



**THE OFFICE OF MUFTI ACT, 2001**

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**ARRANGEMENT OF SECTIONS**

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<b><u>SECTIONS</u></b>	<b><u>TITLE</u></b>
1.	Short title and commencement.
2.	Interpretation.
3.	Establishment of the Mufti's Office.
4.	Appointment of Mufti.
5.	Appointment of Deputy Mufti.
6.	Tenure of Office.
7.	Appointment of Secretary to the Mufti.
8.	Appointment of Other Officers.
9.	Functions of the Mufti.
10.	Powers of the Mufti.
11.	Funds.
12.	Expenditure.
13.	Audited Accounts.
14.	Offences.
15.	Regulations.
16.	Consequential amendment.



**ACT NO. 9 OF 2001**

**I ASSENT**

*Amani Abeid Karume*  
{ **AMANI ABEID KARUME** }  
**PRESIDENT OF ZANZIBAR**  
**AND**

**CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

*19<sup>TH</sup> DECEMBER*....., 2001

**AN ACT TO ESTABLISH THE OFFICE OF MUFTI OF ZANZIBAR  
AND OTHER MATTERS RELATING THERETO**

**ENACTED** by the House of Representative of Zanzibar.

Short title and  
commencement.

1. This Act may be cited as the Establishment of the Office of Mufti Act, 2001 and shall come into operation immediately upon being assented to by the President.

Interpretation.

2. In this Act, unless the context otherwise requires :-

"Government" means the Government of Zanzibar;

"Mufti" means a person appointed to be a Mufti under the provision of section 4 of this Act;

"Minister" means the Minister responsible for matters relating to the management of the office of Mufti;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;



"Fat-wa" means a final decision made by the Mufti on any controversial issue brought before him for his decision;

"Ulamaa" means a religious scholars who had adequate knowledge of various Islamic religious matters;

Establishment of the Mufti's Office.

3. (1) There is hereby established an office to be known as the Mufti of Zanzibar office which shall be a department of the Government.

(2) The office of the Mufti shall have power to deal with anything specified under this Act.

Appointment of Mufti.

4. (1) There shall be a Mufti of Zanzibar who shall be appointed by the President and who shall be the head of the office of Mufti.

(2) The Mufti shall be appointed from amongst Zanzibari who in the opinion of the President is qualified and has adequate knowledge in Islamic "shariah" and other religious matters and that he commands respect among Islamic scholars and Muslim community in general.

(3) The President shall adopt means of obtaining public opinion on a person qualified for the post of Mufti.

Appointment of Deputy Mufti.

5. (1) There shall be a Deputy Mufti who shall be appointed by the President whose office shall be in Pemba.

(2) In appointing the Deputy Mufti the President shall follow the same qualifications and procedures used in the appointment of Mufti.

Tenure of office.

6. The Mufti and Deputy Mufti shall hold their post until their appointment are terminated by the President or died, resigned or retired.



Appointment of Secretary to the Mufti.

7. (1) There shall be a Secretary to the Mufti who shall be appointed by the Minister in consultation with the Mufti.

(2) A person shall not be qualified to serve as Secretary to the Mufti unless he holds sufficient knowledge in Islamic shariah and public administration.

(3) The Secretary to the Mufti shall be the chief executive of the office of the Mufti in charge of day to day administration of the office and shall also serve as principal assistant to the Mufti.

(4) There shall be Assistant Secretary to the Mufti whose office shall be in Pemba who shall be appointed by the Minister in consultation with the Mufti.

Appointment of other officers.

8.(1) There shall be heads of various sections established under the office who shall be appointed by the Mufti.

(2) Other officers required for the proper management of the office shall be appointed in accordance with civil service recruitment rules.

(3) All officers and staff serving the office prior to the commencement of this Act shall continue to hold their respective office as if they were appointed under this Act.

Functions of the Mufti.

