal and the one who begs is consuming something illegal. (Muslim, Ahmad, An-Nasaa'i and Abu Dawood)*

The above case has brought to fore the main reasons why begging was allowed only by three categories of persons. Then, one may be tempted to ask of the position of the destitute that are incapacitated and therefore cannot conveniently earn a living by themselves and persons with similar cases. The answer is simple. In of Islam, Allah has instituted a mechanism in the Muslim communities to care for such persons through the institution of “Zakah” (obligatory alms on wealth). Zakaah is one of the Five Pillars of Islam and a compulsory duty, which a Muslim must pay to the poor and those in need to cover their requirements and save them from the humility of asking others for help Therefore, if Prophet Muhammad (SAW) and ALL the Prophets of Allah (peace and blessings of Allah be upon them) never relied on begging anybody for sustenance and ALL of them had one productive profession or another, who then would claim an Islamic licence to beg?

In addition, ALL the Companions of the Prophet (SAW) and all the great men of Islam (e.g. Sheikh Usman bin Fodio in Hausaland

who was a great livestock farmer) relied on productive professions for sustenance. Therefore Islam does not condone, sanction or encourage laziness, idleness or unnecessary begging. Islam teaches hard work, dedication, honesty, justice and fairness. Therefore those who are idle, lazy, dishonest, unjust and unfair should not ascribe it to Islam.

Muslim parents and teachers should train their children and pupils/students on true Islamic injunctions pertaining to worship and trade. Prophet Muhammad (SAW), his Companions (RLA) and the good leaders of Islam lived exemplary lives through centuries. They learnt, taught and practiced Islamic tenets pertaining to worship and trade. They were never lazy or idlers. The leaders among them were just and the followers were honest.

Leaders today should be reminded that, they have the onerous task of ensuring that the societies they lead live in progress and prosperity and not in degradation and poverty. Leaders should ensure that all citizens are given equal opportunities and the right atmosphere to worship Allah and live a useful and reasonable professional life, with each tradesman supplementing the other (and not begging for alms!).



## Part Five

### THE INSTITUTION OF ZAKAH: A COMPULSORY ISLAMIC DUTY THAT LEADERS MUST ENTRENCH

Charity in its broadest sense has been called *Sadaqah* in Islam. Such great importance is attached to charity that it has been made into an institution in order to give it permanence and regularity. It is one of the compulsory Five Pillars of Islam, called Zakah. The Law, Rules and Regulations on Zakah simply mean: to take from the wealthy and give to the poor. It rotates wealth in such a way as to balance social inequality. Islamic Law empowers the Islamic State or Community to collect the Zakah, and to keep a separate account for it. Zakah is considered by Muslims to be an act of piety through which one expresses concern for the well-being of fellow Muslims, as well as preserving social harmony between the wealthy and the poor. Zakah promotes a more equitable redistribution of wealth and fosters a sense of solidarity amongst members of the *Ummah*. Allah (SWT) clearly states that He has imposed Zakah as a compulsory duty and He has instructed for the appointment of its Administrators and their payments from Zakah Funds. Allah (SWT) states that,

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي  
الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةٌ مِّنَ اللَّهِ وَاللَّهُ  
عَلِيمٌ حَكِيمٌ

“As-Sadaqat (Zakaht) are for the Fuqara (poor), and Al-Masakin (needy) and those employed to collect (and administer the funds);

*and for to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allah's Cause, and for the wayfarer (a traveller who is cut off from everything); (this is a compulsory) duty imposed by Allah. And Allah is All-Knower, All-Wise. (Qur'an 9:60).*

When Khalifa Abubakar (RLA) became the Caliph after the death of Prophet Muhammad (SAW), some Muslims refused to pay Zakkat. Abubakar (RLA) responded by saying that Allah (SWT) says, *"Take Sadaqat (Zakah) from their wealth in order to purify them and sanctify them with it..."* (Qur'an 9:103) Abubakar (RLA) also related what Prophet Muhammad (SAW) said, *"I have been commanded (by Allah) to fight against the people until they testify that there is no true deity worthy of worship except Allah and that Muhammad is the Messenger of Allah, and to establish As-Salat and to pay Zakah; and if they do these, then their blood and their property are secured except by the rights of Islam"* (Bukhari and Muslim reported it from Abu Huraira - RLA)

With these two references, Abubakar (RLA) sent a message to those who refused to pay the Zakkah as follows:- *"I will fight whoever separates Salat and Zakah, for Zakah is the compulsory right to be taken from wealth. By Allah, if they withhold from me a young goat that they used to give to the Messenger of Allah (SAW), I will fight them for withholding it".* (An-Nasa'i reported it from Abu Huraira - RLA)

The institutionalisation of **Zakah** is therefore a compulsory duty that must be performed and it should be a priority as it is the best way to solve the myriad of Muslims' social and economic problems, especially those affecting the poor, the needy and the

destitute. Professor Sani Abubakar Lugga, the 5<sup>th</sup> Waziri of Katsina, has argued in a Public Paper in 2007 that, if such a Zakah was in place in Nigeria, it would have provided the following in its first year of operation in Nigeria:

**MONEY ZAKAH:-** The website of the Central Bank of Nigeria posted figures of the Naira currency in circulation in the country for the past one year (30<sup>th</sup> September 2016 to 31<sup>st</sup> August 2017). The figures show an average of about 2 trillion Naira in circulation. Even though Muslims are clearly the vast majority in Nigeria, let us, for the purpose of expediency, assume that only half of the 190 million Nigerians are Muslims and that only half of the total Naira currency in circulation in the country was in the coffers of Muslims for the past one year. This gives a figure of one trillion Naira in the hands of 95 million Muslims. In addition, let us assume that only half of the currency in the hands of Muslims satisfied the *Nisab* thereby making it subject of Zakkat (that is only 25% of the total currency). This gives a figure of 500 billion Naira. Dividing this figure by the Zakka money formula of 40, gives a Zakkat of 12.5 billion Naira for the year 2016/17.

