

APPENDIX I

## NINTH SCHEDULE: LEGISLATIVE LISTS

Lists II - State List

1. Muslim Law and personal and family law of persons professing the Muslim religion, including the Muslim Law relating to succession, testate and intestate, betrothal, marriage, divorce, dower, maintenance, legitimacy, guardianship, gifts, partitions and non-charitable trusts; Muslim Wakfs and the definition and regulation of charitable and religious trusts, the appointment of trustees and the incorporation of persons in respect of Muslim religious and charitable endowments, institutions, trusts, charities and charitable institutions operating wholly within the State; Malay customs; Zakat, Fitrah and Bait-ul-mal or similar creation and publishment of offences by persons professing the Muslim religion against precepts of that religion, except in regard to matters included in the Federal List; the constitution, organisation and procedure for persons professing the Muslim religion and in respect only of any of the matters included in this paragraph, but shall not have jurisdiction in respect of offences except in so far as conferred by federal law; the control of propagating doctrines and beliefs among persons professing the Muslim religion; the determination of matters of Muslim Law and doctrine and Malay custom.

APPENDIX IISection 45 of Perak Enactment

45. (1) The Court of the Kadhi Besar shall have jurisdiction throughout the state and shall be presided over by the Kadhi Besar.

(2) Subject to the provisions of this Enactment a Court of a Kadhi shall have jurisdiction in respect of any civil or criminal matter of the nature hereinafter specified arising within the local limits of jurisdiction prescribed for it under the preceding section, or, if no local limits are so prescribed within the State, and shall be presided over by the Kadhi appointed thereto.

(3) The Court of Kadhi Besar shall:

(a) in its criminal jurisdiction, try any offence committed by a Muslim and punishable under this Enactment, and may impose any punishment therefor provided;

(b) in its civil jurisdiction, hear and determine all actions and proceedings in which all the parties profess the Muslim religion and which relate to -

(i) betrothal, marriage, divorce, nullity of marriage or judicial separation;

(ii) any disposition of, or claim to, property arising out of any of the matters set out in sub-paragraph (i) of this paragraph;

(iii) maintenance of dependants, legitimacy, guardianship or custody of infant;

(iv) determination of the persons entitled to share in the estate of deceased persons and such division of the

shares to which such persons are respectively entitled to in accordance with Hukum Shara';

(v) wills or death-bed gifts of deceased persons who professed the Muslim religion;

(vi) gifts inter vivos, or settlements made without consideration in money or money's worth by a person professing the Muslim religion;

(vii) Wakaf or Nazar; or

(viii) other matters in respect of which jurisdiction is conferred by any written law.

## APPENDIX III

Zakat and Fitrah Enactment

6. 1) The Committee shall collect Zakat from all persons liable under Muslim law to pay the same in respect of their property within the State, and shall collect Fitrah from all persons in the State liable under Muslim law to pay the same.

2) The collection of Zakat and Fitrah shall be in all respects in accordance with the provisions of Muslim law and the Committee shall hold all property collected as Zakat and Fitrah and deal with the same according to Muslim law.

3) After the commencement of this Enactment, no person shall save on behalf or with the authority of the Committee collect, receive or accept Zakat or Fitrah.

4) After the commencement of this Enactment, no person shall pay Zakat or Fitrah except to a person authorised by the Committee to collect, receive or accept the same.

5) Any person who acts in contravention of sections (3) or (4) of this section shall be guilty of an offence and shall on conviction by the Court of a Kathi be liable to a fine not exceeding \$10.

9) All persons liable under Muslim law to pay Zakat and Fitrah shall make such payment as and when the same falls to be made according to Muslim law and any person who fails to do so shall be guilty of an offence and shall on conviction by the Court of a Kathi be liable to a fine not exceeding \$10.