

Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook

Compiled and edited by Philip Ostien

Volume VI: Ulama Institutions

Chapter 8: Councils of Ulama and Related Bodies

Part II: Documentary Materials



MUSLIMS AND ISLAM IN AFRICA

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Chapter 8: Councils of Ulama and Related Bodies

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[Note: the pagination of this initial online edition of these documentary materials will change when the rest of Chapter 8 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 (e.g. 'sharia', '*ulama*'), grammatical errors have been corrected, and the mode of presentation of the texts has been standardised. But two exceptions to that general rule have been made for purposes of this chapter. In most of the the laws regulating Islamic preaching, dating from the 1970s and 1980s, 'Koran' and 'mallam' have been used as in the source documents, instead of the spellings 'Qur'an' and 'malam' used elsewhere in this work.

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1.

Bauchi State

a. Bauchi State Sharia Commission: 2001-present

(1) The Bauchi State Sharia Commission Law 2001.¹

A LAW TO ESTABLISH A SHARIA COMMISSION FOR THE STATE
AND FOR PURPOSES CONNECTED THEREWITH

Arrangement of sections:

- | | |
|--|----------------------------------|
| 1. Citation and commencement. | 9. Meetings. |
| 2. Interpretation. | 10. Funds of the Commission. |
| 3. Establishment. | 11. Accounts and audit. |
| 4. Composition. | 12. Annual report and estimates. |
| 5. Appointment and resignation of members. | 13. Staff etc. |
| 6. Remuneration. | 14. Legal notice, immunity etc. |
| 7. Secretary to the Commission. | 15. Savings. |
| 8. Functions, powers | |
-
1. This Law may be cited as the Bauchi State Sharia Commission Law and shall come into operation on the day of 2001.
 2. In this Law:
[definitions of “Chairman”, “Commission”, “Government”, “Governor”, “member”, “State”, “Attorney-General”, “Grand Kadi” and “Auditor-General” omitted.]
 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.
(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.
 4. The Commission shall consist of:
 - (a) a full time Chairman who must be a Muslim and experienced administrator with good knowledge of Islamic law;
 - (b) up to three Permanent Commissioners;
 - (c) the Grand Kadi or his representative;
 - (d) the Attorney-General or his representative;
 - (e) two representatives of the State Council of Emirs who are of sound moral character;
 - (f) two other persons who in the opinion of the Governor are of unquestionable character and of sound political judgment;
 - (g) one member of the Sharia Consultative Council;
 - (h) two legal practitioners who are Muslims and qualified to practice in Nigeria for not less than ten years, at least one of them shall have a background in

¹ 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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- Islamic law; and
- (i) a representative of the Governor's office who shall be a Muslim of sound moral character.
 - (j) The Commission may invite any person to attend its meetings whose advice or opinion is required in its deliberations over any matter before it.
5. [Chairman and other members to be appointed by the Governor; term of office is four years and may be renewed; members may resign and Governor may terminate appointments for good reason; Governor may fill vacancies.]
6. [Salary and allowances payable to members to be determined by the Governor.]
7. (1) There shall be an Executive Secretary to the Commission who shall be appointed by the Governor and shall be the chief executive and accounting officer of the Commission.
- (2) The Secretary shall:
- (a) be an experienced administrator, a Muslim and possesses a good knowledge of Islamic law;
 - [(b)-(d): keep the seal and records, carry out the policies and decisions, and perform such other functions and duties as the Commission may from time to time direct.]
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 including the social and moral obligations of Sharia Court judges and other key personnel associated with the operation of Sharia legal system;
 - (c) the promotion and sustenance of the overall integration of society including intra-and inter-religious matters, mediation and resolution of inter-community and neighbourhood disputes and conflicts;
 - (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;
 - (e) control and regulation of weights and measures, street hawking, begging, etc;
 - (f) procurement of information and reportage duties in relation to illegal acts and resurgence of disguised forms of illegal activities including the keeping of dishonourable premises such as brothels, video and gaming houses and other social vices;
 - (g) recruitment and control of members of *bisbab*;
 - (h) collection and distribution of *zakat* and advising the Government on the implementation of certain Islamic injunctions such as sighting of new moon etc.;
 - (i) protection of society against inflammatory and irregular forms of preaching including advice to Government for appropriate action;
 - (j) periodic review of Sharia laws in line with the prevailing circumstances of the time;
 - (k) screen and nominate names of judges to be appointed by the Judicial Service Commission;

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- (l) advise and or recommend to the State Judicial Service Commission for the discipline, suspension, termination, interdiction or dismissal of a Sharia Court judge or inspector of Sharia Court;
 - (m) such other functions as may be assigned to it from time to time.
9. [Commission to hold meetings as needed; the Chairman to preside, or another member in his absence; seven members form a quorum; questions to be decided by majority vote, with the person acting as chairman to have casting vote in case of tie; the Commission to regulate its own procedure.]
 10. [Funds of the Commission include endowments, grants, gifts, other sums or property accruing in respect of matters incidental to its functions, and such sums as may be provided by the Government.]
 11. [Commission to keep accounts in respect of its functions; such accounts to be audited by the office of the Auditor-General.
 12. [Commission to submit to the Governor estimates of income and expenditure before each financial year, and reports of operations and audited financial reports after each financial year.]
 13. [Commission may appoint employees from GL 01 to 06 as necessary for the conduct of its operations, receive staff on secondment from the State Civil Service Commission, and subject to the rules disengage the services of any staff including disciplinary action.]
 14. [Suits against the Commission must be commenced within twelve months after the act, neglect or default complained of, but not until one month after written notice of intention to commence same has been served upon the Commission; how notice or process may be served; immunity of members, staff, and authorised agents of the Commission from liability for acts or omissions done in good faith and in the course of the discharge of function of the Commission; Commission may conduct legal proceedings through the Attorney-General or with his consent through any legal practitioner of its own choice.]
 15. Nothing in this Law shall affect any order, rule, regulation, appointment, resolution passed, direction given, proceeding taken, instrument issued, or anything done or omitted to be done by the Bauchi State Task Force on Sharia Implementation prior to the commencement of the Law.

(2) Other information about the Sharia Commission:

(a) From a speech by the Bauchi State Governor:²

“We have established by law the Bauchi State Sharia Commission and provided it with all necessary moral and material support to enable it function effectively. I am happy to observe that the Commission has done creditably well. It conducts vigorous public enlightenment through the electronic and print media, public preaching, Local Government sensitization tours, workshops, seminars, leaflets, posters and signboards. These have been effective in re-orienting the society to appreciate its roles and

² From Governor A.A. Mu’azu’s address 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. Copy of the speech in the possession of the editor. These passages from pp. pp. 7-8 and 10-11.

responsibilities under a Sharia environment. Similarly, preaching (*tablig*) committees of the *hisbah* units have been active in their rural educational programmes. The rural populace are taught the basics of the Islamic religion.

[...]

“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 [by the Sharia Commission³] 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 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.

[...]

“The State Sharia Commission has established the Hisbah Corps – a Sharia implementation monitoring unit.^[4] The unit is administered under a well coordinated system that has been fully integrated into the State Civil Service. The *hisbah* members operate within specific rules and guidelines in good rapport with the security agencies, courts and other bodies. The Sharia Commission organises regular workshops and in-house training for *hisbah* members to acquaint them with the Sharia laws and other laws of the land and to enable them discharge their responsibilities effectively. They have continued to be vigilant and active in their various functions and have developed good working relationships with the Police, NDLEA and other agencies.”

(b) From an interview with Muhammad Babangida Muhammad of the Sharia Commission:⁵

Considerations of *tarika*, Izala, etc., played no role in appointments to the Sharia Courts. But on other bodies related to Sharia implementation, e.g., on the Sharia Commission itself, and before it on the Sharia Implementation Committees and Task Force, there has been a conscious attempt to achieve a balance among all the main Muslim groups.

³ See Chapter 9 Part II.1.

⁴ See Chapter 10 Part II.1.

⁵ Interview in Bauchi, 29 January 2003, by P. Ostien and S.U. Fwatshak.

b. Bauchi State Sharia Consultative Council: 2001-present**(1) Its establishment under Bauchi State's Sharia Courts Commencement (Administration of Justice and Certain Consequential Changes) Law 2001:**

Part VI of Bauchi State's Sharia Courts Commencement (Administration of Justice and Certain Consequential Changes) Law 2001⁶ established a Sharia Consultative Council for the State and assigns it certain functions. Two sections of Part VI (§§ 9 and 11) were almost immediately amended, by the Sharia Courts Commencement (Administration of Justice and Certain Consequential Changes) (Amendment) Law 2001.⁷ The relevant provisions, as amended, are as follows, with the amending provisions noted:

3. * * *

Establishment of
Sharia Courts

- (6) Such warrant referred to in subsections (4) and (5) [of this section, issued by the Grand Kadi with the approval of the Governor, locating and prescribing the jurisdictions of the Sharia Courts] may be suspended, cancelled or varied by the Governor upon recommendation of the Sharia Consultative Council to suit the requirements of the State.

[...]

PART VI: SHARIA CONSULTATIVE COUNCIL

9. For the purposes of this Law there shall be established a forum to be known as the Sharia Consultative Council which shall have power to:

Establishment of
Council

- (a) issue *fatwa*;
(b) determine any other issue as may be referred to it by the Government or the Sharia Commission.⁸

10. (1) The Council shall be headed by a Chairman to be appointed by the Governor and such other members not exceeding fourteen who are Islamic scholars of proven integrity.
(2) Two members shall be legal practitioners qualified to practice in Nigeria for not less than ten years. At least one of them shall have a background in Islamic law.
(3) *Provided that* nothing in this section shall be construed to preclude the Governor from appointing a member or members of the Council from outside the State.
(4) The Council may co-opt any person to attend its meetings and

Membership and
qualifications

⁶ No gazetted copy available; copy of Law as enacted and signed by the Governor taken from Volume II of the *Report of the Task Force on Sharia Implementation in Bauchi State* submitted to the Governor on 14th August 2001.

⁷ Bauchi State of Nigeria Gazette No. 5 Vol. 26, 29th June 2001, Supplement Part B p. B15.

⁸ Subsections (a) and (b) as amended. The original §9 gave the Sharia Consultative Council power to: "(a) screen and submit names of judges to the Judicial Service Commission of the State; (b) advise, subject to the provisions of section 8(1) of this Law, and make recommendations for the discipline, suspension, termination, interdiction or dismissal of a Sharia Court judge or inspector to the Judicial Service Commission." These powers duplicated those given to the Sharia Commission in §8(k) and (l) of its statute; evidently it was felt best to leave the powers with the Commission rather than the Consultative Council.

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whose advice or opinion is required in its deliberation over any matter before it.

- | | | |
|-----|--|--|
| 11. | [Council to meet at least once a month or as occasion may require; quorum to be a simple majority of all the members; decisions, recommendations, opinions or advice to be submitted to the appropriate body for implementation; Governor to appoint a Muslim learned in Islamic law as Secretary of the Council; Secretary of the Council also to be Secretary of the Sharia Commission. ⁹] | Meeting and
quorum |
| 12. | [Council members to be paid remuneration and/or allowances as determined by the Governor.] | Remuneration of
members of
Council |
| 13. | In the discharge of its functions and responsibilities, the Council shall be independent in the execution of its authority but shall be subject to the directives of the Governor provided Governor's directives should not be a relation to appointment or discipline of the judicial officers except what is referred to him for his action/decision. ¹⁰ | Independence |

(2) Other information about the Sharia Consultative Council:

- (a) From an interview with Malam Muhammad Babangida Muhammad, member of the Bauchi State Sharia Commission:¹¹

There is no Council of Ulama in Bauchi State (as in the Zamfara State mode) but a Sharia Consultative Council headed by a Chairman, now, Sheikh Dahiru Bauchi, a learned Islamic cleric. The Council is composed of *ulama*, academics and legal practitioners. The function of the Sharia Consultative Council is advisory. The Council issues rulings on religious issues in the form of *fatwas* which also guide the Government.

- (b) Role of the Sharia Consultative Council in consultation on the execution of certain types of sentences.

Bauchi State's Sharia Criminal Procedure Code does not require the Governor to consult with anyone after sentences of death, amputation, or *qisas* imposed by the Sharia Courts are reported to him and before he affirms them: indeed, the Bauchi code says that once all avenues of appeal are exhausted the Governor "shall make an order for the execution of the sentence."¹² Nor is there anything in the statutory language relating to the Sharia Consultative Council, quoted above, that requires consultation with it. Nevertheless it appears that the presumption in Bauchi State is that the Governor will consult with the Sharia Consultative Council before affirming such sentences, as the following story from the *Sunday Trust* of March 30, 2008, p. 62, indicates.

⁹ The last clause added by the amending law.

¹⁰ The proviso to this section should probably have been deleted in connection with the amendment of §9; evidently this was overlooked by the legal draftsmen.

¹¹ Interview conducted in Bauchi on 17th November 2005, by S.A. Mohammed and A.S. Garba.

¹² See Vol. IV of this work, p. 202.

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The story discusses the inmates in Bauchi State prisons awaiting execution of sentences of amputation of hands for theft, stoning to death for adultery, or other similar sentences, and asking who is to blame for the long delay in the execution of these sentences. The reporter says that after the judgments become final they must be reported to the Governor who must give his consent before they are executed.

“It was the governor’s turn now to consult an 18-member advisory body, the Sharia Consultative Council, under the renowned Islamic scholar Sheikh Dahiru Usman Bauchi, which is made up of experts on Islamic jurisprudence, to advise him on whether the sentences passed on convicts had satisfied all Islamic dictates and were ready to have his ratification.

“But secretary of the Bauchi State Sharia Consultative Council, Alhaji Ishiaku Tijjani, who also doubles as the secretary of the Sharia Commission, told *Sunday Trust* that ever since this Council was set up it had never been asked to give its advice on any criminal case with regards to cases of convicts by the Government.

“ ‘We are most disturbed by this development but you should know that Government had never sought the advice of the Consultative Council in any criminal case. The procedure is that the Governor will seek the advice of the Council before he ratifies sentences passed on convicts.’

“Doesn’t this scenario, where...convicts were left languishing in prison without having their sentences executed, portray the Commission [sic: Council? or both?] in a bad light and pose a credibility question on the Sharia being implemented in the State?

“Tijjani said though it is possible to practise total Sharia in the state in view of its majority Muslim population, ‘I can only say what is now being practised is partial Sharia because the Commission [Council?] is handicapped in many ways even though there are plans for strengthening its activities.’ ”

2.

Borno State

**a. Borno State Local Government Authority
Admonishing and Interpretation Committees: 1977-1981**

Borno State established Admonishing and Interpreting Committees in each of its Local Government Areas in 1977, under the Admonishing and Interpretation Edict promulgated by the then-Military Governor in that year.¹³ The Edict took effect on 1 August 1977. It was repealed by the Islamic Religious Preachings Law, 1981, see subsection **b** below, “in so far as it applies to Islamic religious preachings”, and seems now to be a dead letter in Borno State, although still on the statute-books of Yobe State, see [Part II.11](#) below. Its text:

ADMONISHING AND INTERPRETATION EDICT, 1977

Arrangement of sections:

- | | |
|---|--|
| 1. Title and commencement. | 5. Admonishing and Interpretation Committee. |
| 2. Interpretation. | 6. Production of permit for inspection. |
| 3. Admonisher and interpreter to obtain permit. | 7. Admonishing and interpretation. |
| 4. [Prohibition of wounding statements]. | 8. Penalties. |

The Military Governor of Borno State of Nigeria hereby makes the following Edict:

1. This Edict may be cited as the Admonishing and Interpretation Edict and shall come into operation on the 1st day of August, 1977.
2. In this Edict, unless the context otherwise requires:
 - “admonisher” means a person who preaches with or without reading from any written document which contains any religious instructions;
 - “interpretation” includes any person taking part or contributing to any interpretation;
 - [definitions of “the Committee”, “Governor”, “permit”, and “State” omitted.]
3. Any admonisher who admonishes or any interpreter who interprets any religious text either orally or in written form in any language without first obtaining a permit shall be guilty of an offence.
4. Any admonisher or interpreter who by words either spoken or reproduced by mechanical means or by signs or any visible representations makes any statement intending to wound the feelings of any person with knowledge that the feelings of any person are likely to be wounded shall be guilty of an offence.
5. (1) There shall be appointed an Admonishing and Interpretation Committee for each Local Government Area which shall be responsible for the issue of permits.
(2) The Admonishing and Interpretation Committee shall be appointed by the Governor for each Local Government Area provided that if the Governor so

¹³ Borno State No. 4 of 1977, repealed in Borno State in 1981, but still Cap. 4, Laws of Yobe State 1994.

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directs one Committee may be appointed for more than one Local Government Area.

- (3) A permit issued under this Edict shall be in the form set out in the Schedule and shall be subject to such conditions as may be prescribed and shall be signed by the Secretary to the Local Government.
 - (4) The Committee may at any time revoke a licence issued by them.
 - (5) The issue, renewal, refusal to issue or renew and the revocation of any permit and the addition to, alteration or cancellation of any prescribed conditions shall be at the discretion of the Committee, which shall not be required to assign any reason for such issue, renewal, refusal, revocation, addition, alteration or cancellation.
 - (6) A permit issued under this section shall be revoked if in any criminal proceedings however arising, any court recommends to the Committee that the permit be revoked.
6. (1) Any member of the Police Force, any member of a Local Government Police Committee, any member of the Admonishing and Interpretation Committee, the Secretary to the Local Government, a District or Village Head of the area may require the holder of any permit issued under this Edict to produce at any time his permit for inspection.
- (2) Any holder of a permit who fails to produce his permit for inspection under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or imprisonment not exceeding one month or both such fine and imprisonment.
7. It shall not be an offence under this Edict for any person to admonish or interpret any religious text:
- (a) to students in any place for the purpose of learning;
 - (b) over the radio or on the television in an organised programme for the general enlightenment of the members of the public.
8. Any person found guilty of an offence under this Edict for which no specific penalty is prescribed, shall be liable on conviction to a fine not exceeding five hundred naira or imprisonment not exceeding six months or both such fine and imprisonment.