**RICE ZAKAH:-** The Director of Agriculture of the Federal Ministry of Agriculture, Alhaji Muhammad Adamu, stated that local rice production in Nigeria has now reached 15 million metric tonnes annually. He added that in Kano State alone, 1.2 million metric tonnes of rice was produced in 2016. He also said that, with the significant increase in local productions and the efforts to make the local variety qualitative and more attractive to Nigerians, the country expects to begin exporting rice to the West African countries by 2018/2019 harvest season. The Director made the

statements on Tuesday 15<sup>th</sup> August 2017 while inaugurating the Rice Millers Association of Nigeria, (RIMAN) in Kano State. The Minister of Agriculture, Mr Audu Ogbe, had earlier made a similar statement in his Office in Abuja on 5<sup>th</sup> March 2017, where he stated that Nigeria shall achieve self-sufficiency in rice production as from the 2018 crop season. Even though nearly all the rice being currently produced in Nigeria comes from the Muslim North, let us take off 25% and use 75% as the actual production by Muslims. This means that Nigerian Muslims produced 11.25 million tonnes of rice in the 2016 rice season making the Zakkat to be 1.125 million tonnes that equals 22.5 million 50 kg bags.

**MAIZE, SORGHUM AND MILLET ZAKAH:-** The United States of America Department of Agriculture website posted agricultural production statistics from all countries of the World. The site carries production statistics of Maize, Sorghum and Millet in Nigeria from 1960 to 2016. The statistics shows that 7.2 million tonnes of Maize, 6.55 million tonnes of Sorghum and 4.8 million tonnes of Millet were produced in Nigeria in 2016. Even though nearly all the Maize, Sorghum and Millet being currently produced in Nigeria come from the Muslim North, let us take off 25% and use 75% as the actual production by Muslims. This means that Nigerian Muslims produced 5.4 million tonnes of Maize, 4.9 million tonnes of Sorghum and 3.6 million tonnes of Millet in 2016. This gives the Zakkat of Maize as 540,000 tonnes (5.4 million 100 kg bags); Sorghum as 490,000 tonnes (4.9 million 100 kg bags) and Millet as 360,000 tonnes (3.6 million 100 kg bags).

**LIVESTOCK ZAKAH:-** The Nigerian Minister for Agriculture, Mr Audu Ogbe, told journalists during a press conference in his

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Office in Abuja on 2<sup>nd</sup> June 2016 that, the 2011 National Agricultural Sample Survey indicated that Nigeria was endowed with an estimated 19.5 million cattle, 72.5 million goats and 41.3 million sheep.

There is no iota of doubt that these livestock belong to the “Hausa/Fulani” Muslims, so calculating their Zakkat is made easy. Using the Zakkat formula, it is calculated that the Zakkat for these livestock are as follows:- Cattle:- 650,000 heads; Goats:- 725,000 heads and Sheep:- 413,000 heads



## Part Six

### **AWQAF AND SADAQAH: VOLUNTARY CHARITIES THAT LEADERS SHOULD ENCOURAGE**

The demand of Islam that all its followers should spend their wealth freely on the common good of society cannot be met solely by the payment of the obligatory levy of Zakah. There must also be additional almsgiving on a voluntary basis. This is referred to in Islamic literature as “**SADAQAH**”. The difference between Sadaqah and Zakah is that, Sadqah is a voluntary exercise, while the Zakah is obligatory, and collected by the Authorities (Government) as a compulsory levy. The rate and exemption limit (Nisab) for Zakah are fixed, while the amount of other Sadaqah is entirely dependent upon the will of the giver. The term Sadaqah, as applied to alms, is an indication of the sincerity (*siddq*) of the almsgiver’s religious belief.

The term Sadaqah is also in certain cases used in a very broad sense to cover all kinds of charity, and should be interpreted according to the context. From the root *sadaqa*, “to speak the truth, to be true”, it literally means righteousness. Ibn Arabi explains it as a “*voluntary act of worship, a choice made by one’s own free will. If this is not the case, then it is not voluntary sadaqah. For man makes it obligatory upon himself as Allah makes mercy obligatory upon Himself towards those who repent.*”

The scope of charity as defined in Islam is so vast that even a poor person who has nothing tangible to give can offer Sadaqah in the shape of a smile, or by offering a glass of water to a thirsty person, or by uttering kindly words. Good conduct is frequently referred to

in the Hadith as Sadaqah. Even planting something from which a human being, a bird or an animal may later eat also counts as Sadaqah. In this extended sense, acts of loving kindness and even greeting one another with a cheerful expression are regarded as Sadaqah. In short, every good deed is Sadaqah.