9(1) The functions of the Mufti shall be:

- (a) to give "fat-wa" on any issue raised to him relating to any Islamic question which need to be decided;
- (b) to keep record of all "fat-wa" issued by his office;
- (c) to settle any religious dispute arising among Muslims;



- (d) to settle any religious dispute arising between Muslims and other religions in consultation with other leaders of that other religions.
- (e) to organize Islamic research activities in Zanzibar conducted by public or private organizations, or any Individual and to issue permits thereof in accordance with the regulations made by the Minister;
- (f) to prepare curriculum of education for ulamaa in Zanzibar in collaboration with the Ministry of Education which includes Islamic knowledge in order to up grade this area;
- (g) to cordinate and supervise the preparation of lectures, workshop, seminar and other Islamic activities;
- (h) to cordinate the activities of various Islamic groups within the country;
- (i) to cordinate and supervise the activities of all mosques of Zanzibar and from time to time, to give directives when it is necessary;
- (j) to keep records of all mosques and Ulamaa of Zanzibar;
- (k) to cordinate and announce the sighting of a new moon;
- (l) to approve lecturers of Islamic religion from outside Zanzibar after he is satisfied with their ability;
- (m) to control and approve the importation, supply and translations of all Islamic books;



- (n) to approve the registration of Islamic Societies in accordance with the provisions of Societies Act, No. 6 of 1995.
- (o) to do all such acts as may be incidental or conducive to the attainment of the objectives of this Act; and
- (p) to do any thing given under this Act or any other Act or given by the Minister for the benefit of Muslim community.

(2) The Mufti of Zanzibar when performing his functions Under subsection (1) (a) of this section, may seek opinion of some "Ulamaa" of Zanzibar in any particular issue before the fat-wa has been given.

(3) The Mufti of Zanzibar shall work hand in hand with the Office of Chief Kadhi and Executive Secretary of the Wakf and Trust Commission.

**Powers of the Mufti.**

10.(1) Mufti shall have the following powers:-

- (a) to summon any person or body of persons for the purpose of settling of any religious dispute or any matter under his jurisdiction;
- (b) to give orders, directives or conditions on any matter under his jurisdiction;
- (c) to approve any Islamic activities, (including Ijtimai and lectures) or any Islamic gathering in Zanzibar;
- (d) to communicate with other similar offices in various countries for the purposes of strengthening relationship, exchange experience, knowledge and new ideas relating to various Islamic matters;



- (e) subject to the approval of the Minister, to join in any Zonal or International Islamic organizations which deal with various Islamic developments.

(2) Any order, prohibition, directives or conditions given by the Mufti under the provision of subsection (1) of this section shall be valid and effective until it is revoked.

Funds.

11. The funds and resources of the Mufti's Office shall consist of :-

- (a) such sums as may be approved by the House of Representatives for that purpose;
- (b) such donations, grants and loans as the office may, from time to time, receive from any person or organization.

Expenditure.

12. (1) The Mufti shall prepare, before the beginning of the new financial year, an annual budget of his office and shall be submitted to the Minister for his approval in the prescribed manner.

(2) The Mufti shall not spend any money in excess of the approved budget.

Audited Accounts.

13.(1) The Mufti shall keep proper account of all expenditure.

(2) The account of the Mufti shall be audited by the Auditor General or any other auditor approved by the Minister and such audited accounts shall be published together with the annual statement.

(3) The Minister within six months after completion of the financial year, shall submit before the House of Representatives annual statement which shall include the following matters :-



- (a) report of revenue and expenditure for that year;
- (b) report of properties and liabilities for that year;
- (c) report of audited accounts.

Offences.

14.(1) Any person who neglects or fails to comply with the summon of Mufti given under the provision of section 10(1)(a) of this Act, shall be guilty of an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings or to imprisonment for a term of three months or both such fine and imprisonment.

(2) Any person who fails to comply with the order, directive, prohibition or conditions given by Mufti under the provision of section 10(1) (b) and (c) of this Act shall be guilty of an offence and shall be liable on conviction to a fine of not less than two hundred thousand shillings or to imprisonment for a term of six months or both.

Regulations.

15. (1) The Minister may make regulations for the better carrying into effect the provisions of this Act.

(2) Any regulations made under this section shall be published in the Gazette.

Consequential amendment.

16. The Commission for the Administration of Wakf and Trust Property Decree No. 5 of 1980 is hereby amended by deleting section 3 thereof and substituting for the following:-

"Composition of the Commission. 3. The Wakf and Trust Commission shall consist of the following:-

- (a) the Mufti who shall be the Chairman;
- (b) not more than six other members who shall be appointed by the Minister;





- (c) the Executive Secretary of the Wakf and Trust Commission shall be the Secretary”.

Passed in the House of Representatives on the 24<sup>th</sup> day of October, 2001.

*KJ Chande*  
{ KHAMIS JUMA CHANDE }  
CLERK OF THE HOUSE OF REPRESENTATIVES