SCHEDULE

ADMONISHING AND INTERPRETATION EDICT, 1977

Permit for Admonisher and Interpreter

Permission is hereby granted to [insert name of Admonisher/Interpreter] for the purpose of admonishing and/or interpretation of a religious text in the [insert religion] faith in [insert places or area] on the following conditions: _____

Valid until the _____ day of _____ 197__.

Secretary, Local Government Area

c. Borno State Islamic Religious Preaching Board: 1981-present

In 1981, the House of Assembly of Borno State enacted a new Islamic Religious Preachings Law, which repealed and replaced the Admonishing and Interpretation Edict of 1977. The text of the 1981 law follows. In August 2010 a new Islamic Religious Preachings Law 2010 was enacted by the House of Assembly, which has repealed and

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replaced the 1981 law, making some changes in the process. What follows below is the text of the 1981 law, annotated to show the changes made by the 2010 law¹⁴

A LAW TO PROVIDE FOR THE REGULATION OF ISLAMIC PREACHINGS
AND THE ACTIVITIES CONNECTED THEREWITH

Arrangement of sections:

- | | |
|---|--|
| 1. Short title and commencement. | 12. Form of a licence. |
| 2. Interpretation. | 13. Withdrawal of a licence. |
| 3. Establishment of the Islamic Religious Preaching Board. | 14. Preaching in public place illegal without licence. |
| 4. Composition of the Board. | 15. Preacher to obtain a licence. |
| 5. Functions. | 16. Preacher to obtain a permit. |
| 6. Establishment of the Islamic Religious Preaching Advisory Committee. | 17. Production of permit or licence for inspection. |
| 7. Composition of Islamic Religious Advisory Committee. | 18. Offences. |
| 8. Functions of the Committee. | 19. Penalties. |
| 9. Quorum and decisions. | 20. Jurisdiction. |
| 10. Proceedings. | 21. Saving. |
| 11. Issue of a licence. | 22. Power to make regulations. |
| | 23. Repeal. |
-
1. This Law may be cited as the Islamic Religious Preachings Law, 1981 and shall come into operation on the 23rd day of June 1981.
 2. In this Law unless the context otherwise requires:
 - “appropriate authority” shall include the Secretary to a Local Government, the District Heads and the Emirate Council;
 - “Board” means the Islamic Religious Preaching Board established under section 3;
 - “Committee” means Islamic Religious Preaching Advisory Committee established under section 7;
 - “Emirate Council” shall have the same meaning assigned to it in the Local Government Edict, 1976¹⁵ and includes a Traditional Council;
 - “Imam of a Friday mosque” means a person who leads a congregation during Friday congregational prayers;
 - “Imam of *sallatul-idein*” means a person who leads a congregational prayer during Muslim festival prayers;
 - “Governor” means the Governor of the State;
 - [“Ministry”¹⁶]
 - “mosque” means any enclosed place, building or premises devoted to Islamic religious prayers and includes an open space set apart for the performance of prayers and other Islamic religious devotions;
 - “person” means a person of the Muslim faith;

¹⁴ 1981 law: Borno State of Nigeria Gazette No. 14, Vol. 3, 15th December, 1981. An ungazetted copy of the 2010 law is in the possession of the editor.

¹⁵ 2010 Law: “Borno State Local Government Law 2001”.

¹⁶ 2010 Law: “ ‘Ministry’ means the Ministry responsible for Religious Affairs”.

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“preacher” means a person who preaches with or without reading¹⁷ from any written document which contains any Islamic religious instructions;

“public place” means any highway, public park or garden¹⁸ and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not, and includes any open space, any premises or place to which, for the time being the public have or are permitted to have access, whether on payment or otherwise;

“State” means the Borno State of Nigeria.

3. There shall be established in the State a body to be known as the Islamic Religious Preaching Board.
4. (1) The Board shall consist of the following members:
 - a) a Chairman to be appointed by the Governor;
 - b) one representative from each Emirate Council;
 - c) three representatives of the Islamic religious preachers¹⁹ to be appointed by the Governor;
 - d) three other persons to be appointed by the Governor.²⁰[new subsection e)²¹]
- (2) The Secretary to the Board shall be appointed by the Governor.
[new subsections (3) and (4)²²]
5. The functions of the Board shall be:
 - a) to determine and regulate the qualification required for any person to become an Islamic religious preacher or a Koranic interpreter [and] submit recommendations to the appropriate Emirate Council of satisfactory applications received by them;
 - b) to conduct examinations and set standards for any person desirous of becoming an Islamic religious preacher or a Koranic interpreter.
 - c) to compile and approve sets of Islamic religious poetry or songs that may be permitted in mosques or in public places;
 - d) to regulate and determine the type of Islamic religious poetry or songs to be approved for public consumption and dissemination in public preachings or places of worship.
6. There shall be established in each Local Government Area an Islamic Religious Preaching Advisory Committee.
7. (1) The Committee shall consist of the following members:²³
 - a) the Secretary to the Local Government;
 - b) all District Heads within the Local Government;

¹⁷ 2010 Law: “who preaches orally or reading”.

¹⁸ 2010 Law adds after “garden”: “market, motor park shopping areas”.

¹⁹ 2010 Law: “six representatives of the Islamic Ulama”.

²⁰ 2010 Law: “six other persons to be appointed by the Governor on their personal merits”.

²¹ 2010 Law: “(e) a representative of the Ministry responsible for Religious Affairs not below the rank of a Director”.

²² 2010 Law adds: “(3) The Secretary shall be an officer not below the rank of a Director in the State Civil Service. (4) The Chief Imam of Borno State shall be the Adviser/Patron to the Board.”

²³ 2010 Law: puts what is here subsection (e) in first place as subsection (a) and re-numbers accordingly; and then adds two new subsections: “(f) the Divisional Police Officer in the Local Government Area; (g) an officer of the State Security Service in the Local Government Area.”

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- c) two respectable Islamic religious preachers from each District;
 - d) two persons to be nominated by the Local Government Council;
 - e) a learned and respectable Islamic religious leader in the area to be the Chairman.
- (2) The Committee shall be appointed by the Governor for each Local Government.²⁴
- 8. The functions of the Committee shall be:
 - a) to receive and forward applications with two recent passport photographs from persons of not less than 25 years old²⁵ intending to be Islamic religious preachers or Koranic interpreters to the Board; and
 - b) to advise the Board on matters mentioned in section 5 of this Law generally; and
 - c) such other matters as the Board may from time to time determine.
- 9. [Quorum for meeting of any body established under this Law to be one-third of the total number of members of that body at the date of the meeting; each member entitled to one vote; decisions to be taken by a majority of the members present at a meeting; person presiding has a casting as well as a deliberative vote.]
- 10. Any of the bodies may, by rules or otherwise, regulate its own procedure.
- 11. Each Emirate Council shall be responsible for the issue of a licence to a fit and proper person on the recommendations of the Board.
- 12. A licence issued under this Law shall be:
 - a) in the form set out in the second schedule;
 - b) subject to such conditions as may be prescribed therein; and
 - c) signed by the Secretary to the Emirate Council; and
 - d) renewable at the expiration of the period prescribed therein.
- 13. (1) Where it appears to the Board that any person recommended by the Board to be an Islamic religious preacher is for any reason unable or unsuitable to continue as such, it may at any time recommend to the appropriate Emirate Council the withdrawal of his licence.
- (2) The Emirate Council may in pursuance of the provision of subsection (1) of this section revoke the licence and give a notice in writing of the revocation of the licence to the licensee concerned and the Secretary to the Local Government Area.
- (3) The recommendation of the Board on the issue, renewal, refusal to issue or renew or the revocation of any licence and the addition to, alteration or cancellation of any prescribed conditions shall be at the discretion of the Board which shall before taking a decision provide an opportunity for the person whose rights and obligations may be affected to make representations to it.
- (4) A licence issued under this Law shall be revoked where in any criminal proceedings however arising any court recommends to the Board that the licence be revoked.
- 14. (1) Any Islamic religious preaching in a public place, including a mosque, shall be illegal except where a licence is issued in accordance with the provisions of this Law.
- (2) All Islamic religious preachings in public places shall be conducted in a calm and orderly manner and no person shall preach in a public place without first obtaining a permit granted and signed personally by the Secretary to the Emirate Council in the area.

²⁴ 2010 Law: "Members of the committee who are not *ex officio* members shall be appointed by the Governor."

²⁵ 2010 Law: "30 years old".

15. A person shall be qualified to be an Islamic religious preacher if he is issued with a licence in accordance with the provisions of this Law.
 16. No person shall preach in a locality unless he obtains a permit which has been granted and signed personally by the Secretary to an Emirate Council of the area.
 17. Any member of the Police Force,²⁶ any member of a Local Government Police Committee, any member of the Islamic Religious Preaching Advisory Committee, any member of the Board, the Secretary to the Local Government, the Secretary to an Emirate Council, any member of [an] Emirate Council, a District or Village Head of the area may require the holder of any licence or permit issued under this Law to produce at any time his licence or permit for inspection.
 18. A person who:
 - a) preaches without a licence or permit issued under this Law, or
 - b) where licensed to preach, preaches in contravention of the conditions contained in the licence, or
 - c) in the course of preaching has been stopped by the appropriate authority and he refuses to stop, or
 - d) uses unapproved poetry or songs²⁷ in Islamic religious preachings, or
 - e) by any means publicly insults or seeks to excite contempt of any Islamic religious sect²⁸ in such a manner as to be likely to lead to a breach of the peace, or
 - f) interprets any Islamic religious text either orally or in writing in any language without first obtaining a licence or permit under this Law,²⁹
 commits an offence.
 19. A person who commits an offence under this Law for which no specific penalty is prescribed shall be liable on conviction to a fine not exceeding two hundred naira or imprisonment not exceeding six months or both such fine and imprisonment.³⁰
 20. An Area Court³¹ or other court of equivalent jurisdiction shall have jurisdiction to try an offence committed under this Law.
 21. Nothing in this Law shall apply to an Imam of a Friday mosque congregation or an Imam of *sallatul-idein* congregation.³²
- [new sections 22 and 23³³]

²⁶ 2010 Law inserts after "Police Force": "any officer of the State Security Service, a Senior officer from the Ministry responsible for Religious Affairs,".

²⁷ 2010 Law: "poetry, literature or songs".

²⁸ 2010 Law: "of any Islamic religious sect, or any other religion, or constituted authority or".

²⁹ 2010 Law: reverses the order of subsections e) and f), so the provision on public insult or excitement of contempt becomes subsection f), see following note.

³⁰ 2010 Law rewrites this section as follows: "(1) Any person who contravenes section 18(a)-(e) of this Law shall on conviction be liable to imprisonment for a term of 6 months or a fine of fifty thousand naira or to both such fine and imprisonment for a first offender and imprisonment for one year without option of fine for any subsequent offence. (2) Any person who contravenes section 18(f) of this Law shall on conviction be liable to a term of imprisonment for a period of not less than 10 years without option of fine."

³¹ 2010 Law: "Sharia Court".

³² 2010 Law adds: "Provided that an imam covered by this section does not contravene section 18(f) of this Law, otherwise if found guilty of contravening same, he shall be punished in accordance with the provisions of section 19(2) of this Law."

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22. The Governor may make regulations generally for the purpose of carrying into effect the object of this Law after being advised by the Board.³⁴
23. The Admonishing and Interpretation Law, 1977 is hereby repealed insofar as it applies to Islamic religious preachings.³⁵

SCHEDULES

[Ed. note: the three schedules are forms. The forms, identical in the 1981 and 2010 statutes, are somewhat garbled in both, so they are described here rather than reproduced.]

First schedule: Application for Licence: this form is addressed to the Emirate Council specified by the applicant; calls for the applicant's name, a passport photo of him, and his address; and requires him to state in which District of which Local Government he wishes to be licensed to be "an Islamic religious preacher/Koranic interpreter".

Second schedule: Licence for an Islamic Religious Preacher: issued by the Emirate Council named therein; has a name for the licensee; licenses him "for the purpose of Islamic religious preaching and/or interpretation of a religious text in the Islamic faith" in a place or area to be specified and under conditions to be specified. Is valid until a date to be specified and must be signed by the secretary of the Emirate Council in question.

Third schedule: Permit to Preach: like the licence in the second schedule, except calls for more specificity about where and when the preaching or interpretation may take place: "at on day of from to and from day to day thereafter, on the following conditions:"

³³ 2010 Law inserts new sections 22 and 23: "22. (1) Notwithstanding any provision of this Law, no person shall perform the duties or functions of an Imam of a Friday mosque or Imam of Sallatul-Idein or present himself as such an Imam unless and until he has undergone necessary tests or examination by the Board and the appropriate Emirate Council and is found to be fit, qualified and a proper person to be such an Imam. (2) A person who has been cleared in accordance with sub-section (1) of this section shall be presented with 'hudiba' by the Chief Imam of the Emirate council concerned or his designated representative and shall henceforth become an Imam as aforesaid. (3) Any person who performs the duties and functions of an Imam of a Friday mosque or Imam of Sallatul-Idein or presents himself as such an Imam in contravention of sub-sections (1) and (2) above commits an offence and shall on conviction be liable to a term of imprisonment for a period of not less than 6 months or a fine of fifty thousand naira (₦50,000.00) or to both for a first offender and a term of imprisonment for one year without option of fine for a subsequent offence. 23. The Governor or the Board shall have power to ban or suspend any Islamic preacher or Islamic public preachings for a specified or indefinite period if in his or its opinion or upon advice from any appropriate authority, the preachings of such a person or such public preachings are likely to, or are capable of causing public disorder or breach of the peace in the state or any part thereof."

³⁴ 2010 Law: this becomes section 24, and is changed to read: "...for the purpose of carrying into effect the provisions and object of this Law."

³⁵ 2010 Law: this becomes section 25, and is changed to read: "The Islamic Religious Preachings Law No. 14 Vol. 6 [sic: 3] of 1981 is hereby repealed."

c. Borno State Sharia Implementation Committee and Council of Ulama

(1) Establishment of the Sharia Implementation Committee and the Council of Ulama under Borno State's Sharia Administration of Justice Law 2000.³⁶

In addition to establishing Sharia Courts, Borno State's Sharia Administration of Justice Law 2000 also established both a Sharia Implementation Committee and a Council of Ulama. The relevant sections of the law are reproduced here. The complete law is annotated, section by section, but not separately reproduced, in Chapter 7 Part II.1.

- | | |
|---|-------------------------------------|
| 14. There is hereby established the Sharia Implementation Committee. | The Sharia Implementation Committee |
| 15. The Committee shall comprise of the following: | Composition |
| <ul style="list-style-type: none"> (1) a Chairman; (2) the Director, Borno State Law Reform Commission; (3) the Secretary, Judicial Service Commission; (4) not more than ten other persons recommended by the State Council of Ulama; (5) two representatives of the State Attorney-General; and (6) a Secretary, who shall be a legal practitioner of not less than five years standing. | |
| Provided that the ex officio members are Muslims. | |
| 16. [The Chairman, Secretary and other members to be appointed by the Governor.] | Appointment |
| 17. (1) A person shall be qualified for appointment as Chairman of the Committee if: | Qualifications |
| <ul style="list-style-type: none"> (i) he is a Muslim; (ii) he is an Islamic scholar of repute; (iii) he is a person of Islamic piety with impeccable record. | |
| (2) A person other than an ex officio member shall be qualified for appointment as a member of the Committee if: | |
| <ul style="list-style-type: none"> (i) he is a Muslim; and (ii) he is a person of Islamic piety and with impeccable record. | |
| 18. The Committee established under section 14 hereto shall have and exercise the following powers and functions: | Powers and functions |
| <ul style="list-style-type: none"> (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; (2) to advise on the training of personnel for the courts; (3) to advise Government on the creation of a conducive socio-economic environment for the implementation of Sharia; (4) to advise Government on the mode of implementation of the Sharia; and (5) such other powers and functions as may be conferred by the Governor. | |

³⁶ 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.

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19. The Committee may meet at least five times every month.	Meetings
20. The Committee shall constitute a quorum where 2/3 of its members are present at any meeting.	Quorum
21. The decision of the Committee shall be by simple majority.	Decision
22. There is hereby established a body called the State Council of Ulama.	State Council of Ulama
23. (1) The Council established under this section [sic: section 22] shall consist of a Chairman and not more than 14 members who shall be learned Islamic scholars and/or jurists.	Composition
(2) The Council shall have a Secretary who shall be a Muslim and of impeccable record of Islamic piety.	
24. The Chairman, Secretary and other members of the Council established under section 22 shall be appointed by the Governor.	Appointment
25. The Council established under section 22 hereto shall have the following powers and functions:	Powers and functions
(1) screening of persons for appointment as Sharia and Upper Sharia Court judges;	
(2) to make rules for its sittings;	
(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;	
(4) to advise any authority or person on Islamic matters referred to it;	
(5) to advise the Sharia Implementation Committee on the monitoring and assessment of the progress in the implementation of Sharia in the State;	
(6) to advise any authority or person on Islamic law in relation to technological development and other matters;	
(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;	
(8) to advise government on the legislation relating to the prohibition of prostitution, brothels, sale and consumption of alcohol, gambling, betting and other vices in conflict with Sharia; and	
(9) to perform any other function as may be necessary or incidental for the implementation of Sharia in the State.	
26. Subject to the approval of the State House of Assembly, the remuneration of the Chairmen, Secretaries, Members and other staff of the Committee and Council established under this Law shall be as determined by the Governor.	Remuneration

(2) The Sharia Implementation Committee and Council of Ulama in Borno State's Zakat and Endowment Board Law 2001.

The complete text of Borno State's Zakat and Endowment Board Law 2001 is reproduced in Chapter 9 Part II.2. The law contains the following provisions which are relevant here:

3. [...] Establishment of the Board
- (3) The remuneration of the Chairman and members of the Zakat Board, the Council of Ulama and Sharia Implementation Committee shall be funded from the consolidated funds of the State or moneys realised from the Zakat Board.

[...]

7. The Board shall have the following powers and functions: Functions and powers
- [...]
- (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.
- (xii) To make and submit to the Council of Ulama annual budgetary estimates.
- [...]
- (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.

[...]

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. Autonomy

[...]