### **PERMANENT CHARITIES (Awqaf)**

Awqaf are permanent forms of charity, which are called *Sadaqat-Jaariah*. Awqaf (singular “Waqaf”), are forms of inalienable charitable endowments under Islamic Law. They typically involve donating a building, a plot of land or other assets for Muslim Religious or charitable purposes with no intention of reclaiming the assets. A charitable trust may hold the donated assets. The person making such dedication is known as a *Waqif* (a donor). The term “Waqaf” literally means “confinement and prohibition” or causing a thing to stop or stand still. The Waqaf system comprises of three elements of: *Hayrat*, *Akarat* and *Waqif*, which are explained as follows:

1. ***Hayrat*** (*hayr*), means “goodness” and refers to the motivational factor behind Waqaf;
2. ***Akarat*** refers to corpus and literally means “real estate;” implying revenue-generating sources, such as markets, lands, buildings; and
3. ***Waqif***, in its narrow sense, is the institution(s) of providing services as committed in the Waqaf deed such as Schools (*madrassa*), Masajeed (Mosques), Hostels, Libraries, etc.

Generally, the Waqaf must fulfil three primary conditions:

1. The One endowing the Waqaf, and its maintainers should sequester the principal and allocate the proceeds to charity
2. The endowment should legally be removed from commoditisation such that it is no longer on the market

3. Its sole purpose must be charitable and the beneficiary group must be named.

Awqaf conception in Islamic Society has been derived from a number of Hadith. It is reported that during the time of Prophet Muhammad (pbuh), after the Hijrah, the first Waqaf was composed of a grove of 600 date palm trees. The proceeds of this waqaf were meant to feed Medina's poor people. In one tradition, Ibn Umar (RLA) reported that, Umar Ibn Al-Khattab (RLA) got land in Khaybar, so he came to Muhammad (pbuh) and asked him to advise him about it. Muhammad (pbuh) said, "If you like, make the property inalienable and give the profit from it to charity". It goes on to say that Umar (RLA) gave it away as alms, that the land itself would not be sold, inherited or donated. He gave it away for the poor, the relatives, the slaves, the jihad, the travellers and the guests. And it will not be held against him who administers it, if he consumes some of its yield in an appropriate manner or does not enrich himself by means of it.

In another Hadith, Muhammad (pbuh) said, *"When someone dies, only three deeds will survive him: (1) continuing alms, (2) profitable knowledge and (3) a child praying for him"*.

Islamic Law puts several legal conditions on the process of establishing a Waqaf. Being a contract, the founder of Waqaf (called *al-waqif* in Arabic) must be of the capacity to enter into a contract. For this reason, the founder must:

- be an adult
- be of sound mind
- be capable of handling financial affairs
- not be under interdiction for bankruptcy

## Part Seven

### **SOLUTIONS TO THE PROBLEMS OF DESTITUTION, BEGGING & ALMAJIRCI**

Destitution, Begging and Almajirci have been allowed to become eyesores and a time bombs that are ticking in the form of insurgency and banditry. And, if nothing is done immediately, they shall explode and cause damages beyond comprehension!

For about 40 years, the discourses on Destitution, Begging and Almajirci kept on recurring; BUT their attendant problems kept on increasing: from the production of minor thieves to armed robbers and now to insurgents and bandits. Thousands of problems have been identified with these problems and thousands of solutions have been proposed. Despite the agreements and disagreements pertaining to these problems, scholars, supporters, opponents and commentators seem to agree on several issues. Some of the issues agreed upon include the following:-

1. **Islam is a Religion of Scholarship, which places the greatest possible premium on Education and abhors ignorance and illiteracy.** The very important premium placed on education in Islam is not in contention. The first prophetic message by Allah (SWT) to Prophet Muhammad (SAW) was to learn, as nothing can be achieved spiritually or otherwise without knowledge. No one can worship Allah in ignorance. No one can practice any trade or profession without knowledge. In short, no one can be a successful leader, teacher, farmer, trader, engineer, etc, without knowledge.
2. **Islam is a Religion of Entrepreneurship, which entrenches hard work and frowns at laziness and idleness.** Islam deals with the importance of self-sustenance through hard work and also deals with the dangers of laziness and idleness. Allah (SWT) clearly admonishes people that He will not change their

bad conditions as long as they do not change their bad habits. Allah (SWT) instructs people that, when they finish praying to Him they should disperse all over the lands and seek for His Bounties, so that they may be successful and prosperous. Allah (SWT) also clearly states that man can have nothing but what he strives for. In summary, prayers and hard work go hand-in-hand, as one cannot be achieved without the other.

3. **Islam Outlaws persistent begging but only allows seeking for assistance in very special cases.** Islam spells out why persistent begging is not allowed in Islam. Persistent begging takes away all iota of dignity from a person, be he a child or an adult. Even in the special cases where seeking for assistance is permitted, Islam limits it to the immediate needs of the person and that the person should only seek for assistance from respectable people who would understand his plight and who would not disgrace him or put him to shame.
4. **Islam places the Burden of the Family on the Parents, the Burden of the Society on its Leadership and the Burden of Trust on those entrusted with such trusts.** Islam spells out the responsibilities and the accountability of every human being, be he or she a Muslim or a non-Muslim. Every person is like a shepherd (a guardian) and every person shall be questioned with regard to his flock. The Leader is a guardian over his people and shall be questioned about all his subjects. A Man is a guardian over the members of his family and shall be questioned about all of them. A Woman is a guardian over the household of her husband and his children and shall be questioned about all of them. A Servant is a guardian over the property of his master and shall be questioned about all of it. Indeed every one is a guardian and every one shall account to people in this World and to Allah (SWT) in the Hereafter.