12. The Governor may on the recommendation of the State Council of Ulama remove the Chairman or a member for misconduct. Removal

(3) The Council of Ulama in the draft Sharia Criminal Procedure Code pending in the Borno State House of Assembly:

As of April 2008, Borno State still had not enacted a Sharia Criminal Procedure Code, and because of this, its Sharia Penal Code had still not been put into operation. Hence there has so far been no question of the Governor affirming or refusing to affirm sentences of death, amputation, *or qisas*, none of which have been imposed by the Sharia Courts. But there is a Bill for a Sharia Criminal Procedure Code Law pending before the House of Assembly; the following is from that Bill:

259. (1) When any convicted person:

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- (a) has been sentenced to death or *qisas* of the limbs or amputation by the Upper Sharia Court; and
- (b) (i) has not appealed within the time prescribed by law; or
(ii) has unsuccessfully appealed against the conviction; or
(iii) having filed a notice of appeal has failed to prosecute such appeal,
the Governor, after consultation with the Executive Council and the State Council of Ulama shall affirm the sentence.

(4) Two reports of the Council of Ulama:

Early in the Sharia implementation process the Borno State Council of Ulama produced three reports for the State Government, on *zakat*, on *hisbah*, and on crime and criminal procedure. These have been reproduced as part of this work and are available as follows:

- “The Need for Formation of Zakat Board and/or Zakat Committees to Assess, Collect, Record and Distribute Zakat”, in Chapter 9 Part II.2.
- “The Need for Establishment of *Hisbah* to Monitor and Assess the Progress in Implementation of Sharia in Borno State”, in Chapter 10 Part II.2.
- “Some Parts of Crimes & Their Punishments”, available at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>, Volume IV, Supplementary Materials, item I.

(5) From interview reports re: the Borno State Council of Ulama and Sharia Implementation Committee:³⁷

(a) We inquired of the Council of Ulama and the Sharia Implementation Committee. [Our informant] said it would be difficult to get them, as they do not even have administrative offices. This is more so because the present Borno State Governor does not regard Sharia as part of his priority. He has failed to do anything for the Council of Ulama since he assumed office and therefore they hardly even sit and they do not have administrative offices. The Sharia Implementation Committee used to collect one million naira monthly from the former administration of Governor Mala-Kachallah [1999-2003], but this monthly grant has ceased completely under the regime of the current governor. That the governor has refused to grant audience to the members of the Sharia Implementation Committee. However, he said, he will connect us with one of their members.

(b) [Another informant said that] since he assumed office, the governor has refused to grant audience to the Sharia Implementation Committee. He emphatically stated that the Governor has not done anything to advance Sharia implementation in the State.

³⁷ The materials in this section are from interviews conducted in Maiduguri on 3rd-5th April 2006 by S.A. Mohammed and A.S. Garba. Because of the sensitive nature of some of the material the names of the interviewees have been omitted here.

(c) [Another informant said that] the Sharia Implementation Committee of Borno State (Chairman: Professor Mustapha Abubakar, former VC of the University of Maiduguri and now of the Faculty of Law) used to have a meeting every Tuesday from 12-1 pm at the Imam Malik Islamic Centre. This meeting is now not regular and they are doing it on their own and not because the Government is responsive to them i.e. no allowances and no direction.

**d. Borno State Ministry of Religious Affairs and Special Education:
2005-present³⁸**

The Ministry of Religious Affairs and Special Education was established in September 2005 by fiat of the Governor. It has seven directorates:

- Sharia
- Da'awah
- Religious Affairs (which deals with both Islamic and Christian matters)
- Special Education
- Planning, Research and Statistics
- Finance and Accounts
- Administration and Supplies

The subject of special education was included with religious affairs for administrative convenience; it might more properly belong in the Ministry of Education.

When the Ministry was first created, its new officials went to Kano and Zamfara States to see how religious affairs are managed there. They picked and chose what they wanted to do themselves in terms of their organisation and functions, and then created their Directorates as above. Schedules of duties for all the Directorates were approved in May 2006: the following are the schedules for the three relating directly to Sharia implementation and religious affairs more generally:

Directorate of Sharia:

1. To monitor and ensure implementation and application of laws and bye-laws made by the State and Local Governments respectively.
2. To ensure proper compliance and conformity with the teaching of Sharia in matters of worship, dress code, social or business interactions.
3. Public enlightenment:
 - (a) Organises seminars and workshops for all classes of people including Local Government chairmen, traditional rulers, taxi and achaba drivers and liquor sellers on different aspects of Islamic law.

³⁸ The information in this section is based on interviews with several officials of the Ministry, including the Permanent Secretary, Dr. A.M. Monguno, the Ministerial Secretary, Wakkil Abbas, the Director of Sharia, Sheikh Ali Mustapha Abubakar, and the Director of Planning, Research and Statistics, Baba Gana Ladan, conducted by P. Ostien in the Ministry offices in Maiduguri on 5th March 2008. These same officials also generously supplied copies of the schedules of duties of the various Directorates, some of which are reproduced here, as well as a copy of Borno State's Islamic Religious Preachings Law 1981, discussed in the next subsection.

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- (b) Organises television programmes on Sharia matters.
- (c) Census of liquor, prostitutes, cinema houses and drug points, etc.
- 4. Public complaints:
 - (a) Receives and investigates complaints from individuals, groups of persons and organisations.
 - (b) Law review to conform to Islamic law.
- 5. Islamic social affairs:
 - (a) Settlement of family conflicts and social welfare.
 - (b) Plans rules and policies affecting measures and weights.
- 6. To carry out research in new developments arising from technological advancement and other contemporary social issues and disseminate such information through publication.
- 7. Liaises with law enforcement agencies and other Sharia implementation agencies and other relevant agencies.
- 8. Ensure public enlightenment and persuasion so that people will pay *zakat* willingly and at the appropriate time.

Directorate of Da'awah:

- 1. Organises and coordinates *da'awah* activities in the State through Da'awah Committees at Local Government, Emirate, District and Village levels.
- 2. Ensures good welfare of new converts by providing accommodation and general welfare for new converts including maintenance and education.
- 3. Provision of logistics to Da'awah Committees and personnel.
- 4. Prepares jingles to convey various messages.
- 5. Coordinates and regulates public preaching in conjunction with Borno State Preaching Board.

Directorate of Religious Affairs:

- 1. Handling of all religious matters in the State.
- 2. Supervision of Islamic schools (Islamiyya) updating their syllabus, curriculum etc.
- 3. Establishment of cordial relationships with religious organisations and individuals to ensure smooth running of all religious programmes.
- 4. Organise Qur'anic recitation in the State.
- 5. Coordinates and encourages *da'awalit*, *tabaqiz*, Qur'an schools and general public.
- 6. Leads State delegates to the national and international Qur'anic competition.
- 7. Supervision and coordination of Qur'anic schools (*tsangaya*) and welfare.
- 8. Coordinates mosque and church matters in the State.
- 9. Liaises with JNI, SCA, CAN and other national and international religious bodies.
- 10. Liaises with Council of Ulama on all Islamic matters.
- 11. Organizing workshops, seminars and conferences on religious matters.
- 12. Research, production and publication of religious materials.

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13. Production of Ramadan and other prayers timetables and organises ministerial mosques.
14. Registration of religious organisation associations and private Islamic schools etc.
15. Liaising with traditional institutions on matters relating to moon sighting, announcement etc.
16. Establishment of orphanages and *waqf*.

In addition to its Directorates, the Ministry has several parastatals under it – i.e. parastatals answerable to the Governor through the Minister:

- Islamic Religious Preaching Board
- Board of Qur’anic & Arabic Education
- Nomadic Education
- School for the Blind
- Special Education unit of the Ministry of Education.

The Borno State Council of Ulama is an autonomous body, not subject to the Ministry. But the Director of Religious Affairs does liaise with the Council of Ulama as indicated in his schedule of duties.

As to the division of labour between the various ministries: Sharia-related matters formerly were handled by the Ministry of Justice. But now when such matters come to the Ministry of Justice, they just send them to the Ministry of Religious Affairs, believing that is where they belong.³⁹

³⁹ Per interview with the Ministerial Secretary, Barr. Bukar Yarima, in the Ministry of Justice, 5th March 2008.

3.

Gombe State

Gombe State's putative Council of Ulama

(1) Note on the non-implementation of Sharia in Gombe State:

As is discussed more fully in Chapter 7 Part I, Gombe State's Sharia Courts Law has never been implemented, and there are no Sharia Courts in Gombe State up till today. Similarly, the sections of the Sharia Courts Law which mandate the establishment of a State Council of Ulama and its involvement in the affairs of the Sharia Courts also have never been implemented: there is no State Council of Ulama in Gombe State up till today. Since there are no Sharia Courts, the Sharia Penal and Criminal Procedure Codes, also enacted in 2001, have also never been applied. Nor is there a Directorate or Ministry of Religious Affairs, a Sharia Implementation Committee, Sharia Commission, Sharia Consultative Council, Preaching Board, Zakat Board, or Hisbah Board.

Nevertheless, none of the Sharia-related legislation enacted in 2001 has been repealed. Therefore, for the sake of documentary completeness, the sections from the Sharia Courts Law and the Sharia Criminal Procedure Code relating to the putative Council of Ulama are given here.

(2) From Gombe State's Sharia Courts Establishment and Administration of Justice Law 2001:⁴⁰

- | | |
|--|--|
| 6. The function of the Council ⁴¹ shall be to screen, advise and recommend to the Judicial Service Commission such competent, qualified, fit and proper persons to be appointed as judges, inspectors and the registrars found worthy in character and in learning whose discipline, dismissal and/or termination shall be recommended by the said Council. | Function of the
State Council of
Ulama |
| 7. As regards judges and inspectors the Council shall ascertain that:
(a) a candidate has obtained qualification in Islamic law from an institution approved by the Council;
(b) he has held the qualification for a period of not less than five years;
(c) he has considerable experience in the knowledge of Islamic law; and
(d) he is a distinguished scholar in Islamic law.
(e) He shall be of Muslim faith. | Qualifications for
judges and
inspectors |
| 8. Candidates for court registrars shall in the opinion of the Council | Qualifications for |

⁴⁰ Signed into law on 23rd November 2001, never gazetted, copy signed by the Governor in the possession of the editor.

⁴¹ The Council in question is identified only in the title of this section. Although probably intended to do so, the statute does not itself establish a State Council of Ulama; the relevant section, probably supposed to have come before §6, seems to have been omitted.

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possess not less than a diploma from an approved institution in addition to working experience of not less than three years.

registrars

[...]

25. (1) [...]

Practice and
procedure

(2) The Grand Kadi of the State shall in consultation with the State Council of Ulama, have power to make rules and regulations for the practice and procedure of the Sharia Courts: provided that the practice and procedure shall be as prescribed by and in strict compliance with Islamic law

[...]

54. (1) [...]

Adjudication
without authority

(2) [...]

(3) No prosecution under this section [prohibiting adjudication without authority] shall be instituted without the recommendation of the Judicial Service Commission by the State Council of Ulama.

(3) From Gombe State's Sharia Criminal Procedure Code Law 2001:⁴²

As with Gombe State's Sharia Courts Law, the State's Sharia Penal and Criminal Procedure Codes have never been implemented. The following section from the Sharia Criminal Procedure Code is nevertheless given here for the sake of documentary completeness.

256. (1) When any convicted person:

- (a) has been sentenced to death or *qisas* of the limbs or amputation by the Upper Sharia Court; and
- (b) (i) has not appealed within the time prescribed by law; or
(ii) has unsuccessfully appealed against the conviction; or
(iii) having filed a notice of appeal has failed to prosecute such appeal,

the Governor, after consultation with the Executive Council and the State Council of Ulama shall affirm the sentence.

⁴² Signed into law on 23rd November 2001, never gazetted, copy signed by the Governor in the possession of the editor.

4.

Jigawa State

**a. Jigawa State Emirate Committees for Religious Preaching,
1991-present**

Jigawa State inherited its Religious Preaching Law from Kano State when Jigawa was carved out of Kano in 1991; the law is Cap. 127 of the Laws of Jigawa State 1998. For the full text of the Kano law see [Part II.6](#) below.

**b. Jigawa State Ministry, now Directorate, of Religious Affairs
and Sharia Implementation: 2000(?)–present**

The Governor of Jigawa State from 1999–2007, Ibrahim Saminu Turaki, at some point established a Ministry of Religious Affairs and Sharia Implementation; we believe but have not been able to confirm that this was in 2000. Unfortunately we gathered little information about this Ministry itself, except that in March 2003 our researchers visited it and interviewed the then Director Religious Affairs, who gave them an account of the progress of Sharia implementation in Jigawa State up to then.⁴³

Governor Turaki was replaced by Sule Lamido in May 2007. Among other things Governor Lamido has done, has been to demote some of the Ministries set up by Turaki, to Directorates, to try and rationalise the government and perhaps to reduce its size, or at least the size of the Executive Council. The Ministry of Religious Affairs and Sharia Implementation was one of the Ministries affected by this: it was demoted to a Directorate and combined with the old Directorate of Chieftaincy Affairs, so that it is now the Directorate of Chieftaincy, Religious Affairs and Sharia Implementation.⁴⁴

The Directorate is under the office of the Secretary to the State Government. Its senior officials are:

1. Special Adviser to the Governor on Chieftaincy, Religious Affairs and Sharia Implementation
2. Permanent Secretary
3. Director Chieftaincy Affairs
4. Director Religious Affairs
5. Director Public Enlightenment and Da'awah
6. Director Zakat

⁴³ Interview with the then-Director Religious Affairs, Alh. Yusha'u Abubakar Dutse, conducted by M.A. Idris and D.A. Muhammad on 12th March 2003.

⁴⁴ Information in this and succeeding paragraphs from an interview conducted by P. Ostien in the Directorate offices in Dutse on 7th March 2008 with two officials of the Directorate, the Director of Admin. & Finance, Hassan Bello Gantas, and the Secretary, whose name unfortunately was not recorded, and two officials of the Council of Ulama, the Deputy Chairman, Alh. Zakaria Sa'id Zakaria, and the Secretary, the same Alh. Yusha'u Abubakar Dutse who was interviewed in 2003.

7. Director Administration and Finance

The Directorate, i.e. through the Permanent Secretary and the Special Adviser, also has oversight of:

The Council of Ulama

The Hisbah Advisory Committee

Each Director has his own staff and his own written schedule of duties; unfortunately copies of these schedules were not available. Some of them however are more or less obvious from the names. As to the Director Religious Affairs: he looks after issues that are “directly religious”: e.g., solving religious crises that might arise, say between religious sects: the officials might go with the Council of Ulama to wherever the problem is, investigate, intervene.

c. Jigawa State Council of Ulama

(1) Jigawa State Council of Ulama (Establishment) Law 2004⁴⁵

A LAW TO ESTABLISH THE JIGAWA STATE COUNCIL OF ULAMA
AND FOR MATTERS RELATED THERETO

Arrangement of sections:

- | | |
|----------------------------|----------------------------------|
| 1. Title and commencement. | 8. Secretary. |
| 2. Interpretation. | 9. Procedure. |
| 3. Establishment. | 10. Remuneration and allowances. |
| 4. Qualification. | 11. Tenure. |
| 5. Functions. | 12. Vacation of office. |
| 6. Meetings and quorum. | 13. Co-option of members. |
| 7. Issues considered. | 14. Validity of proceedings. |

BE IT ENACTED by the Jigawa State House of Assembly and by authority of the same as follows:

1. This Law may be cited as the State Council of Ulama (Establishment) Law 2004 and shall come into operation on the 20th day of April 2004.
2. In this Law unless the context otherwise requires:
 - “Commissioner” means Commissioner for State Ministry of Religious Affairs responsible for religious matters;
 - “Council” means the State Council of Ulama established under clause 3 of this Law;
 - “Governor” means the Governor of the State;
 - “*qiyas*” means analogical deductions in Islamic law’
 - “Qur’an” means the Holy Qur’an as revealed to the Prophet Mohammed (SAW) by Allah (SWT) through Angel Jubril (AS);
 - “Sharia Court” means the court established under the Sharia Court (Administration of Justice and Certain Consequential Changes) Law 2000;

⁴⁵ Law No. 3 of 2004, signed into law on 20th April 2004, no gazetted copy available, copy as signed by the Governor in the possession of the editor.

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CHAPTER 8: COUNCILS OF ULAMA AND RELATED BODIES

“State” means Jigawa State of Nigeria;

“Sunnah” means the practice of Prophet Mohammed (SAW) as narrated by his companions;

PART II – ESTABLISHMENT OF THE STATE COUNCIL OF ULAMA

3. (1) There is hereby established for the State a Council to be known as the State Council of Ulama.
(2) The Council shall comprise of the following:
 - (a) a Chairman;
 - (b) Chief Imams of Hadejia, Gumel, Kazaure, Dutse and Ringim Emirates;
 - (c) representatives each from Hadejia, Gumel, Kazaure, Dutse and Ringim Emirate Councils;
 - (d) Attorney-General or his representative;
 - (e) the Honourable Commissioner, Ministry of Religious Affairs or his representative;
 - (f) the Chief Judge or his representative;
 - (g) the Grand Kadi or his representative;
 - (h) Chairman of the Sharia Committee of the Jigawa State House of Assembly;
 - (i) all former Grand Kadis;
 - (j) such other members as the Governor may from time to time appoint;
 - (k) one representative each from the Police and State Security Services; and
 - (l) Chairman House Committee on Religious Affairs.(m) Secretary to the Council shall be appointed by the Governor.
4. (1) No person other than ex-officio, shall be appointed as a member of the Council unless he is a Muslim knowledgeable in Islamic law and jurisprudence including scholarly knowledge of Qur'an, Hadith, *ijma* and *qiyas*.
(2) The membership composition and conduct of the affairs of the Council shall be carried out so as to reflect the teaching of Islam.
5. The Council shall perform the following functions:
 - (a) to promote the religion of Islam through constant reminder of the obligations of Muslim adult to his family, the society and humanity in general;
 - (b) offer informed opinion on issues, matters and questions that may be referred to it by the Government, organisations or individuals on Islamic law and jurisprudence generally;
 - (c) advising the State Judicial Service Commission on suitable persons for appointment into the office of an Alkali of the Sharia Court or any other similar office;
 - (d) to monitor and assess progress in the area of proper Sharia implementation and to advise the government where they hold the view that there is need for improvement.
 - (e) to monitor and give informed opinion of Islam and Islamic law on recent contemporary issues and innovations such as technological, modern trade and commerce, social vices and diseases;
 - (f) to make available literature in print, audio or video form on the provisions

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- of Sharia legal system for enlightenment of general public;
 - (g) to liaise with the State Advisory Committee on Hisbah on the proper implementation of Sharia legal system in the State;
 - (h) to offer advice to the appropriate authorities on the codified laws including practice and procedural laws;
 - (i) to perform such other functions as the Governor may from time to time assign to it.
6. (1) The Council shall meet at least once every month or as often as the business before it may demand.
- (2) At any meeting of the Council the Chairman shall preside, in his absence members present shall elect one of their number to preside.
- (3) At any meeting of the Council, questions should be decided by a simple majority of the members present, in the event of equality of votes the Chairman or the person presiding shall have a second and casting vote.
- (4) At any meeting of the Council a simple majority of the total number of members shall form a quorum.
7. (1) Any issue discussed or questions considered and answered shall be documented in Hausa and English language and distributed to the person or authority requesting, in case of specific request and to the government offices responsible for administration of justice, for their guidance in all other cases.
- (2) For the purpose of this clause, relevant government offices shall include office of the Governor and Deputy Governor, the Judiciary, House of Assembly, Ministry of Justice and Ministry of Religious Affairs.
8. The Governor shall appoint a Secretary who shall be responsible for the general affairs of the Council secretariat.
9. The Council shall make its own procedure for the execution of all or any of its functions under this Law, in consultation with the Commissioner responsible for religious matters.
10. (1) The members of the Council shall be paid such monthly allowances on such terms and conditions as the Governor may in his discretion determine.
- (2) Without prejudice to clause (1) above Council shall be paid such allowances as are reasonably necessary for the up-keep of its secretariat and for meeting of its incidental expenses as the Governor in his discretion determines.
11. A member of the Council shall hold office for a period of four years and is eligible for re-appointment for another period of four years this includes the office of the Secretary to the Council.
12. The office of a member shall become vacant if:
- (a) he resigns by writing under his hand addressed to the Commissioner;
 - (b) he has without leave of the Commissioner or Chairman of the Council been absent from three consecutive meetings of the Council;
 - (c) he has been guilty of misconduct;
 - (d) he is found insane;
 - (e) if he ceases to be a Muslim;
 - (f) his appointment has been revoked by the Governor.

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13. Where the Council is desirous to obtain the advice of any person, the Council may co-opt such person to be a member for such meeting or meetings as the Council may decide and the person so co-opted shall have all the powers of a member save that he shall not be entitled to vote on any question.
14. The validity of the proceedings of the Council shall not be affected by any vacancy amongst its members, or any defect in the appointment of a member or by reason that a person not authorised so to do, has taken part in such proceedings.

(2) From Jigawa State's Sharia Criminal Procedure Code Law 2001⁴⁶

255. (1) When any convicted person:
- (a) has been sentenced to death or *qisas* of the limbs or amputation by the Upper Sharia Court; and
 - (b) (i) has not appealed within the time prescribed by law; or
(ii) has unsuccessfully appealed against the conviction; or
(iii) having filed a notice of appeal has failed to prosecute such appeal,
- the Governor, after consultation with the Executive Council and the State Council of Ulama may affirm the sentence.

⁴⁶ Signed into law on 21st November 2001, gazetted in Jigawa State Gazette Vol. 1 No. 7, 21st November 2001 (a separate bound volume).

5.

Kaduna State

a. Kaduna State Bureau for Religious Affairs (Islamic Matters)

(1) Instrument creating the bureau:

NOTICE OF THE CREATION OF TWO BUREAUX OF RELIGIOUS AFFAIRS
IN THE STATE⁴⁷

In pursuance of the provisions of the Constitution of Nigeria of 1999 and all other powers enabling me in that behalf, I ALHAJI AHMED MOHAMMED MAKARFI, the Executive Governor of Kaduna State of Nigeria hereby create two Bureaux of Religious Affairs (Christian and Muslim Matters) as stated in the Schedule and assign to the Permanent Secretaries of the Bureaux the responsibilities specified in the Schedule hereby.

2. The two Bureaux shall be headed by a Permanent Secretary each and report directly to the Office of the Executive Governor.

3. There shall be three departments each:

- (i) Administration and Finance;
- (ii) Religious Affairs; and
- (iii) Planning and Research.

4. This notice shall be deemed to have come into operation on the 1st of February, 2000.

SCHEDULE

5. The two Bureaux shall perform the following duties:

- (a) Monitoring of religious activities;
- (b) Promoting of religious understanding and harmony;
- (c) Co-ordination and regulation of religious educational institutions;
- (d) Liaison with National Council/Association of Religious Affairs e.g. SCIA, CAN, etc.;
- (e) Co-ordination of Pilgrimage matters;
- (f) Liaison with Emirate/Traditional Councils on religious matters;
- (g) Monitoring of foreign religious materials and aid to religious bodies;
- (h) Any other duty/duties assigned by His Excellency, the Executive Governor.

6. The two Bureaux shall observe all the provisions relating to the Civil Service Rules and Regulations and/or Financial Instructions in the performance of their duties as specified in the Schedule.

⁴⁷ Kaduna State Legal Notice No. 11 of 2000, dated 20th October 2000, Kaduna State of Nigeria Gazette No. 22, Vol. 34, 23rd November 2000, pp. B61-B62.

(2) From an interview with the Permanent Secretary, Bureau for Religious Affairs (Islamic Matters).⁴⁸

The Bureau for Religious Affairs was set up in January 2000.⁴⁹ The February 2000 crisis broke out shortly thereafter. The Bureau was immediately saddled with the task of reconciliation. The Bureau is under the office of the Executive Governor and has two divisions: Islamic Matters and Christian Matters. The main function of the Bureau is promotion of inter and intra-religious understanding and harmony in the State. It achieves its goals through:

- (i) Working with traditional rulers and religious organizations at the state, national and international levels.
- (ii) The Bureau for Religious Affairs (Islamic Matters) meets with the *ulama* and passes on to them information about Government policy, security messages, and also hears from them any issues they would like to raise with Government.
- (iii) Meeting of the two branches of the Bureau at a forum under the State Committee on Religious Harmony of which the Governor is Chairman. This Committee also has as members four representatives from each Local Government Area, two each representing the two major religions. This Committee meets about four times a year or for such number of times as the Governor deems fit. The Committee is also set up in all the LGAs; the local committees are composed along the same lines as the State Committee except that the LGA Chairman rather than the Governor is the chairman of the local committees.

The following committees, which are replicated at the LGA level, are under the Bureau (Islamic Matters):

- i. Koranic Recitation Committee: conducts Koranic recitation competitions from the LGA level through the State level to select contestants for national and international competitions.
- ii. The Zakat Committee: Has twenty-six members, headed by *Iyan Zazgau*, 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 mobilize 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.
- iii. Da'awah and Mosque Committee: Has forty-six members representing the various sects. Sheikh Abubakar Tureta is the Chairman. The functions of the Committee

⁴⁸ Interview conducted in Kaduna on 10th November 2005 with Balarabe Idris Jigo, the Permanent Secretary, by S.U. Fwatshak and S.H. Liman.

⁴⁹ The legal notice of the creation of the Bureau was only signed on 20 October 2000, but by its terms it came into operation on 1 February 2000. The work of setting up the Bureau must have started in January.

include enlightenment of Muslims on virtues and modes of worship, interaction with other people, and religious understanding

- iv. Islamiyya and Koranic Schools Committee: Has forty-six members. Malam Makeri Saidu is Chairman. Members are drawn from organizations and individuals which own Islamiyya and Koranic schools. The main function of the committee is to reorganize Islamiyya and Koranic schools to enhance teaching and learning. They are to harmonize the syllabi and curricula in those schools to ensure uniform standards. The syllabi have been drawn and are being printed for distribution to the administrations of the schools. Seminars on the syllabi would be organized for teachers in those schools for effective implementation. The Committee has the responsibility of producing standard texts for use in the schools.

(3) From a speech by the Grand Kadi of Kaduna State:⁵⁰

To consolidate the judicial reforms His Excellency 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*.

b. “The body of Islamic jurists of the State”

Section 255 of Kaduna State’s Sharia Criminal Procedure Code Law 2002⁵¹ provides as follows:

255. (1) When any convicted person:
- (a) has been sentenced to death or *qisas* or amputation by the Upper Sharia Court; and
 - (b) (i) has not appealed within the time prescribed by law; or
 - (ii) has unsuccessfully appealed against the conviction; or
 - (iii) having filed a notice of appeal has failed to prosecute such appeal,
- the Governor, after consultation with the body of Islamic jurists of the State may affirm the sentence.

It appears that this reference to the body of Islamic jurists is to the *ulama* of Kaduna State at large, or perhaps as represented by the Council of Ulama which in Kaduna is an NGO.

⁵⁰ 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. Copy of the speech in the possession of the editor. This passage from p. 4.

⁵¹ Signed into law on 21st June 2002, gazetted in Kaduna State Gazette No. 17 Vol. 36, 4th July 2002 pp. A109-A289, a separate bound volume (with Sharia Penal Code).

6.

Kano State

**a. The Kano Local Government Authority Interpreting and
Admonishing Committee: 1970-1985**

The Kano Local Government Authority, then under the leadership of Alhaji Ado Bayero, Emir of Kano, enacted the following rules in accordance with its powers under the state's Local Government Authority Law. These rules were repealed by the Religious Preaching Edict 1985 reproduced in section c below.

THE KANO LOCAL GOVERNMENT AUTHORITY (CONTROL OF QUR'ANIC
INTERPRETATION AND ADMONISHING) RULES, 1970⁵²

In exercise of the powers conferred upon local government authorities by paragraphs [43] and [44] of section 38 of the Local Government Authority Law, the following rules are hereby made by the Kano Local Government Authority with the approval of the Military Governor of the Kano State of Nigeria:

1. These rules may be cited as the Kano Local Government Authority (Control of Qur'anic Interpretation and Admonishing) Rules, 1970 and shall come into operation on the 16th day of April, 1970.
2. In these rules—
 - “admonisher” means a person who preaches religious instructions to any person or persons;
 - “admonishing” means preaching with or without reading from any written document which contains any religious instructions on Islam in narrative, or written history of the Prophet's right hand men and saints;
 - “interpretation” means oral interpretation of the Qur'anic injunctions;
 - “Interpretation and Admonishing Committee” means a committee established by the Kano Local Government Authority to tender advice on all matters pertaining to the interpretation of the Qur'an and admonishing;
 - “interpreter” includes any person taking part in or contributing to the oral interpretation of the Qur'anic injunctions;
 - “Local Government Authority” means the Kano Local Government Authority;
 - “permit” means a written document issued by the Local Government Authority authorising interpretation of the Qur'an and admonishing;
 - “reading” means reading from the Arabic text of the Qur'an for interpretation.
3. (1) No admonisher shall admonish, and no Qur'an interpreter shall interpret the Qur'an either orally or in a written form in the Hausa language, without first obtaining a permit.
(2) A permit under this rule shall be in the form set out in the Schedule, and shall be issued in their absolute discretion without charge by either Local

⁵² Kano S.L.G.A.L. No 3 of 1970, Kano State of Nigeria Gazette No. 16 Vol. 4, 16 April 1970, E5-E6. The gazette indicates that the rules were made on 4 September 1969 and approved by the Military Governor of Kano State on 1 April 1970.

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Government Authority or the Interpretation and Admonishing Committee or the District Head of the district in which the permit is required.

4. Any member of the Local Government Authority Council, a member of the Interpretation and Admonishing Committee or a District Head may require the holder of any permit issued under these rules to produce at any time his permit for inspection.
5. Admonishing and interpretation of the Qur'an by Mallams in any local Arabic School or in any building at any time is allowed in so far as such admonishing and interpretation is made to students for the purpose of learning.
6. Any person who contravenes the provisions of rule 3 or 4, or of any permit issued under these rules shall be guilty of an offence and liable on conviction—
 - (a) for a first offence to a fine not exceeding £50 or imprisonment not exceeding three months;
 - (b) for a second or subsequent offence to a fine not exceeding £100 or imprisonment not exceeding six months.

SCHEDULE

THE KANO LOCAL GOVERNMENT AUTHORITY (CONTROL OF QUR'ANIC
INTERPRETATION AND ADMONISHING) RULES, 1970

Permit for Qur'anic Admonisher and/or Interpreter

Permission is hereby granted to [Insert name of Qur'anic Admonisher and/or Interpreter] for the purpose of admonishing and/or interpreting the Qur'an in the Hausa language in [Insert places or area] on the following conditions—

- 1.
- 2.

Valid until the _____ day of _____ 197__.

*Kano Local Government Authority/
Interpretation and Admonishing Committee/
District Head*

b. Kano State Council for Islamic Affairs: 1982-1985

This Council was established by the Kano State Council for Islamic Affairs Law 1982, reproduced here.⁵³ The law was repealed in 1985 by the Religious Preaching Edict 1985, reproduced in section c.

⁵³ No. 7 of 1983, Kano State of Nigeria Laws for the Year 1983 – Supplement Part 'A', 43-47.

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CHAPTER 8: COUNCILS OF ULAMA AND RELATED BODIES

A LAW TO ESTABLISH IN THE STATE A COUNCIL FOR ISLAMIC AFFAIRS
AND TO PROVIDE FOR OTHER MATTERS INCIDENTAL THERETO

Arrangement of sections:

- | | |
|--|-------------------------------|
| 1. Short title and commencement. | 9. Revocation of certificate. |
| 2. Interpretation. | 10. Revocation of permit. |
| 3. Establishment and composition of the Council. | 11. Protection of members. |
| 4. Tenure, resignation and removal. | 12. Directives. |
| 5. Functions. | 13. Remuneration. |
| 6. Establishment of committees. | 14. Regulations. |
| 7. Registration and grant of certificate. | 15. Penalties. |
| 8. Grant of permit. | |

BE IT ENACTED by the Kano State House of Assembly:

PART I: PRELIMINARY

1. This Law may be cited as the Kano State Council for Islamic Affairs Law 1982 and shall come into operation on the 24th day of August, 1983.
2. In this Law, unless the context otherwise requires:
 - “admonisher” means a person who preaches Islamic religious instructions to any person or persons;
 - “admonishing” means preaching with or without reading from any written document which contains any religious instructions on Islam in narrative, or written history of the Prophet’s right hand men and disciples;
 - “certificate of registration” means a written document granted to a religious organisation pursuant to section 7;
 - “Council” means the Kano State Council for Islamic Affairs established under section 3;
 - “interpretation” means oral interpretation of the Qur’anic injunctions or any other Islamic religious injunctions;
 - “interpreter” includes any person taking part in or contributing to any interpretation;
 - “member” means any person appointed pursuant to section 3 and shall include the Chairman;
 - “permit” means a written document issued by the Council pursuant to section 8;
 - “religious organisation” means an association of two or more persons for the purposes of propagating Islamic religious belief;
 - “state” means the Kano State of Nigeria.

PART II: ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

3. (1) There shall be established a Council to be known as the Kano State Council for Islamic Affairs which shall have and exercise the powers conferred upon it by this Law.
- (2) The Council shall consist of:
 - (a) a Chairman who shall be a person learned in Islamic Religious Knowledge;
 - (b) three representatives of religious organisations from Kano City who shall

DOCUMENTARY MATERIALS: KANO STATE

- be learned in Islamic Religious Knowledge;
 - (c) one person learned in Islamic Religious Knowledge to represent the State Ministry of Education;
 - (d) one person learned in Islamic Religious Knowledge to represent the business interests;
 - (e) one person learned in Islamic Religious Knowledge from each area demarcated for the eight Emirs in the State;
 - (f) one person learned in Islamic Religious Knowledge to represent the Council of Chiefs;
 - (g) one person learned in Islamic Religious Knowledge to represent the Department of Islamic Studies of Bayero University and other Higher Islamic Institutions; and
 - (h) a Legal Practitioner who is learned in both Islamic Law and the Common Law.
- (3) The Chairman and other members of the Council shall be appointed by the Governor.
- (4) There shall be a Secretary to the Council who shall be appointed by the Governor.
4. A member of the Council:
- (a) shall hold office for a period of two years from the date of appointment and be eligible for re-appointment;
 - (b) may resign his appointment by tendering a letter of his resignation to the Governor; and
 - (c) may be removed by the Governor for inability to perform the functions of his office or for misconduct.

PART III: FUNCTIONS OF THE COUNCIL

5. The functions of the Council shall be:
- (a) to advise the Governor on religious affairs and promote religious stability in the State;
 - (b) to guide the Local Government Councils on ways to check religious activities in their areas of jurisdiction;
 - (c) to embark and undertake a proper registration of religious organisations in the State;
 - (d) to enlighten the public on Islamic religious matters through publications and the mass media, that is radio, television, newspapers, magazines, journals and pamphlets;
 - (e) to organise and hold seminars, workshops, public lectures and symposia;
 - (f) to grant registration certificates.
6. The Council may delegate to any committee established under subsection (1)(a) or (b) such powers and functions as in its opinion would be better regulated and managed by means of such committees.

PART IV: REGISTRATION AND ISSUANCE OF PERMIT

7. (1) A group or association shall not function as a religious organisation unless it has been registered under this Law.
- (2) Any application for grant of a certificate of registration under this Law, shall be made to the Secretary to the Council and shall be made in such form and manner and with such information as may be prescribed by the Council.

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- (3) Unless revoked under section 9 of this Law, a certificate of registration shall remain in force for one year beginning on the day when it comes into operation and may be renewed from time to time.
- (4) Where an application is made to the Secretary in accordance with sub-section (2) the Council shall, if satisfied that:
 - (a) the application complies with the provisions of this Law;
 - (b) the application complies with the conditions and regulations imposed by the Council; and
 - (c) the applicant is in all respects a suitable organisation to be granted a certificate of registration,issue such certificate.
8. (1) An admonisher shall not admonish and an interpreter shall not interpret any Islamic religious text orally in any language unless with a valid permit issued by the Council under sub-section (2) of this section.