**5. Nigerians must always put the Multi-Religious, Multi-Ethnic and Multi-Cultural Nature of Nigeria into Consideration in all their utterances and their actions.** It should be clearly noticed and understood that, it important to allow States to make and implement Laws to suit their religious and cultural peculiarities. Nigeria is endowed with more ethnic nationalities than any other Nation in the World. Nigerians are blessed to be the followers of the two major Religions of Islam and Christianity. The religious, cultural, ethnic, social, etc, diversities in Nigeria should be the sources of her unity and not of her disintegration. Perhaps if Nigerian Christians and Muslims, who make-up more than 90% of the Nation's population, would live strictly in accordance with the dictates of the two Great Religions, 90% of Nigeria's problems would be wiped out!

Perusing the contents and taking the above listed Five Summary Points into consideration, it is crystal clear that the best solution to the problems posed by Destitution, Begging and Almajirci today is the positive tripartite action by the Parents, the Authorities and the Communities. These tripartite actions have been proven to have effectively worked in the smooth running of these parts of the World long before colonialism in the Kanem-Bornu Caliphate and the Sokoto Caliphate.

It is therefore imperative for the Governments at all levels to strive to implement all existing Laws pertaining to Education and Peoples' Welfare and to ensure the effective coordination of the involvement of all stakeholders in these regards. The most effective ways of achieving these are for the Governments at all levels to garner the political will to ensure that all related Laws, Rules and Regulations pertaining to Destitution, Begging and Almajirci are completely overhauled; and if need be New Ones Enacted. These Laws, Rules and Regulations include, but are not limited to the following:

### **1. The Full Implementation Of Constitutional Provisions On “Fundamental Objectives and Directive Principles of State Policy”**

The Federal, States and Local Governments should vigorously and meticulously ensure the implementation of the wordings and the letters of Section 18 (3) of the 1999 Constitution as amended, which provides that Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels; and that Government shall strive to eradicate illiteracy.

This fundamental provision is under Chapter II of the 1999 Constitution titled, “Fundamental Objectives and Directive Principles of State Policy”. Section 13 clearly states that, “It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution”. It is therefore a crime not to implement this Constitutional Provision, as personally stated by Mr President on 21<sup>st</sup> June 2019. It is unfortunate that it took the Federal Government of Nigeria 20 years, after the return of democracy in the country to realise the importance of this constitutional provision!

### **2. The Full Implementation Of The Compulsory, Free Universal Basic Education Act 2004**

Governments at all levels should vigorously and meticulously ensure the implementation of the wordings and the letters of the Compulsory, Free Universal Basic Education Act 2004, which provides that every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age in Nigeria. This important Act was enacted in 2004 and a Universal Basic Education Commission (UBEC) was established since then; and billions of

Naira passed to the Commission annually for the purpose of implementing the Provisions of the Act. However, the fundamental Sections 1,2,3,4 and 6, which would have taken the Almajirai off the streets 15 years ago have not been implemented! It is a crime not to implement these fundamental Provisions, as personally stated by Mr President on 21<sup>st</sup> June 2019

### **3. States Governments To Implement The Above Laws And To Make Laws To Cater For Their Peculiar Needs**

States Governments should ensure the implementation of the above listed Constitutional Provision and the UBEC Law; particularly Sections 13 and 18 of Chapter II of the 1999 Constitution as amended; and Sections 1,2,3,4 and 6 of the Compulsory, Free Universal Basic Education Act 2004. In addition States should make State Laws to cater for their peculiar academic, socio-economic and religious needs.

For example, States with high Muslim populations should make Laws and set up Government Agencies to ensure the provision of both Western and Islamic Education to their citizens. Such States, most of who are in dire need of additional sources of revenue, should also legislate on Zakaah (obligatory alms) and Waqaf (endowment) in line with Islamic Principles; thereby securing additional funds and infrastructure. Isn't it a shame on Nigerian Muslims, for example, that Bill and Melinda Gates Foundation is funding Muslim Girl-Child's Education and the eradication of child-diseases, when Nigerian Muslims could easily float a similar Foundation (Waqf)? This Book gives a sample Draft Law in Chapter Eleven, which if adapted and enacted would assist such States to eliminate the Almajiri Education System Problems within a very short time.

Federal, States and Local Governments should immediately set up mechanisms (Committees, Boards, Commissions, etc) to ensure the implementation of all the Laws listed above and all other existing

and proposed Laws relevant to the Almajiri Education System, Begging, Destitution and all other related issues.

It would be most advisable and most appropriate to utilise the wide ranging inherent powers and authorities of the Traditional Rulers and the Religious Leaders in these regards. This is because the Traditional Rulers and the Religious Leaders are in the best positions to ensure the smooth implementation of the Laws and to douse any tension that might arise from so doing. They are, without any iota of doubt, the best “tools and avenues” to be effectively used in these circumstances.

### **WHAT ARE THE PROSPECTS OF IMPLEMENTING THE ABOVE STATED IMPORTANT LAWS?**

The full implementation of the Provisions of Chapter II of the 1999 Constitution and the implementation of the provisions of the Free Universal Basic Education Act 2004 have been lingering for more than 20 years! Nigeria cannot afford to wait for another 20 years to implement these and similar Laws! Let the Provisions on Education, for example, be briefly examined her:

#### **Constitutional Provisions on Education**

The Constitutional provision for Government to provide adequate educational opportunities at all levels has been a permanent feature of all the Nigerian Constitutions from that of 1914 to those of 1922, 1946, 1951, 1954, 1960, 1963, 1979, 1993 and 1999. For example,

#### **Section 18 of the 1979 Constitution states that,**

- (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.
- (2) Government shall promote science and technology

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide:

- (a) Free, compulsory and universal primary education;
- (b) Free secondary education;
- (c) Free university education; and
- (d) Free adult literacy programme.