PROVIDED THAT admonishing and interpretation of any Islamic religious text shall not be an offence in so far as such admonishing or interpretation is made:

 - (a) to students in any place for the purpose of learning; or
 - (b) over the radio or television, in an organised programme for general enlightenment of the members of the public.
- (2) The Council may issue a permit to an applicant on such conditions and terms and in such manner as it deems fit.
9. The Council may at any time, revoke the certificate of registration of a religious organisation if it is satisfied that:
 - (a) the organisation has failed to comply with the provisions of the Law;
 - (b) the organisation has failed to comply with the conditions and regulations imposed by the Council; or
 - (c) it is in the public interest to do so,and the organisation shall upon the revocation of its certificate of registration become dissolved.
10. The Council may at any time, revoke the permit of a person if it is satisfied that:
 - (a) the person has failed to comply with the provisions of this Law;
 - (b) the person has failed to comply with the conditions and regulations imposed by the Council; or
 - (c) it is in the public interest to do so,and the person shall upon the revocation of the permit cease to admonish or interpret any Islamic religious text.

PART V: MISCELLANEOUS

11. (1) A member of the Council shall not be liable in any court for anything done or said in the lawful performance of his functions under this Law.
- (2) Any person who obstructs or interferes with a member of the Council in the lawful performance of his functions under this Law is guilty of an offence; and is liable to a fine of five hundred naira or to imprisonment for six months or to both.
12. The Governor may at any time, give to the Council directions of a general or specific character, with respect to the performance of any of its functions under this Law, and

- the Council shall give effect to such directions.
13. A member shall be paid such sitting and travelling allowances as the Governor may determine.
 14. The Council may with the approval of the Governor make rules and regulations for the purpose of giving effect to the provisions of this Law.
 15. Any person who operates an unregistered religious organisation, or admonishes or interprets any Islamic religious text without a valid permit, is guilty of an offence and is liable to a fine not exceeding one thousand naira or to imprisonment for a term not exceeding one year, or to both.

**c. Kano State Emirate Committees for Religious Preaching:
1985-present**

Kano's Religious Preaching Edict 1985,⁵⁴ reproduced here, promulgated by Kano State's then Military Governor, Air Commodore Hamza Abdullahi, became Cap. 124 Laws of Kano State 1991, and also became the law in Jigawa State when Jigawa was created out of Kano in 1991, see Cap. 127 Laws of Jigawa State 1998.

A LAW TO REGULATE RELIGIOUS PREACHING AND, IN PARTICULAR,
ISLAMIC PREACHING IN KANO STATE

Arrangement of sections:

- | | |
|---|---|
| 1. Title and commencement. | 11. Preacher to obtain a permit. |
| 2. Interpretation. | 12. Grant of application. |
| 3. Establishment of committees for Islamic religious preaching. | 13. Preaching permit. |
| 4. Tenure of office. | 14. Manner of preaching. |
| 5. Functions of committee. | 15. Inspection. |
| 6. Subcommittees. | 16. Revocation of a preaching permit. |
| 7. Tenure of office. | 17. Duties of committee to forward list to Council of Chiefs. |
| 8. Functions of subcommittees. | 18. Offences. |
| 9. Proceedings. | 19. Regulations. |
| 10. Allowances. | 20. Repeals. |

PART I: PRELIMINARY

1. This Edict may be cited as the Religious Preaching Edict 1985 and shall come into operation on the 1st day of February, 1985.
2. In this Edict, unless the context otherwise requires:
 - “Commissioner” means the State Commissioner for the time being responsible for Local Government;
 - “Committee” means a Committee for Islamic Religious Preaching established under section 3;
 - “Islamic religious injunction” includes translation of the Koran and Traditions of

⁵⁴ No. 7 of 1985, Kano State of Nigeria Laws for the Year 1985 – Supplement Part ‘A’, A87-A93, Cap. 124 Laws of Kano State 1991.

the Prophet;

“preaching permit” means a written document granted to a preacher pursuant to section 13;

“preacher” means a person who disseminates religious injunctions;

“public place” means any highway, public park, garden or any river bank, and any public bridge, road, lane, footway or pathway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space, or any building or other structure to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“subcommittee” means a subcommittee for Islamic Religious Preaching established under section 6;

“State” means the Kano State of Nigeria;

“to preach” means to preach with or without reading from any written document which contains any religious injunctions.

PART II: ESTABLISHMENT OF RELIGIOUS PREACHING COMMITTEES

3. (1) There shall be established for each Emirate a Committee to be known as the Committee for Islamic Religious Preaching.
- (2) The Committee in each Emirate shall consist of:
 - (a) a chairman who shall be a renowned Islamic religious scholar of high repute; and
 - (b) not less than six other members who shall be Islamic religious scholars of high repute.
- (3) The Chairman and the other members of the Committee shall be appointed by the Governor in consultation with the Emirate Council.
- (4) The Secretary of the Emirate Council shall serve as the Secretary to the Committee.
- (5) The Governor may in the public interest establish any other committee or committees in respect of any other religious organisation or denomination consisting mainly of its members to regulate preaching by such religious organisation or denomination.
4. [Committee members to serve three-year terms renewable once; may resign; may be removed by the Governor for inability to perform functions or for misconduct.]
5. The functions of a Committee shall be:
 - (a) to receive applications for preaching permits;
 - (b) to examine and qualify or disqualify an applicant for a preaching permit;
 - (c) to grant preaching permits to applicants;
 - (d) to establish and regulate standards for examination and qualification of religious preachers;
 - (e) to open and keep a register of preachers and to enter the names and particulars of preachers in accordance with the provisions of this Edict;
 - (f) to co-operate with all other Committees of the State for the purpose of establishing a uniform standard and practice for examination and qualification of preachers; and
 - (g) to do any other act or thing that may be necessary for carrying into effect the provisions of this Edict.

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6. (1) There shall be established in each Local Government Council in respect of the Committee a subcommittee to be known as a subcommittee for Islamic Religious Preaching.
- (2) A subcommittee shall consist of:
 - (a) the Chief Executive Officer of the Local Government Council who shall be Chairman;
 - (b) all the District Heads in the Local Government Council;
 - (c) the Divisional Police Officer in the Local Government Council;
 - (d) the Chief Imam in the headquarters of the Local Government Council;
 - (e) the Education Officer in charge of Islamic Education in the Local Government Council;
 - (f) the Social Welfare Officer in charge of the Local Government Council; and
 - (g) two other members who shall be Muslims of high repute and well versed in Islamic religious matters.
- (3) Except in the case of ex-officio members, the members of the subcommittee shall be appointed by the Commissioner for Local Government in consultation with the Committee.
- (4) The Secretary of the Local Government Council shall serve as the secretary to the subcommittee in the area of authority of that Local Government Council.
7. [Subcommittee members to hold office for three years; are eligible for reappointment; may resign; may be removed for inability to perform functions or for misconduct.]
8. (1) A subcommittee shall be responsible for:
 - (a) receiving applications from applicants for a preaching permit;
 - (b) forwarding such applications to the Committee to which it is responsible;
 - (c) monitoring the movement and activities of every holder of a preaching permit in the Local Government Council;
 - (d) keeping a register of all holders of preaching permits in the Local Government Council area;
 - (e) causing the arrest of any person preaching without a permit or contrary to the conditions of his permit; and
 - (f) carrying out such other functions as may from time to time be directed by the Committee.
- (2) Each subcommittee shall be responsible and accountable to the Committee under which it is established for the performance of its functions under this Edict.
9. [Committees and subcommittees to determine own quorums and regulate own procedures; validity of proceedings not affected by vacancies, defects in appointment, or participation of persons not entitled to do so.]
10. A member of a Committee or subcommittee may be paid such allowances as the Governor may approve.

PART III: PREACHING PERMITS

11. (1) As from the commencement of this Edict, no person shall preach any Islamic religious injunctions in any public place without a preaching permit granted under this Edict.
- (2) Any person may apply for a preaching permit to preach Islamic religious injunctions by submitting an application in writing to a subcommittee through the District Head of his area.
- (3) The applications shall be accompanied with such information and particulars as the

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Committee may prescribe.

- (4) On receipt of the application, the subcommittee shall forward it to the appropriate Committee for action.
12. (1) Subject to sub-section (2) of this section, the Committee may, upon the receipt of any application for a preaching permit, grant the application if it is satisfied that:
 - (a) the applicant has the requisite knowledge and experience to be a preacher of Islamic religious injunctions;
 - (b) the applicant is a Muslim scholar of high repute; and the applicant is capable of complying with the conditions attached to the preaching permit.
- (2) The Committee may, in satisfying itself with respect to the qualification of the applicant, examine the applicant orally, in writing or in such other manner as the Committee may consider fit.
- (3) If the Committee is satisfied that an applicant is not qualified to preach it shall refuse the application.
13. (1) The Committee shall issue to every person whose application is granted under section 12 a preaching permit.
- (2) Subject to subsection (3) of this section a preaching permit shall entitle the holder to preach in the Local Government Council to which it relates or any part thereof as may be specified in the permit.
- (3) The Committee may, where it considers necessary, endorse on the permit such conditions or restrictions to which the holder shall be subject including:
 - (a) limiting the holder to preach with respect to a subject matter or period;
 - (b) restricting the preacher to preach only in any town, village or specified number of towns or villages; and
 - (c) any other condition as the Committee may impose.
- (4) A preaching permit granted under this Edict shall:
 - (a) be in the form set out in the schedule to this Edict;
 - (b) be signed by the Secretary to the appropriate Committee;
 - (c) not be transferable to any other person; and
 - (d) be renewable at the expiration of the period prescribed in the permit.

PART IV: MISCELLANEOUS

14. Every preaching shall be conducted in a calm and orderly manner without preaching acrimony or abuse.
15. A police officer or member of a subcommittee may order the holder of any preaching permit granted under this Edict to produce it for inspection and the holder shall comply with such order.
16. (1) A Committee may revoke a preaching permit granted under this Edict if it is satisfied that:
 - (a) the preacher has violated the conditions attached to the preaching permit or any provisions of this Edict; or
 - (b) the preacher has obtained the preaching permit by fraudulent means; or
 - (c) it is in the public interest to do so.
- (2) Upon the revocation of the preaching permit, the preacher shall cease to preach in any public place.
17. [Committees to forward to the State Council of Chiefs and the State Security Committee, by 30th January each year, the names and particulars of all preachers

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entered on their registers of preachers, and to forward any changes within 21 days thereof.]

18. (1) Any preacher who:
- (a) preaches without a valid permit granted under this Edict; or
 - (b) preaches in violation of any conditions or order imposed pursuant to this Edict; or
 - (c) publicly insults or seeks to excite contempt of any religious denomination in such manner as may likely lead to disorder or breach of the peace,
- commits an offence.
- (2) Any person who commits an offence under this section shall upon conviction be punished:
- (a) for a first offence, with imprisonment for a term of not less than three years;
 - (b) for a second or subsequent offence, with imprisonment for a term not less than five years and a fine of ten thousand naira.
19. The Military Governor may make regulations for giving effect to any provisions of this Edict.
20. The following enactments are hereby repealed, that is:
- (a) the Kano Local Government Authority (Control of Koranic Interpretation and Admonishing) Rules 1970 (Kano S.L.G.A.L. No. 3 of 1970); and
 - (b) Kano State Council for Islamic Affairs Law 1982.

SCHEDULE
RELIGIOUS PREACHING EDICT 1985
Preaching Permit

_____ [Name of Emirate] Committee for Islamic Religious Preaching
Permit No. _____

Passport
Photograph

1. Permission is hereby granted to _____ [insert name of preacher]
of _____ [address of preacher]
for the purposes of preaching Islamic Religious Injunctions in the form of _____
[state the subject matter e.g. commentary or translation of the Qur'an, or Traditions of the Prophet]
in the _____ [name of Local Government Council] Local Government Council of Kano State.

On the following conditions:

- (a) _____
- (b) _____
- (c) _____
- (d) _____

Valid until the _____ day of _____ 19____.

2. The Permit may be renewed on application.

(Date of grant)

(Secretary to the Committee)

d. Kano State Sharia Implementation Committee: 2000

Kano State's Sharia and Islamic Administration of Justice Reform Law 2000, enacted in February 2000,⁵⁵ did not last long: it was repealed by the Sharia Courts Law enacted later the same year, see next subsection. The Sharia Implementation Committee established by the Sharia and Islamic Administration of Justice Reform Law lapsed when its law was repealed. Nevertheless, because the Sharia Implementation Committee was evidently originally intended to be permanent, we give the provisions concerning it here, for the sake of documentary completeness.

From the Sharia and Islamic Administration of Justice Reform Law 2000

- | | | |
|-----|---|------------------------------------|
| 2. | In this Law, unless the context otherwise requires:
"Committee" means the Sharia Implementation Committee
established under this Law.
[...]
[...] | Interpretation |
| 13. | (1) For the purpose of implementation of this Law, there is hereby established a Committee, made of persons of unquestionable integrity.
(2) Members of the Committee established under subsection (1) of this section shall be appointed by the Governor, subject to confirmation of the State House of Assembly.
(3) The Committee shall:
(a) review all laws in force in the State with a view to conforming them with all relevant rules, principles and norms of Sharia;
(b) advise on the training of relevant personnel for the various courts established under this Law;
(c) advise the Government on the ways of creating a conducive socio-economic environment for comprehensive implementation of reforms;
(d) advise the government on the appropriate date for the commencement of this Law. | Establishment
of Committee |
| 14. | Members of the Committee shall be made of the following:
(a) a Chairman, who shall be a distinguished and knowledgeable scholar in Islamic jurisprudence;
(b) the Director, State Law Reform Commission;
(c) the Secretary, State Judicial Service Commission;
(d) such other number of persons adjudged by the Governor to be of sound moral character and capable of making useful contribution to the work of the Committee; and
(e) a Secretary, who shall be a civil servant not below the rank of a Director. | Composition
of the
Committee |

⁵⁵ Kano State of Nigeria Gazette No. 3, Vol. 33, 15th November 2001, pp. A5-A11, repealed by the Sharia Courts Law 2000.

e. Kano State Sharia Advisory Committee: 2000-2003

The Sharia Implementation Committee was replaced by the Sharia Advisory Committee in November 2000, under the Sharia Courts Law then enacted.⁵⁶ The Sharia Courts Law is still in effect, and the Sharia Advisory Committee established by it was also (like the Sharia Implementation Committee before it) evidently originally intended to be permanent. But in late 2003 a new Kano State Government enacted a new Sharia Commission Law (see next subsection); the Sharia Commission then established has supplanted the Sharia Advisory Committee. Nevertheless, again for the sake of documentary completeness, we give the provisions of the Sharia Courts Law 2000 concerning the Sharia Advisory Committee here.

From the Sharia Courts Law 2000

- | | |
|---|-----------------------------------|
| <p>2. In this Law, unless the context otherwise requires:</p> <p style="padding-left: 40px;">[...]</p> <p style="padding-left: 40px;">“Committee” means the Sharia Advisory Committee established under this Law.</p> <p style="padding-left: 40px;">[...]</p> <p>[...]</p> | <p>Interpretation</p> |
| <p>27. (1) For the purpose of the implementation of this Law in the State, the Governor may have power to appoint an Advisory Committee subject to the confirmation of the House of Assembly.</p> <p>(2) The Committee appointed pursuant to subsection (1) of this section shall be made up of the following:</p> <p style="padding-left: 40px;">(a) a Chairman, who shall be a distinguished Islamic scholar with sound knowledge in Islamic jurisprudence;</p> <p style="padding-left: 40px;">(b) such number of persons adjudged by the Governor to be of sound moral character and capable of making useful contribution to the work of the Committee.</p> <p>(3) The Committee shall:</p> <p style="padding-left: 40px;">(a) review all laws enforced in the State with a view to conforming them with all relevant rules, principles and norms of Sharia;</p> <p style="padding-left: 40px;">(b) advise on the training of relevant personnel for the various courts established under this law;</p> <p style="padding-left: 40px;">(c) advise the Government on ways of creating a conducive social-economic environment for comprehensive implementation of reforms;</p> <p style="padding-left: 40px;">(d) and such other advices as it affects the implementation of Sharia legal system in the State.</p> | <p>Establishment of Committee</p> |

⁵⁶ Signed into law on 25th November 2000, gazetted as No. 6 of 2002, Kano State of Nigeria Gazette No. 3, Vol. 34, 28th February 2002, pp. A31-A44.

f. Islamic Education and Social Affairs Commission: 2000-2003

This Commission was established by the Islamic Education and Social Affairs Commission Law 2000.⁵⁷ Whether members were ever actually appointed to it is not clear. The law establishing it was repealed by the Sharia Commission Law enacted in 2003, see subsection **g** below.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COMMISSION TO REGULATE ISLAMIC
EDUCATION AND SOCIO-ECONOMIC MATTERS RELATED THERETO

Arrangement of sections:

- | | |
|--|-----------------------------------|
| 1. Citation and commencement. | 12. Funds of the Commission |
| 2. Interpretation. | 13. Accounts and audit. |
| 3. Establishment of the Commission. | 14. Annual report. |
| 4. Composition of the Commission. | 15. Vacation of office. |
| 5. Functions. | 16. Co-option of members. |
| 6. Operational structure. | 17. Committees of the Commission. |
| 7. Executive Secretary. | 18. Powers of the Governor. |
| 8. Director Administration and General Services. | 19. Standing orders. |
| 9. Other staff. | 20. Representation. |
| 10. Remuneration. | 21. Pensionable service. |
| 11. Quorum. | |

PART I – PRELIMINARY

1. This Law may be cited as the Islamic Education and Social Affairs [Commission] Law 2000 and shall come into operation on 1st day of July 2000.
2. In this Law unless the context otherwise requires:
[definitions of “Commission”, “Chairman”, “Governor”, “State” omitted.]

PART II – ESTABLISHMENT AND CONSTITUTION OF THE COMMISSION

3. (1) There is hereby established a Commission for Islamic Education and Social Affairs in the State.
(2) The Commission shall be a body corporate with perpetual succession, a common seal and power to sue and be sued in its corporate name.
(3) The Commission shall also have power to acquire, hold and dispose of property moveable or immoveable.
4. (1) The Commission shall consist of the following:
 - (a) a Chairman who is an Islamic scholar of proven integrity;
 - (b) four other members with at least one each from the 3 Senatorial Zones of the State;
 - (c) two representatives of the Council of Ulama;
 - (d) one representative from the office of the Head of Civil Service;

⁵⁷ Signed into law 12th June 2000, gazetted as No. 3 of 2002, Kano State of Nigeria Gazette No. 2, Vol. 34, 21st February 2002, pp. A5-A10.

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- (e) one representative from the Emirate Council;
 - (f) one representative from the Ministry of Education;
 - (g) one representative from the Ministry of Women Affairs and Social Development;
 - (h) one representative from the Federation of Muslim Women;
 - (i) the Executive Secretary of the Commission.
- (2) The Chairman and members of the Commission are to be appointed by the Governor subject to the confirmation of the State House of Assembly.

PART III – FUNCTIONS OF THE COMMISSION

5. (1) The Commission has the following primary functions:
- (a) promotion, development, coordination and the general enhancement of Islamic religious and cultural values;
 - (b) general regulation, control and supervision of Islamic education at all levels in the State;
 - (c) establishment, promotion, development and coordination of activities of Islamiyya, Qur'anic and Arabic schools;
 - (d) regulating, coordinating and implementing Islamic-oriented socio-economic reforms and social welfare policies;
 - (e) regulating, coordinating and implementing State policies relating to the collection and distribution of *zakat*, alms, *waqf* and other charitable dues;
 - (f) conducting, regulating, evaluation of examinations and admission policies of Islamiyya, Qur'anic and Arabic schools;
 - (g) regulating, coordinating and supervising of Islamic and Qur'anic competitions, quiz or conferences locally, nationally or internationally.
- (2) In the discharge of its functions under this Law the Commission shall coordinate with the appropriate State Ministries or Departments and shall particularly:
- (a) in respect of educational curricula and examination matters work in liaison with State Ministry of Education; and
 - (b) in respect of social welfare matters coordinate with the Ministry responsible for social welfare matters.
6. (1) The Commission shall comprise at least the following two operational departments:
- (a) Islamiyya and Qur'anic Schools Department;
 - (b) Islamic Social Affairs Department.
- (2) Nothing in this section shall preclude the Commission from establishing additional departments or alter the existing ones to accommodate its functions under this Law.
7. (1) For effective implementation of policies of the Commission, there is hereby established for the Commission an Executive Secretary.
- (2) The Executive Secretary shall be a renowned Islamic scholar or educationist of proven integrity to be appointed by the Governor.
- (3) The person so appointed to the office of Executive Secretary shall be the Chief Executive of the Commission and also have the following responsibilities:
- (a) be responsible for the day-to-day administration of the Commission;
 - (b) direct the activities of officers and other employees of the Commission; and
 - (c) control and manage the finances of the Commission.

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8. The Director of Administration and General Services of the Commission shall:
 - (a) conduct all correspondence of the Commission;
 - (b) prepare and circulate minutes of all meetings of the Commission to members;
 - (c) perform such other duties as the Commission shall assign to him from time to time; and
 - (d) be answerable to the Executive Secretary.
9. The Commission shall have power to employ, ask to be sent on secondment staff from other government departments to work as staff of the Commission. [sic]
10. There shall be paid to the members other than “ex-officio” member such remuneration and allowances as the Governor may approve from time to time.
11. (1) Where a meeting of the Commission is summoned, six members present shall form a quorum.
(2) In the absence of the Chairman, one of the members of the Commission as the Commission may elect for that meeting shall preside.

PART IV – FUNDS AND ACCOUNTS

12. [Funds include grants from the State Government, donations and grants from other agencies, fees and charges paid the Commission, and funds from any other source.]
13. [Records of accounts to be kept and annual financial statements to be prepared and presented to the Governor; accounts to be audited by auditor appointed by the Commission with approval of the Auditor-General.]
14. [Annual report of activities to be prepared and submitted to the Governor.]
15. [Office of a member (other than ex-officio member) becomes vacant if he resigns, dies, is convicted of an offence involving dishonesty, fraud or moral turpitude, becomes insane, or his appointment is revoked by the Governor.]
16. [Non-members may be invited to attend meetings to give advice, and shall then have all the rights and privileges of members but may not vote.]
17. [The Commission may appoint committees of its members for the purpose of performing its functions, but decisions taken by such committees shall not be valid unless ratified by the Commission.]
18. (1) The Commission shall implement such policies and reforms only upon the express approval of the Governor who may issue directives regarding the implementation of Commission’s policies so as to ensure public security, law and order.
(2) The Governor may make regulations for carrying into effect any or all the provisions of this Law.
19. Subject to the provisions of this Law, the Commission may make standing orders for the purpose of regulating its proceedings.
20. (1) In any suit the Commission may at any stage of proceedings be represented in court by a State Counsel.
(2) For the purpose of this section “suit” includes action and/or any civil proceedings commenced by writ of summons or in such manner as may be prescribed by the Rules of Court but does not include criminal proceedings.
21. Service under the Commission shall unless the terms of appointment stipulate otherwise be deemed pensionable.

g. Kano State Sharia Commission: 2003-present

(1) The Sharia Commission Law 2003 as amended:⁵⁸

This law was one among several enacted under the new regime of Governor Ibrahim Shekarau, elected in 2003 and re-elected in 2007. In this section we give the law itself, followed by two views of how the Commission has performed under Shekarau.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE SHARIA COMMISSION IN THE STATE
AND FOR OTHER MATTERS CONNECTED THERETO

Arrangement of sections:

- | | |
|--|---------------------------------|
| 1. Citation and commencement. | 14. Finance and funding. |
| 2. Interpretation. | 15. Annual report. |
| 3. Establishment of Commission. | 16. Annual estimate. |
| 4. Functions of the Commission. | 17. Standing orders. |
| 5. Structure of the Commission. | 18. Meetings of the Commission. |
| 6. Members of the Commission. | 19. Quorum. |
| 7. Functions of the Chairman of the Commission. | 20. Validity of proceedings. |
| 8. Other staff of the Commission. | 21. Accounts and audit. |
| 9. Director-General of the Commission. | 22. Remuneration of members. |
| 10. Establishment of Local Government Sharia Councils. | 23. Pensions. |
| 11. Functions of Local Government Sharia Councils. | 24. Power to make regulations. |
| 12. Establishment of Village Sharia Committees. | 25. Repeal. |
| 13. Functions of Village Sharia Committees. | |

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

1. This Law may be cited as the Kano State Sharia Commission Law 2003 and shall come into force on 7th day of November, 2003.
2. In this Law, unless the context otherwise requires:
[definitions of “Commission”, “Chairman”, “Governor”, “State” omitted.]
3. (1) There is hereby established for the State a Commission to be known as the Kano State Sharia Commission.
(2) The Commission so established pursuant to subsection (1) of this section shall

⁵⁸ Original Sharia Commission Law signed into law on 7th November 2003, gazetted as No. 3 of 2003, Kano State of Nigeria Gazette No. 5, Vol. 35, 13th November, 2003 Supplement Part A pp. A7-A12. Amending law signed on 11 May 2004, gazetted as No. 6 of 2004, Kano State of Nigeria Gazette No. 6, Vol. 36, 16th June, 2004 Supplement Part A pp. A17-A18. The amending law (1) added the words “In consultation with the Kano State Emirate Council” to §4(v), (vii) and (viii), and deleted the former §4(vi), which read: “Collaborate with appropriate bodies on the management of mosques, construction and rehabilitation of new ones as well as appointment of IMAMS in consultation with the Emirate Council.”

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- be a body corporate with perpetual succession and a common seal, with power to sue and be sued in its corporate name.
- (3) The Commission shall hold, own and dispose of property movable and immovable and shall operate its own bank account.
4. The Commission shall have the following functions:
- i. promote, enhancement and development of Islamic social and cultural values in the State;
 - ii. sensitize 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, organize and administer effective machinery for Islamic propagation and necessary guidance of the general public in their day-to-day activities;
 - iv. initiate and implement policies that will sanitize business transactions in our markets and ensure orderly relationships among the general public in accordance with dictates of Islamic injunctions;
 - v. initiate, organize and conduct seminars and refresher courses for Juma'at imams, other categories of imams, opinion leaders, Qur'anic and *ilmu* malams in consultation with the Kano State Emirate Council;
 - vi. register, control, monitor and supervise activities of Islamic organizations in the State, including foreign-based Islamic groups with branches in the State in consultation with the Kano State Emirate Council;
 - vii. recommend and disburse capital and recurrent grants that may be given in aid to Islamiyya schools, Qur'anic schools, Islamic organizations and mosques in consultation with the Kano State Emirate Council;
 - viii. establish educational and cultural contracts with sister organizations on behalf of Government nationally and internationally;
 - ix. initiate policies to assist Government in realizing its set objectives on the implementation of social aspect of Sharia as well as promoting Qur'anic and Islamic education in the State.
5. The Commission shall, subject to the approval or the Governor, establish such number of departments as may be desirable for the smooth running of its activities.
6. (1) The following persons shall be the 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 Ministry of Education;
 - v. a representative of the Emirate Council;
 - vi. a representative of the Zakat and Hubusi Commission;
 - vii. a representative of the Hisbah Board;
 - viii. fourteen other persons of unquestionable character to be appointed by the Governor as part time members taking into consideration the geographical spread;
 - ix. the Director-General of the Commission who shall be the Secretary of the Commission; and

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- x. without prejudice to the foregoing, all members shall be of proven integrity.
- [Subsections (2)-(4): Appointed members to serve for four years and may be reappointed for one additional term; Governor may revoke appointment of member whose conduct is “unsatisfactory”, defined to mean missing three consecutive meetings without leave, bankruptcy, insanity, or gross misconduct.]
- 7. The Chairman of the Commission shall be the chief executive as well as the 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 the activities of the Sharia Councils and Committees at Local Government and Village levels; and
 - iv. any other responsibility assigned to him by the Commission.
 - 8. 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.
 - 9. There shall be appointed by the Governor a Director-General who shall be responsible to the Chairman in the general administration of the Commission.
 - 10. (1) There shall be established in all Local Government Areas in the State a Sharia Council on the recommendation of the Local Government Council.
(2) The Local Government Sharia Council shall have the following persons as members:
 - (a) one learned Islamic scholar residing in the Local Government as the Chairman;
 - (b) the District Head;
 - (c) the Chief Imam of the Local Government Area;
 - (d) representative of Local Government Council;
 - (e) three respectable persons who are residents of the Local Government Area on the recommendation of the Local Government Council;
 - (f) one representative of Hisbah Board;
 - (g) one representative of Sharia Commission.
 - 11. The Local Government Sharia Council shall perform the functions as stipulated in section 4 of this Law within the Local Government.
 - 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]⁵⁹ established pursuant to subsection (1) of this section shall have the following persons as members:
 - (a) a renowned Islamic scholar residing in the Village as Chairman;
 - (b) the Village Head;
 - (c) the most senior imam in the Village;
 - (d) representative of Local Government Council;
 - (e) one person of proven integrity;
 - (f) representative of Zakat and Hubusi Commission;
 - (g) representative of Hisbah Board; and

⁵⁹ In place of the bracketed language the original text has “There shall be”.

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- (h) a Secretary.
13. The Village Sharia Committee shall perform such functions as stipulated in section 4 of this Law within the Village.
 14. The funds of the Commission shall comprise of the following:
 - i. grant from the State Government;
 - ii. donations from groups or individuals; and
 - iii. money granted to the Commission from any other source.
 15. The Commission shall within three months after the expiration of each financial year prepare and submit to the Governor its annual activities for the preceding year and a statement of account of the Commission
 16. The Commission shall prepare and submit to the Governor its annual estimate and its establishment proposal.
 17. The Commission may make standing orders for the purpose of regulating its proceedings.
 18. [Chairman to preside at meetings, or in his absence the Permanent Commissioner I or II; Chairman has original and casting votes; Commission to meet at least once a month.]
 19. Nine members present at any meeting of the Commission shall form a quorum.
 20. 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 to do so has taken part in such proceedings.
 21. [Commission to keep proper accounts; accounts to be audited yearly by the Auditor-General of the State.]
 22. Members of the Commission shall be paid such remuneration/allowances as may be determined by the Governor.
 23. [Staff of the Commission entitled to pensions, gratuities and other retirement benefits under the Pensions Law; but a person may be appointed to any office on terms which preclude the grant of pension and gratuity in respect of that office.]
 24. The Governor shall have power to make regulations generally to give effect to any provision of this Law.
 25. The Islamic Education and Social Affairs Commission Law 2000 is hereby repealed.

(2) Two views of the work of the Sharia Commission under Governor Shekarau:

The two interviews reported here were conducted in Kano on 28-31 November, 2005, by Sama'ila A. Mohammed and Ahmed S.Garba. The reports are not verbatim records but reconstructions the same day from notes made during the interviews.

(a) Sheikh Abba Koki . Sheikh Koki is a well-known Kano scholar and imam. He was a member of the Sharia Commission until he recently resigned, along with his colleague Malam Abubakar Rijiyar Lemu; at the same time Sheikh Ja'afar Mahmoud Adam resigned from the Hisbah Board. They resigned their appointments in protest at what they see as the lack of seriousness on the part of the State Government in the implementation of Sharia. Some of the points Sheikh Koki made:

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- The government is still telling the people that they are preparing the ground for Sharia implementation. Delay tactics have killed Sharia implementation in Kano under Shekarau's regime.
- For instance, the laws against sale or consumption of liquor are still not being enforced. Up to now, licences for the sale of alcohol in Kano State have not been withdrawn. A serving Commissioner in this regime once said that they will not stop people from selling alcohol if the Government has not provided options for the sellers. Even Niger State is performing better than Kano in this area. Sayyidina Umar (Khalif) destroyed alcohol during his time. Why can't Kano do the same? Sabon Gari has gone back to its old ways. 90% of sellers are Christians but 95% of the consumers are Muslims. Most of the tables you see in Sabon Gari full with bottles and gourds are those of Muslims.
- Prostitution has gone up now, and all other immoralities. In the past, during Kwankwaso, prostitutes were chased away. Public office holders are now in the forefront of committing crimes, unlike Kwankwaso's regime when the officials were afraid.
- *Hisbah* is only being used as a complaint-receiving team.
- Sharia judges' remuneration is meagre. Some of them don't earn up to ₦20,000.00 per month. They are seriously neglected.
- The Governor is modernizing Sharia by claiming to copy from America particularly when it comes to *hadd* punishments which the Government abhors. [Referring presumably to the Governor's failure to give his assent to execution of sentences of amputation of hands for theft and the like.] Even the recent death sentence passed in the case of the raping to death of a young girl was nearly frustrated by the Attorney-General of the State. The parents of the girl were offered a lot of money by the State Government as *diyah* to withdraw the matter but the parents refused.
- Even the Sharia Commission could not be established till after nine months of the regime's inception. The Sharia Commission is being manned by weak people. Capable hands have been made irrelevant.
- Against the advice of the Sharia Commission, the Government went ahead to form yet another organisation for the implementation of Sharia, a Directorate called *A Daidaita Sabu*. No *ulama* in it; only Government bureaucrats. Now *A Daidaita Sabu* is wasting a lot of money that could be put to better uses. For instance, the use of sign boards by *A Daidaita Sabu* calling on people to stop begging is useless: how many of the *almajiris* can even read them?
- Partly because of *A Daidaita Sabu*, the Sharia Commission is badly funded. The Sharia Commission requested for ₦8 million to run their office but were refused. But *A Daidaita Sabu* was given ₦350 million as a take-up grant.
- Because of these inadequacies, three of us resigned from the programme (two from Sharia Commission and one from the Hisbah Board). The Government asked us to come back and serve but we refuse to go back because we want real Sharia and not pretence.

(b) Malam Mustapha Ramadan. Malam Ramadan is also a well-respected Kano-based preacher and imam. His liberalism and neutrality with respect to sectarian differences is well pronounced. On the withdrawal of Mal. Ja'afar Mahmoud Adam from the Hisbah Board and Mal. Abubakar Rijiyar Lemu and Mal. Abba Koki from the Sharia Commission, he said: These *ulama* are educated in Sharia but lack knowledge of governance and politics in the Western way. In short, they don't have Western education and so do not understand the constraints of implementing Sharia within the confines of the Nigerian constitution. They lack patience. They want Sharia to be implemented 100% and immediately and hate the gradual process embarked upon by the Mal. Ibrahim Shekarau's regime. To them, in the application of Sharia, there should be no boundary between State and Federal Government.

(3) From an essay by Ahmad Yahya:⁶⁰

"Through the Sharia Commission, government of Malam Shekarau purchased books worth one hundred million naira, which deal with many branches of Islamic studies and distributed them to Qur'anic and Islamiyya schools in Kano. The Sharia Commission has a Chairman, a Director General, two Commissioners and about 16 senior staff. Through this Commission the administration of Malam Ibrahim Shekarau purchased about 40,000 audio cassettes containing lectures from erudite scholars and distributed them to various government functionaries at both State and Local Government levels to enhance people's awareness on Sharia. About two meetings were held with 250 hotel owners in Kano to highlight them on the dictates of both the Qur'an and the Bible as per prostitution, gambling, adultery and wine drinking. Sharia Councils were established in all the 44 Local Governments in the State to ensure that the divine system is well understood from the grassroots. First of the month of *Al-Muharram*, which is the first month of the *Hijri* calendar, was declared a work-free day by the administration of Malam Ibrahim Shekarau. To ease life of its workers during Ramadan and the *Id-Ad-Hijab*, the government introduced the Ramadan bonus and the ram allowance respectively. These are 50% of a worker's basic salary.

"The government also donated a bus to each of the 45 Islamic missionary organizations in the state to ease the spread of Allah's word among the people. In addition to this they were given 8 video projectors, 12 sets of computers, 11 video cameras, 9 video recorders, 9 TV sets of 30 inches, 14 loud speakers and amplifiers, 500 copies of the Qur'an, 110 bundles of roofing sheets, cloth worth one million, one hundred thousand naira, and a cash contribution of six million, six hundred thousand naira. Consequently, about 7000 pagans and 492 Christians embraced Islam. About two million, eight hundred and thirty thousand naira was spent on providing them with cloth, medical and other assistance and in settling their rent fees. About 3 houses were

⁶⁰ "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 'Shari'ah': this has been changed to 'Sharia' for present purposes, and other minor grammatical adjustments have been made.

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purchased to accommodate those of them who were chased out by their families or masters because they converted to Islam, in order to educate them on the teaching of the faith and allow them to settle down and prepare for a fresh life.