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- (a) Free, compulsory and universal primary education;
- (b) Free secondary education;
- (c) Free university education; and
- (d) Free adult literacy programme.

Therefore, for more than 100 years, the same Provision on Education kept on recurring in the numerous Constitutions enacted for Nigeria. In particular, the 1999 Constitution clearly copied (word by word and number by number) the provisions of the 1979 Constitution. In effect, this means that the word by word and number by number provision has been with Nigeria for exactly 40 years (1979-2019) and there isn't much to show for it. Most surprisingly, the Federal Government seems to tell Nigerians that it is only just now that it realised the existence of this very important constitutional provision!

#### **Provisions of the Free Universal Basic Education Act 2004**

This Act clearly states that Every Government in Nigeria shall provide free, compulsory and Universal basic education for every

child of Primary and Junior Secondary School age; and that every parent shall ensure that his child or ward attends and completes his Primary School Education and Junior Secondary School Education.

**Section 2 (1) of the UBE Act 2004 states that,**

Every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age;

**Section 3 of the same Act states that,**

The services provided in public primary and junior secondary schools shall be free of charge;

**And Section 15 of the Act states that,**

In this Act “Services” that should be provided free of charge are books, instructional materials, classrooms, furniture and free lunch.

Therefore, the Nigerian Governments at all levels must ensure the implementation of the Constitutional Provisions on “Fundamental Objectives and Directive Principles of State Policy”, the Universal Free Basic Education Act and all similar Constitutional Provisions and Laws.



## **Part Eight**

### **THE ZAKAH, AWQAF AND DESTITUTION COMMISSION TO THE RESCUE**

The Destitute, the Beggars and the Almajirai have swarmed the society with no bearing. Some now live in Internally Displaced Persons Camps due to insurgency and banditry. The youths are now going from one place to another looking for jobs or begging for stipends; while some others have joined insurgents and bandits due to frustration. Many of these youths are Graduates of Universities or other Tertiary Institutions who could benefit the society if they were gainfully employed.

The children are moving from one street to another, from one house to another and from one vehicle to another begging for arms. They roam about bare footed in dirty and tattered dresses. They are malnourished with dry faces and pale and bruised skins that are filled with rashes and ringworms. Fifteen (15) Almajirai may be bundled in very small rooms or even in a “Zaure” meant for two persons and such rooms normally do not have enough windows for ventilation. The Almajirai beg, appealing to the mercy and goodwill of the people. They are hungry, malnourished and sickly. They rush for leftover food, just to stay alive. They consume all kinds of foods, fresh or stale.

The Almajirai and other Destitute and Beggars are victims of neglect and also victims of exploitation. Some people give them a stipend or leftovers out of sympathy or after exploiting them for menial jobs. Other people abhor them, hold them with contempt and even blame them for their helplessness. It is common to hear many scold them by saying, “*go to school*” or “*get a job*” or “*go*

*back to your parents*”. Begging takes away all iota of dignity from a person, be he or she a child or an adult.

Unscrupulous politicians use these unfortunate persons as political thugs; child traffickers harness their susceptibility and most disheartening, the insurgency in the North East and the banditry in the North West are said to utilize the vulnerability of these indigent set of humans in perpetrating their mayhem. The beautiful Religion of Islam that abhors laziness and begging and that institutionalises hard work and self-dependence under the provisions of the Glorious Qur’an and the Hadith, is now the culprit. Islam is being blamed and is being castigated for the unfortunate plight of the miserable Destitute, Almajirai and Beggars.

In these regards, something fast must be done. **An immediate solution** is inevitable to save these poor souls from further torture and bastardisation; and to save the Nation from the full explosion of this “**Time Bomb**”; the clock on which is ticking fast! A general consensus is that, the following are fully responsible for this menace and therefore should be fully responsible for tackling it:-

- 1. The Parents of the Almajirai, the Youths and the Destitute**
- 2. The Societies in which these unfortunate people reside**
- 3. The Governments at all Levels**

The Parents are normally placed first as they have the first and ultimate responsibility of their children and wards. The Societies are placed next as they have the duty to cleanse their communities. The Governments are normally placed last. But cognisance should be taken of the fact that the Government is the only one that can enforce Laws and ensure that the parents take responsibility of

their children and wards and that the societies perform their social responsibilities, like the payment of Zakah in Muslim Communities. Indeed the Government must provide an enabling environment for others to effectively perform their functions and duties as and when due.

The Federal, States and Local Governments should endeavour to immediately commence the full implementation of all relevant Constitutional Provisions and all other Laws for the betterment of the Nation. But it must be recognised that some of the Constitutional Provisions and some of the Laws are meant to cover the whole Nigerian Nation that is habited by Muslims and non-Muslims. It must also be recognised some States that have the preponderance of the Destitute, the Beggars and the Almajiri Problems; AND in particular have majority Muslim Populations should enact Laws to provide for **an immediate response**.