“During the Yelwa Shendam crisis,^[61] the Sharia Commission donated 166 pieces of cloth, 9 bags of rice, 9 bags of beans, 5 bags of cassava flour, 7 jerry cans of cooking oil, four bags of table salt, two mudus of detergent, 15 dozen pairs of shoes, some drugs and a financial assistance of one hundred thousand naira. The Commission also settled about 200 disputes of various kinds. It also introduced a daily sermon delivered by scholars in all the ministerial and other parastatal's mosques. These are but few of the many achievements of the Sharia-based administration of Malam Ibrahim Shekarau, through this Commission.”

⁶¹ Yelwa Shendam crisis: a cycle of ethnic/religious violence the first half of 2004 in parts of Plateau State and subsequently in Kano, see Human Rights Watch, “Revenge in the Name of Religion: The Cycle of Violence in Plateau and Kano States”, <http://hrw.org/reports/2005/nigeria0505/nigeria0505text.pdf>.

7.

Katsina State

a. Katsina State Sharia Commission: 2000-present

(1) Katsina State Sharia Commission Law 2000 Annotated.⁶²

Katsina's Sharia Commission Law, signed into law on 20 April 2000 and coming into operation the same day, was the State's first piece of Sharia-related legislation. As §8 of the law makes clear, the Commission's main purpose, initially at least, was to advise the State Government on how to proceed with further and more substantive parts of the Sharia implementation programme, especially reform of the courts and of the Penal Code, to make them more Sharia compliant. That this process did not go as smoothly is indicated in the interview materials that follow the law, which is given next.

The Sharia Commission Law adopted by Niger State in 2001 is substantially identical to Katsina's, so instead of reproducing the same law once again in [Part II.9](#) below we have instead annotated it here, showing all changes made to Katsina's law by Niger State except immaterial differences of wording.

A LAW TO ESTABLISH SHARIA COMMISSION

Arrangement of sections:

- | | |
|-----------------------------------|---------------------------------|
| 1. Citation and commencement. | 9. Secretary to the Commission. |
| 2. Interpretation. | 10. Subcommittees. |
| 3. Establishment of a Commission. | 11. Chairman to preside. |
| 4. Composition. | 12. Protection of members. |
| 5. Terms of office of members. | 13. Validity of proceedings. |
| 6. Vacation of office. | 14. Standing orders. |
| 7. Remuneration. | 15. Staff of the Commission. |
| 8. Functions. | 16. General directives. |

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

1. This Law may be cited as the Katsina State Sharia Commission Law and shall come into operation on the 20th day of April, 2000.⁶³
2. In this Law:

[definitions of "Chairman", "Commission", "Government", "Governor", "member" and "State" omitted.]

ESTABLISHMENT AND COMPOSITION

3. There is hereby established in the State a Commission to be known as the Katsina State Sharia Commission.
4. (1) The Commission shall consist of:

⁶² Katsina State of Nigeria Gazette No. 4 Vol. 11, 27th July 2000, Supplement pp. A77-A80.

⁶³ Niger: of course calls its commission the Niger State Sharia Commission, and in general where this law has "Katsina" Niger's law has "Niger". Niger's law came into operation on 10th July 2001.

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- a. Grand Kadi as the Chairman;
 - b. Attorney-General;
 - c. a representative from Katsina Emirate Council who shall be versed in Islamic law;⁶⁴
 - d. a representative from Daura Emirate Council who shall be versed in Islamic law;
 - e. Director Law Reform Commission;⁶⁵
 - f. two⁶⁶ renowned Islamic scholars;
 - g. a lecturer in Islamic jurisprudence; and
 - h. two other persons who in the opinion of the Governor are persons of impeccable and unquestionable character.⁶⁷
- (2) Members other than ex-officio members shall be appointed by the Governor.⁶⁸
5. A member other than ex-officio member shall hold office for a period of four years and may be eligible for re-appointment for another period of four years.
6. [Appointed members may resign, and Governor may revoke an appointment if a member has been convicted of an offence involving or necessarily implying fraud or dishonesty, is incapacitated by physical or mental illness from performing his functions, or is otherwise unable or unfit to discharge his functions; vacancies may be filled by the Governor.]
7. Members shall be paid such remuneration as may be determined by the Governor.⁶⁹
8. The Commission shall be responsible for:
- a. studying the Penal Code Law with a view to advising Government on bringing it in conformity with all relevant rules and principles of Islamic law;⁷⁰
 - b. reviewing relevant laws, rules and regulations of Area Courts⁷¹ with a view to advise Government on reforms of the system to conform with Islamic law;
 - c. advising the Judicial Service Commission on the training and employment of relevant personnel for the courts established under the Sharia Courts Law;
 - d. advising the Government on the establishment and number of Sharia Courts to be set up for the State;
 - e. advising the Government on ways of creating conducive socio-economic environment for comprehensive implementation of reforms;
 - f. advising the Government on the implementation of certain Islamic

⁶⁴ Niger: in place of what are here subsections (c) and (d) has “a representative from each of the Emirate Councils in the State who shall be persons versed in Islamic knowledge”.

⁶⁵ Niger omits this subsection.

⁶⁶ Niger: “four”.

⁶⁷ Niger omits this subsection.

⁶⁸ Niger adds: “subject to confirmation by the State House of Assembly”.

⁶⁹ Niger adds: “subject to the approval by the State Assembly”.

⁷⁰ Niger omits this subsection.

⁷¹ Niger omits “rules and regulations of Area Courts”.

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CHAPTER 8: COUNCILS OF ULAMA AND RELATED BODIES

injunctions such as *zakat*, Islamic markets, measures and sighting of moon for purposes of fasting;⁷²

- g. any other function as may be conferred on it by any law made by the House of Assembly.
9. (1) There shall be appointed by the Governor a Secretary of the Commission who shall perform such administrative and other duties as may be directed by the Chairman.
- (2) The Secretary shall be a holder of LL.B. with bias in Islamic law and shall have not less than five years working experience.

MISCELLANEOUS PROVISIONS

10. [Commission may create subcommittees for the purpose of carrying its functions.]
11. [Chairman to preside at meetings or in absence a member nominated by other members shall preside.]
12. A member of the Commission or a committee established under this Law shall not be personally liable for any act or omission done or omitted to be done in good faith and in the course of the operation of the Commission or committee.⁷³
- * * [co-option of a member]⁷⁴
13. The validity of any proceedings of the Commission or of a committee established under this Law shall not be affected by any vacancy in the membership⁷⁵ or by any defect in the appointment of a member or by any reason that a person not entitled to do so took part in the proceedings.
- ** [quorum]⁷⁶
14. The Commission shall have powers to make standing orders to regulate its proceedings and such standing orders shall be in accordance with Islamic principles.
15. The Commission shall have powers subject to the approval of Governor to appoint such number of staff as may be necessary for the purposes of carrying out its functions.⁷⁷
16. The Governor may give to the Commission directives of a general nature for the discharge of the functions of the Commission and the Commission shall give effect to such directives.

⁷² Niger has “measures, etc.” instead of “measures and sighting of moon for purposes of fasting”.

⁷³ Niger adds: “as specified in the Law”.

⁷⁴ Niger inserts a section here which provides: “Where the Commission on any special occasion desires to obtain the advice of or require any special information from any person on any particular matter, such person may be co-opted as a member of a particular meeting save that the person so co-opted shall not be entitled to vote on any question.”

⁷⁵ Niger’s provision stops here and omits the rest of this section.

⁷⁶ Niger inserts a section here which provides: “The quorum for a meeting of the Commission shall be one third of the members of the Commission.”

⁷⁷ Niger adds: “as specified in the Law”.

(2) From the Katsina State Sharia Courts Law 2000:⁷⁸

The Katsina State Sharia Courts Law gives the Sharia Commission several different roles in the management of the State's Sharia Courts, as follows:

- | | | |
|-----|---|---|
| 2. | In this Law, unless the context otherwise requires:
[...]
“Commission” means the State Sharia Commission comprising of knowledgeable and experienced persons appointed by the Governor under this Law for guidance on the application of the Sharia law in the State; ⁷⁹
[...]
“Sharia Commission” means the Commission established by Katsina State Law No. 3 of 2000;
[...] | Interpretation |
| 9. | The Grand Kadi of the State shall in consultation with the State Sharia Commission, have power to make rules and regulations for the practice and procedure of the Sharia Courts.
Provided that the practice and procedure shall be as prescribed by and in strict compliance with Islamic law. | Practise and procedure |
| 12. | The appointment, dismissal and disciplinary control over Sharia Court alkalis and members referred to in this Law shall be exercised by the State Judicial Service Commission.
Provided that nothing in this section shall preclude the State Sharia Commission from advising on and recommending competent, qualified, fit and proper persons both in learning and character to be appointed. | Appointment and discipline
[of Sharia Court alkalis] |
| 31. | (1) All Sharia Courts shall be subject to the general supervision and control of the office of the Grand Kadi on the advice of the State Sharia Commission.
(2) Without prejudice to the generality of subsection (1), if it shall appear to the office of the Grand Kadi that:
(a) it is necessary for the purpose of securing, as far as possible, a fair and impartial trial; or
(b) it is expedient in the interest of justice generally, that a particular cause or matter which is within the jurisdiction of a Sharia Court should not be tried by the said Sharia Court having jurisdiction to do so, the Grand Kadi may order that such cause or matter be transferred to another Sharia Court. | Supervision and control
[of Sharia Courts] |

⁷⁸ Signed into law on 31 July 2000, gazetted as No. 5 of 2000, Supplement to Katsina State of Nigeria Gazette No. 5 Vol. 11, 10th August 2000, pp. A83-A95.

⁷⁹ It was evidently originally intended to create the Sharia Commission under the Sharia Courts Law, hence this definition. In the end the Sharia Commission was created under its own law, and the second definition given here was added to the Sharia Courts Law, forgetting to delete the first one.

(3) From interviews with members of the Sharia Commission and other Katsina State officials:

The following information is based on interviews conducted over several years with a number of Katsina State officials, to whom we are grateful for their kind cooperation.⁸⁰

- The Grand Kadi of the Sharia Court of Appeal also serves ex officio as the Chairman of the Sharia Commission. There is no separate official Council of Ulama in Katsina State, but some *ulama* are members of the Sharia Commission. Other *ulama* meet informally with the Grand Kadi and offer advice as they see fit. Sharia Court judges are advised to consult the *ulama* on a private basis should the need arise in particular cases.
- The Sharia Commission has been playing its statutory role in the appointment of judges of the Sharia Courts. For instance, when the Sharia Courts were first established the Sharia Commission managed the exercise in which Area Court judges and others wishing to become Sharia Court judges were screened. On the basis of its testing and interviewing the Sharia Commission made recommendations to the Judicial Service Commission about who should and should not be appointed. In fact only a small percentage of the Area Court judges were qualified, based on the screening exercise, to be judges of the Sharia Courts. As things developed, however, the screening exercise went nowhere: the Area Court judges threatened litigation, and the Chief Judge of the High Court, as head of the JSC, in the end brought all the Area Court judges into the new system as they were. Efforts have since been made, and are continuing, to try to bring up the level of competence of the judges in Sharia law and its sources.
- According to the Sharia Courts Law, the Sharia Courts are supposed to be under the supervision and control of the Grand Kadi and the Sharia Commission. But this has also not worked in Katsina State. Citing the constitutional role of the Judicial Service Commission in the appointment, dismissal, and discipline of all judicial staff, and his constitutional role as JSC Chairman, the Chief Judge of the High Court maintains that it would be unconstitutional to hand over supervision and control of the Sharia Courts to the Grand Kadi; so the Chief Judge is still in control. The Grand Kadi and the Sharia Commission disagree, but attempts to resolve the impasse have so far been fruitless.
- Another statutory role of the Sharia Commission is to advise Government on reforms of the legal system to conform with Islamic law. In this connection the

⁸⁰ 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. It has seemed better in this case to summarize the information from all these sources topic by topic, rather than summarizing each separate interview.

Commission had a role in the drafting of the Katsina State Sharia Penal Code, and is also participating in the ongoing work on the Sharia Criminal Procedure Code (which still has not been adopted in Katsina State). Recently (2008) the Sharia Commission got a letter from the Chief Judge of the High Court inviting input from the Grand Kadi and the Sharia Commission on the latest draft of the SCPC.

- The Sharia Courts have been imposing sentences of *hadd* and *qisas* on various convicts, but these have so far not been executed; the convicts are sitting in prison waiting for something to happen. Probably the new Sharia Criminal Procedure Code, when it is finally adopted, will require the Governor to consult with the Sharia Commission before he assents to execution of such sentences. In fact Governor Yar'Adua (as he then was) at one time was said to be compiling a list of such cases, that was to be sent to the Sharia Commission for further review and advice as to what to do, but the list never arrived at the Commission and nothing happened. So the prisoners are still there.
- The Sharia Commission had intended coming up with a policy on moon sighting, but later decided to abide by the position of the Emirate Council which is that Katsina State would abide by the decision on moon sighting as announced by the Sultan of Sokoto. This is to avoid confusion among the States.
- In Katsina no separate laws have been enacted by the House of Assembly on gambling, liquor, prostitution, and similar offences: all are felt to be provided for sufficiently in the Sharia Penal Code. Some Local Government Councils have also enacted bye-laws on these subjects.
- There is also no law on *zakat* in Katsina State. There is a Zakat Foundation. It is an independent and private body. Before the Zakat Foundation was established by the Government, the Sharia Commission and the Ministry of Religious Affairs both proposed a bill to establish the body through law. This bill was submitted to the House of Assembly for its consideration and possible enactment, but nothing was ever enacted. For further discussion see Chapter 9 Part II.7.
- There is also no official *hisbah* organisation in Katsina State. The *hisbah* in Katsina is a private body and is operating independently of the State Government and the Sharia Commission. For further discussion see Chapter 10 Part II.7.
- At some point the State Government became unhappy with the Sharia Commission, and in order to bring it under better control, created the Ministry of Religious Affairs, to which the Sharia Commission was subordinated. [Ed. note: this may have been sometime in 2001, after the incident of the Sharia Commission's ban on public musical performances, discussed below.] One informant said that "the Ministry of Religions Affairs is being used to destabilize the implementation of Sharia in the State. Particularly that the Governor subordinated the Sharia Commission under it. The function of the Religions Ministry is virtually the same with that of the Sharia Commission."⁸¹ Several other informants said things to similar effect.

⁸¹ Sheikh Yakubu Musa Kafanchan, leader of the Katsina *hisbah*, Katsina, 9th December 2005, interview with S.A. Mohammed and A.S. Garba.

- There is no Preaching Board in Katsina and no law on the subject. The Ministry of Religious Affairs is handling any problems that come up regarding preachers.

(4) The incident of the short-lived ban on musical performances:

This incident, in which the Katsina State Sharia Commission completely reversed itself within a short period of time, evidently under pressure from the State Government, has been described thus:

Initially, the government-appointed Katsina State Sharia Commission had banned public musical performances as un-Islamic. In fact, two court cases against musicians were reported in April 2001. In Funtua, Dauda Maroki and Gambo Maibishi, two traditional Hausa praise singers, were given ten strokes of the cane in public. In the second case, the renowned traditional Hausa musician Sirajo Asharalle was pardoned after he promised never to play at weddings again. In August 2001, however, the Sharia Commission lifted the ban on performing music. The commission directed “that singing and drumming [are] desirable at wedding, *Id* prayers and circumcision ceremonies, and [can] also take place during wars or while welcoming a fellow Muslim from a trip.”⁸²

Commenting on the foregoing, J.M. Nasir says in Chapter 3 of this work:⁸³

This episode seems to have involved some sort of *fatwa* issued by the Sharia Commission, somehow enforced by the courts, until the *fatwa* was completely reversed some time later. It would be interesting to know about the whole thing in more detail, including under what law the musicians were prosecuted. Some further explanation was gotten in 2005, in an interview with Sheikh Yakubu Musa Kafanchan, the founder of the *hisbah* movement in Katsina:

The issue of prohibiting dancing and traditional music in the State was one issue that generated a lot of controversy. The Governor does not in any way fall in any love with any attempt let alone by law to prohibit that in the State. During the weddings of his children, so many traditional dancers were invited. It was during that time that the then-Grand Kadi made a pronouncement in writing legitimising dance and music in the State. This Grand Kadi went to the extent of saying that any marriage celebrated without music and dance is incomplete, and invalid under Islam.⁸⁴

b. Katsina State Ministry of Religious Affairs: 2001(?)–present

The possible origin of the Katsina State Ministry of Religious Affairs in dissatisfaction on the part of the Government with the Sharia Commission has been discussed above.

⁸² Weimann, “Judicial Practice”, 260 (footnotes, citing to news reports of all the various incidents mentioned, omitted).

⁸³ J.M. Nasir, “Sharia Implementation and Female Muslims in Nigeria’s Sharia States”, Vol. III, 76-118, at 113-14.

⁸⁴ Quote from interview with Sheikh Yakubu Musa Kafanchan, Katsina, 9th December 2005, by S.A. Mohammed and A.S. Garba.

Exact information on the date of the creation of the Ministry was not obtained, but if it arose out of the incident of the short-lived ban on musical performances, then it was sometime in 2001.

Under the administration of Governor Yar'adua (1999-2007), the Deputy Governor doubled as the Commissioner in charge of the Ministry of Religious Affairs. Whether this has continued under the new administration elected in 2007 is not known. The Ministry also a Permanent Secretary.

A poster obtained from the Ministry in 2003, giving the "General Functions of the Ministry of Religious Affairs" in Arabic, Hausa and English, summarises its functions as follows (quoting the English):

- i. To supervise, coordinate and regulate religious activities in the State.
- ii. Promotion of religious understanding and harmony.
- iii. Coordinating and regulating of religious education institutions in the State.
- iv. Promoting religious education, research and development.
- v. To formulate State policies on destitutes and destitution in conjunction with the Ministry for Rural and Social Development and Women Affairs.
- vi. Formulating of State policies on control, discouraging, reducing and eventual eradication of *almajirai* syndrome and all forms of begging.
- vii. Formulating and enforcement of laws on issues relating to weights and measures and cruelty against animals.
- viii. Formulating of policies on *zakat* collection.
- ix. Liaise with Emirate Councils on religious matters, such as collection of *zakat*, sighting of moon, etc.
- x. To liaise with National Council/Association of religious bodies.
- xi. Liaise with Pilgrims Welfare Board in formulating policies on *hajj* operation.
- xii. Maintaining and coordinating of foreign and religious relief materials and aid to religious bodies.
- xiii. Any other assignment given by the Government.