In these regards, a guide to a Draft Bill for the establishment of a State **Zakah, Awqaf & Destitution Commission** is presented in **Part Nine** as a guide for **Katsina State** to execute its Social Responsibility and the Leaders to safeguard their Religious Responsibility as Allah (SWT) shall question them on the issues of how they catered for their Citizens and how they implemented their Religious Responsibilities regarding Worship and *Mu'amalat* (Worldly Affairs).

It should be noted that, his Writer is not a Lawyer; therefore this is only a Draft Proposal, which does not reflect the full nature of a Legal Document or has any Legal Terms and connotations embedded in it. It is only a guiding document for the experts to amend as required.

**Part Nine**

**A DRAFT BILL ON ZAKAH, AWQAF AND  
DESTITUTION COMMISSION**

**A BILL FOR AN ACT TO PROVIDE FOR THE  
ESTABLISHMENT OF THE KATSINA STATE  
ZAKAH, AWQAF AND DESTITUTION COMMISSION**

**(NOTE: KATSINA STATE IS USED AS AN EXAMPLE)**

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

INTERPRETATION - In this Act, unless the context otherwise requires -

“Parent(s)” means the biological father and mother of a child or a guardian to who a child is related biologically or any person other than these two, who is responsible for the care of the child, as witnessed by the Traditional Institution;

“Traditional Institution” means any of the following:- Ward Head (Mai Unguwa), Village Head (Magaji), District Head (Hakimi), Emir (Sarki) or others of equivalent nomenclature.

“Commission” means Zakah, Awqaf and Destitution Commission

“Child” means a person (male or female) biologically born to a father and a mother through marriage or otherwise legally adopted and dependent on the parents, and whose age is from 0 year to 16 years (plural: “Children”)

“Makarantar Allo” means the school where a slate is used for writing and reading the Glorious Qur’an and where children are imparted Islamic knowledge in a traditional way (plural: “Makarantun Allo”)

“Makaranta” means the school (plural: “Makarantu”)

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“Malam” means the Head of the Makarantar Allo who is directly responsible for the Makaranta either by ownership, superior knowledge or age to who all children are assigned (plural: “Malamai”)

“Almajiri” means a pupil of the Makarantar Allo; or a pupil of any school where Qur’an and Islamic Education is the major focus of teaching (e.g. an Islamiyya School); or any other child who is sent out to beg as a means of sustenance (plural: “Almajirai”)

“Almajirci” means the action of being an Almajiri

“Bara” means begging in whatever form or means

“Destitute” means the very poor who needs urgent assistance; and all those in the Internally Displaced Persons Camps

“Destitution” means the action of begging or seeking for assistance due to extreme poverty or internal displacement

“Governor” means the Executive Governor of Katsina State;

“State” means Katsina State of Nigeria;

“Local Government” means the 34 Local Governments in Katsina State;

“Zakah” means the obligatory dues taken-out annually from cash and some specific material and agricultural wealth of Muslims in accordance with the provisions of the Shari’ah. It is one of the Pillars of Islam and it is meant for assisting the very poor, the destitute and other specified needy persons, so as to reduce drastically or even eliminate poverty in Muslim societies;

“Shari’ah” means Islamic Law and Jurisprudence

“Waqf” means an endowment of a permanent nature, which Islam encourages the wealthy Muslims to institutionalise. This serves greatly in assisting the destitute and in providing the State with infrastructure and/or funds.

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“Charity” means all forms of assistance, donations etc, which may be of temporary nature, in cash or in kind given by Philanthropists, Donor Agencies, locally or internationally

### PART I - ESTABLISHMENT

1. (1) There is hereby established a body to be known as the Katsina State Zakah, Awqaf And Destitution Commission (in this Act referred to as “the Commission”) to serve as an institution for the protection of the rights of all children from the ages of 0 year to 16 years born by any parent of Katsina State origin or born anywhere in Katsina State by any parent or residing in Katsina State for whatever reason or purpose. The Commission shall also serve for the collection of Zakah and for the institutionalisation of Waqf in the State; with a view to eradicating begging and destitution in whatever form or means.

1. (2) The Commission shall be a body corporate with perpetual succession and a common seal; and may sue and be sued in its corporate name;

1. (3) The Commission may hold, acquire and dispose of any property or interest in property, movable or immovable for the purposes of its functions under this Act.

### PART II - MANAGEMENT BOARD

2. (1) There is hereby established for the Commission a Management Board (in this Act referred to as “the Board”) which shall consist of:-

- (a) An Executive Chairman;
- (b) Two representatives of the Traditional Institution;
- (c) Two representatives of the Religious Organisations;
- (d) A representative of the Governor’s Office;
- (e) A representative of the Ministry of Local Government Affairs



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- (f) A representative of the States Local Government Councils;
- (g) A representative of the Ministry of Education;
- (h) A representative of the Ministry of Finance;
- (i) A representative of the Ministry of Justice;
- (j) A representative of the Police Force
- (k) A representative of the State Security Service
- (l) A representative of Youth Organisations;
- (m) A representative of Women Organisations;
- (n) A Secretary

2. (2) Members of the Board shall be appointed by the Governor; but the Chairman and the Secretary shall be with the approval of the State House of Assembly.

2. (3) Members of the Board, other than the Chairman and the Secretary, shall serve as part-time Members.

2. (4) The Chairman and the Secretary of the Board shall hold office for a term of 4 years in the first instance and may be reappointed for a further final term of 4 years.

2. (5) A Member of the Board may cease to hold office as a member if:

- (a) He resigns his appointment as a member of the Board by a notice under his hand addressed to the Governor through the Board;
- (b) He is convicted of a felony or any offence involving dishonesty or corruption;
- (c) He becomes incapable of carrying out the functions of his office arising from infirmity of mind or body; or

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- (d) The Governor is satisfied that it is not in the interest of the Commission or that of the public for the person to continue in office and notifies the Member in writing to that effect.
- 2. (6) If a member of the Board dies or resigns or otherwise vacates his office before the expiration of the term for which he is appointed, a fit and proper person shall be appointed for the remainder of the term of office of the predecessor, and shall represent the same interest.

### PART III – EMOLUMENTS

- 3. The Chairman and Members of the Board shall be paid such emoluments, allowances and incidental expenses as the Governor may, from time to time, approve.

### PART IV - FUNCTIONS OF THE COMMISSION

- 4. The Commission shall -
  - (a) Formulate policy guidelines and strategies for the successful eradication of Bara, Almajirci, Out of School and Destitution in Katsina State;
  - (b) Organise mass sensitisation campaign to enlighten the society on the dangers of Bara, Almajirci, Out of School and Destitution;
  - (c) Advise the State Government on the orderly rehabilitation of victims of Bara, Almajirci, Displacement and Destitution;
  - (d) Collect from Muslims and Distribute Zakah in accordance with Islamic Law, Rules and Regulations; and recommend and/or institute appropriate actions against defaulters in accordance with the Shari'ah
  - (e) Grossly mobilise Philanthropists, Donor Agencies and the People generally towards Awqaf and other Charities; with a view to mobilising funds and materials towards assisting the needy and providing development to the communities

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- (f) Coordinate the implementation of the Provisions of this Act with non-governmental organisations and multi and bilateral Agencies;
- (g) Liaise with donor agencies and other development partners on matters relating to the Commission's programs;
- (h) Identify and coordinate the activities of stakeholders who are directly involved in the practice of all forms of institutionalised Almajirci, Bara and Destitution with a view to reforming it;
- (i) Collate and prepare, after consultation with Local Government Councils and other relevant stakeholders, periodic master plans for the total eradication of Almajirci, Bara and Destitution;
- (j) Recommend to the State Government the possibilities of co-opting identified Almajiri and Destitute Children Education Centres into the Free Universal Basic Education and into Vocational, Trade, Technical and Commerce Centres;
- (k) Present periodic progress reports on the activities of the Commission to the Governor, as may be determined by the State Government
- (l) Carry out such other activities that are relevant to the effective discharge of the Commission's functions under this Act; and all other activities that may be assigned to the Commission by the State Government

## PART V - POWERS OF THE COMMISSION

5 The Commission shall have powers to -

- (a) Ensure the collection of Zakah from Muslims who are qualified to pay it and ensure the disbursement of the Zakah to those who are entailed to it in accordance with Islamic provisions; and institute appropriate actions against defaulters

- (b) Encourage the wealthy Muslims to institutionalise Waqf in accordance with Islamic provisions; and to institutionalise all other forms of Charities.
- (c) Enforce Parental and Guardian-ship Responsibilities And Other Responsibilities And Matters Relating Thereof in accordance with Islamic Provisions;
- (d) Ensure the implementation of the Constitutional Provisions On Education as contained in the 1999 Constitution as Amended; and as in the Free Universal Basic Education Act 2004
- (e) Draw up generally acceptable guidelines on how to eradicate Bara, Almajirci, Out of School and Destitution;
- (f) Draw up an acceptable curriculum for the Almajiri Islamic Education and Vocational Training for them and all the Out of School Children and the Youths;
- (g) Collect and disburse all funds and materials accruing to the Commission and monitor its proper utilisation;
- (h) Do anything which in the opinion of the Commission is necessary to ensure efficient performance of its functions under this Act.

#### **PART VI - PARENTAL AND OTHER RESPONSIBILITIES AND MATTERS RELATING THEREOF**

- 6. (1) Parents are responsible for the upkeep of their children whose ages are from 0 year to 16 years.
- 6. (2) Education and Vocational Training are the responsibilities of parents, who must ensure that the children are so catered for.
- 6. (3) For the purpose of acquiring Qur'an/Islamic Education, no child shall be sent away from his parent's home to Makarantar Allo that is far from his parent's place of domicile except under the following conditions:-

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- (a) That he is at least 12 years of age or above and must be mentally and physically fit to look after himself.
  - (b) That the parents are willing to provide for his upkeep under the Malam to who the child is entrusted. This includes the provision of sleeping materials, clothing and feeding.
  - (c) A child to who (a) and/or (b) above are not tenable must study within his parent's environment commuting from home to the Makarantar Allo as scheduled by the timetable of the Makarantar Allo where he is so enrolled.
6. (4) No Malam shall accept to take under his permanent care a child or children except under the following conditions:-
- (a) The Makarantar Allo has the capacity for the number of children it has taken in the provision of decent sleeping quarters, hygiene and feeding.
  - (b) The Malam secures an undertaking from the parents of their taking total responsibility of their children.
  - (c) The Makarantar Allo allows mandatory periodic visitations by parents for the purpose of interfacing with the children to assess their development.
  - (d) Every Makarantar Allo must register with the Almajiri Rights and Destitution Commission either at the Commission's Head Office or at any of its designated Local Government Offices.
  - (e) Every Makarantar Allo must accept periodic inspection from the Commission for the purpose of ensuring that the Makaranta is operating within the guidelines and standards set by the Commission.
  - (f) No child of Katsina State parents shall be sent to any Makarantar Allo outside Katsina State except the child is at least 12 years of age and the father must obtain the written consent of the mother of the child, which shall to be endorsed

by their Village Head and where applicable by a person who wrote the consent on their behalf.

6. (4) Penalty - Any failure to strictly abide by or wilfully breach the provisions of this Act by any parent or the Malam or the Makarantar Allo will attract a fine of N250,000 or a jail term of 6 months or both.

6. (5) Health Facilities - The State Government shall ensure that all children legally enrolled in Makarantar Allo far from their parents are provided medical facilities under the National Health Insurance Scheme.

6. (6) From time to time, assistance to the Makarantar Allo to augment its capacity and capability to provide and impart education to the children shall be given by the State Government through the Commission.

6. (7) The Commission shall provide the Makarantar Allo with rules, regulations and guidelines for the registration of the Makaranta with the Commission and for the general conduct of the affairs of the Makaranta, including financial and administrative affairs.

6. (8) Moratorium - Every Makarantar Allo must return all children who are not resident with their parents within the area where the Makarantar Allo is located to their respective parents within three months from the day this Act comes into effect; except where all the conditions set out in this Act have been met.

## PART VII – STAFF OF THE COMMISSION

7. (1) The Chairman, in addition to chairing the Board, shall also be the Chief Executive Officer of the Commission.

7. (2) The Secretary shall, subject to the general control of the Board, be responsible for:



- (a) The execution of the policies and decisions of the Board and its day-to-day operations and administration;
- (b) Keeping records of proceedings of the Board;
- (c) Handlin the direction and control of all other employees.

7. (3) (a) The Board shall have power to establish such Directorates and Offices for the Commission as it deems fit and necessary for the Commission's smooth operations and functions

(b)The Board shall have power to appoint and discipline such Employees for the Commission as it may deem necessary for the efficient performance of its functions under this Act and shall have power to pay persons so employed such remuneration (including allowances) as the Commission may determine with the approval of the Governor.

7. (4) It is hereby declared that service in the Commission shall be approved service for the purpose of the Pension Reforms Act, 2014, and accordingly, staff and employees of the Commission shall be entitled to pension, gratuities and other retirement benefits as prescribed in this Act.

7. (5) Without prejudice to the provisions of Section 7 (4), nothing in this Act shall prevent the appointment of person(s) to any office on terms which preclude the grant of pension, gratuity or any other retirement benefit in respect of that office.

7. (6) The Commission may, subject to the provision of this Act, be guided by extant Civil Service Rules and Financial Regulations in determining staff regulations relating generally to the conditions of service of its employees. And without prejudice to the generality of the foregoing, such regulations may provide for the appointment, promotion and disciplinary control including dismissal of employees; and provide for appeals by such employees against dismissal or other disciplinary measures.

PART VIII – FINANCIAL PROVISIONS

8. (1) The Commission shall establish and maintain a Fund which shall consist of:

(a) All Monies, Materials, etc, accruing from Zakah, which shall all be expended in accordance with the provisions of the Shari'ah pertaining to Zakah

(b) All Monies, Materials, etc, accruing from Awqaf and other Charities, which shall be utilised in accordance with the agreements reached with the Donors, which shall not contravene the Shari'ah provisions

(c) All other Monies, Materials, etc, accruing to the Commission by way of grants-in-aid, gifts, etc; which shall be utilised judiciously in accordance with relevant agreements on them

8. (2) The Commission shall also establish and maintain a Fund which shall consist of:

(a) Initial takeoff grant from the State Government;

(b) Annual budgetary provision from the State Government;

(c) Local Governments' counterpart funding to be deducted at source at 5% of their statutory allocation;

(e) Such other sums as may accrue from time to time, to the Commission.

8. (3) All proceeds of the Fund established pursuant to 8. (2) above shall be applied:

(a) To the cost of Administration of the Commission;

(b) To the payment of the salaries, allowances or other remunerations to the officers and employees of the Commission.

(c) To the allowances and reimbursing Members of the Board for such expenses as may be expressly authorised by the Commission in accordance with rates approved by the Board;

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- (d) For the maintenance of any property vested in the Commission;
- (e) For and in connection with all or any of the functions of the Commission under this Act, which do not fall under Zakah and Awqaf, as these are taken care of by the Shari'ah

8. (4) The Commission may accept any grant or donation of land, money or other property from any person or organisation upon such terms and conditions as are acceptable to the extant Laws of Katsina State and the Federation.

8. (5) The Commission shall not accept any grant or donation if the condition attached thereto by the person or organisation making the grant or donation are inconsistent with the functions of the Commission.

8. (6) The Commission shall, not later than 30<sup>th</sup> of September in each year, submit to the Governor's Office an estimate of its expenditure and income (including estimate of expected payments into the Fund of the Commission) during the next succeeding year.

8. (7) The Commission shall keep proper accounts and proper records in a form which conforms to acceptable accounting standards. And these accounts shall be audited at the end of each calendar year by Auditors appointed in accordance with the guidelines supplied by the Auditor General for the State and fees of the Auditors and the expenses for the audit generally shall be paid from the Fund of the Commission.

8. (8) The Commission shall, not later than six months after the end of each year, submit to the Governor's Office, a Report on the activities of the Commission and its administration during the preceding year and shall include in the Report the Audited Accounts of the Commission and the comments thereon.