In 2003 the Permanent Secretary of the Ministry said that:⁸⁵

- The Ministry has five departments, namely:
 - i. Enlightenment, under which are the following boards: Pilgrims, Rehabilitation and Emergency Relief, Islamic Education Bureau, and Christian Pilgrims Welfare Board. There is a Christian Coordinator, as two Christians were sponsored to perform the pilgrimage to Jerusalem this year.
 - ii. Social Institutions
 - iii. Finance and Accounts
 - iv. Administration and Supplies
 - v. Standards and Measures.

⁸⁵ Interview with Lawal J. Dan-Haire, Permanent Secretary in the Ministry of Religious Affairs, conducted in Katsina on 17th February 2003, by M.A.B. Gaiya, S.U. Fwatshak, and R. Awal.

So far only i, iii and iv are operational.

- The Ministry has made proposals to the House of Assembly to set up the following committees: Zakat (to collect and disburse *zakaat*); Moon-sighting (for uniform Ramadan festivals); Reconciliation (to restore traditional values of dispute settlement using traditional institutions instead of resort to courts); and Weights and Measures (to set standard weights and measures to be used in the markets).

In 2005, interviewees at the *hisbah* organisation in Katsina said that although the establishment of the Ministry of Religious Affairs must be seen as a step forward for Sharia implementation in the State, so far the Ministry has not done very much. It is the only Ministry without an appropriate office in the State Secretariat. It does not even look like a Ministry under the Katsina State government like other Ministries. Its only known public activity has been to conduct a session for the Governor and his staff. After that the Ministry and its activities have gone into oblivion. Whether this state of affairs is continuing under the new Government elected in 2007 is not known.

8.

Kebbi State

a. Kebbi State Religious Preaching Board: 1991-present

(1) The Religious Preaching and Establishment of Jumu'at Mosques Edict.

When Kebbi State was carved out of Sokoto State in 1991, it inherited Sokoto's Religious Preaching and Establishment of Jumu'at Mosques Edict 1986. For full details of Sokoto's Edict see [Part II.10](#) below. The Edict as applicable in Kebbi State was amended in 2004, to the following effects:⁸⁶

4. (1) The Board shall be composed of the following members to be appointed by the Governor:
- (a) Chairman;
 - (b) seven malams of proven integrity and piety to be selected from the Federal constituencies of the State;
 - (c) two persons of proven Islamic piety;
 - (d) Director Da'awah.
- [...]
5. The functions of the Board shall be:
- (1) to conduct examinations for preachers and set standards for qualification to become a preacher;
 - (2) to compile and approve applications for preaching, *tafsir* and public places [sic] including television and radio stations;
 - (3) to screen applications for establishment of *Jumu'at* mosques or licences to preach or conduct *tafsir* under this Law;
 - (4) to recommend to the Emirate Councils applications for establishment of a *Jumu'at* mosque for approval;
 - (5) to issue certificate of registration of *Jumu'at* mosques or preaching or *tafsir* licence;
 - (6) to suspend, withdraw or revoke certificate of *Jumu'at* mosque or preaching or *tafsir* licence and inform the Emirate Councils and other relevant bodies;
 - (7) to settle disputes between religious sects;
 - (8) to co-opt any person the Board deems necessary to attend any meeting of the Board;
 - (9) to do anything necessary or incidental to the carrying into effect the provisions of this Law.

⁸⁶ The details which follow here and in the next subsection about the Kebbi State Religious Preaching Board were generously supplied by Muhammad J. Abubakar, a Staff Officer of the Board. Unfortunately it was not possible to obtain a copy of the law itself as amended.

(2) Further details about the Religious Preaching Board:⁸⁷

1. The Board was established with a view to controlling and regulating religious practice. Some of the objectives of the Board include:

- (a) to conduct examinations and set standards for intending religious preachers and Qur'anic commentators;
- (b) to recommend to the Emirate Councils the establishment and suspension or cancellation of *Jumu'at* mosque permits;
- (c) to study and advise the State Government and the Emirate Councils on matters affecting religious ethics and traditions for promoting and controlling religious practices;
- (d) to evolve ways and means of defusing and resolving religious crises in the State;
- (e) to examine all religious literature before dispersion of it for public consumption;
- (f) to remind the State Government on the implementation of the Sharia legal system as a peaceful and amicable way of solving human beings' problems as a way of life, as the living goes on;
- (g) the Religious Preaching Board above all plays a very essential and prominent role in bringing about peaceful co-existence between Muslims/Muslims and Muslims/Christians alike respectively.

2. Schedule of duty for Preaching Inspectors:

- (a) assignment includes all types of coordination of religious activities in the Local Governments;
- (b) facilitating and maintaining a close and amicable Government relationship among the *ulama* and the preachers within the Local Government and the Emirate;
- (c) reporting issues requiring immediate Board's or Government attention;
- (d) people in the Emirate and the Local Government are free to liaise with him for any useful discussions for the upliftment of the religion of Islam;
- (e) with the assistance and consent of the Local Government and Emirate Council, he should arrange and conduct public discussions in the form of workshops, seminars etc. to unveil or further explain any going religious topic which is of great importance to the public.
- (f) the Emirate Council or the Local Government could also assign him to any ad hoc duty of use to the people relevant to his assignment or otherwise.

3. In addition to the Board Members and the Executive Secretary, the staff of the Board includes: (a) a Staff Officer; (b) a Director Finance and Supply; (c) clerks, typists, drivers, messengers, cleaners, and watchmen; and (d) Preaching Inspectors for each of Gwandu, Argungu, Yauri and Zuru Emirates.

⁸⁷ See previous footnote.

(2) Role of the Religious Preaching Board in the administration of the Sharia Courts:

In addition to its duties as given above, the Preaching Board also has the roles to play in the administration of the Sharia Courts, as laid down in the following provisions of the Kebbi State Sharia (Administration of Justice) Law 2000:⁸⁸

6. Appointment of a person to the office of a judge of the Upper Sharia Court or Sharia Court, respectively, shall be made by the Judicial Service Commission on the recommendation of the Grand Kadi after due consultation with the Preaching Board Members.
- [...]
29. The Grand Kadi may make rules for any or all of the following after due consultation with Preaching Board Members:
- (a) prescribing and providing for:
 - (i) the maximum fees which may be charged
 - (a) in Sharia Courts of first instance and appeal;
 - (b) for appeals from such Sharia Courts;
 - (ii) reduction of such maximum fees;
 - (iii) the remission in whole or in part of any maximum fees;
 - (b) the practice and procedure of the Sharia Courts in their original jurisdiction, on review and on appeal; and
 - (c) generally for the carrying into effect the provisions of this Law.

b. Kebbi State Sharia Implementation Committee: 1999-present

In October 1999 the Governor of Kebbi State constituted a Committee on the Implementation of Sharia, charged to advise the Government “on how best to entrench Sharia in the State legal system.” That committee submitted its report early in 2000,⁸⁹ to which the Government reacted in a White Paper issued in June 2000.⁹⁰ In August 2000 the Governor then appointed a second Committee for the Implementation of Sharia, charged:

- a) To prepare appropriate ground for the immediate take-off of the Sharia legal system in the State;
- b) To identify and provide court buildings and other necessary facilities for the Sharia Court in each of the Local Government Headquarters and District Headquarters in the State;

⁸⁸ Signed into law on 1st August 2000, gazetted as No. 3 of 2000, Kebbi State of Nigeria Gazette No. 1 of 2001 Vol. 1, pp. 59-68.

⁸⁹ http://www.sharia-in-afric-a.net/media/publications/sharia-implementation-in-northern-nigeria/vol_2_9_chapter_2_supp_kebbi_pre.pdf.

⁹⁰ See Chapter 2, 177-191.

- c) To select suitably qualified candidates for appointment as judges of the Sharia Courts and make recommendations to the Judicial Service Commission for their appointment;
- d) To organise, in collaboration with the Islamic Preaching Board and the *ulama*, public enlightenment campaigns on the Sharia and its purport;
- e) To recommend any other thing necessary or incidental towards the successful implementation of the Sharia legal system in the State.⁹¹

At the close of the report it submitted to the Governor in January 2001 this second Sharia Implementation Committee said that “The Committee is working towards providing other relevant suggestions and recommendations for improving the nascent Sharia programme in the State *insha* Allah.”⁹² This implies a continued existence for the Committee, and indeed, in March 2008 the Sharia Implementation Committee was still in existence, headed by Hon. Justice Tukur Sani Argungu of the Sharia Court of Appeal; the Committee answers to the Governor through the Office of Special Adviser on Religious Matters, see below. It appears however that the Committee has been inactive for some time, its functions having been taken over by other bodies.

**c. Office of Special Adviser to the Kebbi State Governor on Religious Matters:
2000-present**

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:⁹³

A Fatwa Committee/*Majlis As-Shura*, comprising very learned Islamic scholars should be established to examine new issues brought about by changing times and circumstances – issues which have not been treated in the existing Maliki School books – and come up with their findings.

Government should create a department to harmonise activities of such Islamic institutions as Preaching Board, Zakat Institute, Fatwa Committee, Pilgrims Board, etc.

In its White Paper on the report of the Sharia Implementation Committee the Government reacted to these recommendations as follows:⁹⁴

Government notes the above recommendation. However, in view of the importance Government attaches to the implementation of Sharia law in the State, Government finds it appropriate to establish a Ministry for Religious Affairs to harmonise and coordinate the activities of Islamic boards, organisations, institutions, etc.

⁹¹ Chapter 2, 197.

⁹² Chapter 2, 214.

⁹³ http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria/vol_2_9_chapter_2_supp_kebbi_pre.pdf, p. 15.

⁹⁴ Chapter 2, 189.

Thus the Government merely noted the recommendation to create an official Fatwa Committee/*Majlis As-Shura*, and no such body has in fact been created: Kebbi State's Council of Ulama remains an NGO. As to the Ministry for Religious Affairs the Government said it would create, what Government did instead was to create, within the Governor's Office, an Office of Special Adviser to the Governor on Religious Matters.

The Office of Special Adviser is headed by the Special Adviser, who is appointed by and reports directly to the Governor.⁹⁵ The Office has four Departments, each headed by a Director: Da'awah, Sharia, Personnel Management, and Finance. The schedule of duties of the Director of the Department of Da'awah is as follows:

SCHEDULE OF DUTY FOR DIRECTOR DA'AWAH
DEPARTMENT OF RELIGIOUS AFFAIRS

Your schedule of duty is as follows:

- 1) Coordinate all *da'awah* activities in the State as well as enlightening the general public on the activities and/or policies of the State Government with respect to its Sharia programme.
- 2) Organise workshops, seminars and training sessions for any category of people to whom such enlightenment approach is effective.
- 3) Arrange *da'awah* trips to non-Muslim areas and take care of converts and their religious needs.
- 4) Planning the Department's activities.
- 5) Study of publications (books, magazines and pamphlets), write-ups, public speeches in audio/video cassettes that may be passed to the Adviser for perusal, comments and advice.
- 6) Ensure execution of all planned programmes of Departments through regular inspection and consultation.
- 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).
- 8) Channel Government assistance to those in need and ensure that such requests are genuine and that the help has reached the rightful persons/projects.

The reader will observe Paragraph 7): the named Boards all answer to the Governor through the Director Da'awah and the Special Adviser. Other "parastatals with bias in Islamic issues" which also do so are the Sharia Implementation Committee and the State Hisbah Command.

⁹⁵ The information given in the remainder of this section was supplied by the following persons who kindly agreed to be interviewed by P. Ostien and A.S. Garba in Birnin Kebbi on 13 March 2008: 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.

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The Director of the Department of Sharia is directly responsible for the work of the *hisbah* groups, as his schedule of duties indicates:

SCHEDULE OF DUTY FOR DIRECTOR SHARIA
DEPARTMENT [OF RELIGIOUS AFFAIRS]

- 1) Monitoring Sharia observance by the public.
- 2) Co-ordinating *hisbah* groups all over the State.
- 3) Monitoring other illegal activities such as prostitution, gambling, liquor consumption and trade, stealing [and] other related vices.
- 4) Encouraging the use of proper weights and measures and advising against excesses in market transactions.
- 5) Ensure that those caught breaking the law are properly prosecuted.
- 6) Planning the Department's activities.
- 7) Evaluating public response to Sharia implementation and drawing plans for improvement.

For more on *hisbah* in Kebbi State see Chapter 10 Part II.8.

9.

Niger State**a. Niger State Islamic Religious Preaching Board: 1979-present**(1) The Islamic Religious Preaching Edict, 1985:

Niger State's first law on this subject was the Islamic Religious Preaching Edict, 1979; this was repealed and replaced by the Islamic Religious Preaching Edict 1985, which is still the law, see Cap. 63, Laws of Niger State 1989. Unfortunately no copy of the 1979 Edict was obtained. We give the 1985 Edict here. It is notable that Niger State, unlike others, has included in its Islamic Religious Preaching Law provisions requiring the licensing of malams and the registration of Islamic schools and the regulation their movement; in other States such provisions, if enacted at all, are in separate laws.

AN EDICT TO REGULATE ISLAMIC PREACHING IN NIGER STATE

Arrangement of sections:

- | | |
|---|---|
| 1. Title and commencement. | 15. Registration of Islamic religious organisations, etc. |
| 2. Interpretation. | 16. Prohibition of preachings etc. without licence. |
| 3. Establishment of the Board. | 17. [Exceptions.] |
| 4. Tenure. | 18. Registration of schools, prohibition on migration, etc. |
| 5. Meetings. | 19. General licence to hold ad hoc schools, etc. |
| 6. Quorum. | 20. Withdrawal of licence by the Board. |
| 7. Vacation of office. | 21. Inspections by police or any person authorised. |
| 8. Functions. | 22. [Requirement to produce licence.] |
| 9. Advisory Committee. | 23. [Offences and penalties.] |
| 10. Composition of Committee. | 24. Power to make regulations, etc. |
| 11. Tenure of office of members of Committee. | 25. Repeal. |
| 12. Meetings of the Committee. | |
| 13. Quorum. | |
| 14. Vacation of office. | |

1. This Edict may be cited as the Islamic Religious Preaching Edict.
2. In this Edict, unless the context otherwise requires:
 - “Islamic school” means any school or institution established for the purpose of teaching Koranic injunctions or for conducting courses in Islamic religious matters and includes traditional Koranic schools and community Islamic schools;
 - “*Id*” means the annual congregational prayers of *Id-el-Fitr* and *Id-el-Kabir*;
 - “*Jumu'at*” means Friday congregational prayers;
 - “mallam” means any person versed in the knowledge of the Koran and Islamic teachings and who strives to live in accordance with the norms of Islam;
 - “mosque” means any enclosed place, building or premises devoted to Islamic religious prayers and includes an open space set apart for the performance of prayer or other Islamic religious devotions;

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- “person” means a person of Islamic faith and includes a religious organisation;
“religious organisation” means an Islamic religious organisation by whatever name called and includes sects;
[definitions of “Board”, “Committee”, “Emirate Council”, “licence”, “Governor”, “permit”, “public place”, “special permit” and “State” omitted.]
3. (1) There shall be established in the State a body to be known as the Islamic Religious Preachings Board.
 - (2) The Board shall be composed of the following members:
 - (a) a Chairman, to be appointed by the Governor, who shall be a person of unimpeachable character and unquestionable integrity and well versed in Islamic religious matters and reputed to be strictly adhering to Islamic religious teachings;
 - (b) one person learned in Islamic religious matters to represent each Emirate Council;
 - (c) one person each to represent the Ministry of:
 - (i) Education;
 - (ii) Health and Social Welfare;
 - (iii) Justice; and
 - (iv) Information, Youth, Sports and Culture.
 - (d) two other persons learned in Islamic religious matters to be appointed by the Governor.
 - (3) The Cabinet Office shall provide a Secretary for the Board.
 4. [Tenure of appointed Board members three years; may be reappointed twice at most.]
 5. [Chairman to preside at Board meetings, or if he is absent, any other member; Chairman to have second (casting) vote.]
 6. [Quorum for Board meetings is eight members.]
 7. [Office of a Board member becomes vacant if tenure completed, he resigns, he fails to attend three consecutive meetings, he is adjudged bankrupt, he is found insane, or the Governor revokes the appointment.]
 8. The functions of the Board shall be:
 - (a) to determine and regulate the qualification, competence and sincerity of any person to become an Islamic religious preacher or mallam;
 - (b) to conduct examinations and set standards for any person desirous of becoming an Islamic religious preacher or a mallam;
 - (c) to issue licence and certificate to qualified Islamic religious preachers and mallams;
 - (d) to exercise control over the movement of Islamic religious preachers and mallams;
 - (e) to register all Islamic religious organisations in the State;
 - (f) to prescribe terms and conditions on licences and certificates;
 - (g) to regulate and determine the types of Islamic religious poetry or songs to be approved for public consumption and dissemination in public places of worship;
 - (h) to render advice to the Emirate Councils on Islamic religious matters.
 9. Subject to the provisions of this Edict, there shall also be established in each Emirate an Islamic Religious Advisory Committee whose duties shall be:
 - (a) to render help and make recommendations to the Board when required, on

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- matters relating to the functions of the Board; and
- (b) to be responsible for forwarding applications from persons applying to be Islamic religious preachers or mallams.
10. (1) The Committee shall be composed of the following members:
- (a) a Chairman, to be appointed by the Emirate Council, who shall be a person of good repute and well versed in Islamic religious matters;
 - (b) all District Heads who are Muslims within the Emirate;
 - (c) one respectable mallam from each District within the Emirate.
- (2) The Emirate Council shall provide a Secretary for the Committee.
11. [Tenure of appointed Committee members three years; may be reappointed twice at most.]
12. [Chairman to preside at Committee meetings, or if he is absent, any other member; Chairman to have second (casting) vote.]
13. [Quorum is two-thirds of all Committee members.]
14. [Office of a Committee member becomes vacant if tenure completed, he resigns, he fails to attend three consecutive meetings, he is adjudged bankrupt, he is found insane, or the Emirate Council revokes the appointment.]
15. (1) No person or any group of persons shall operate, manage or assist in the management of any Islamic religious organisation except where such organisation is registered with the Board and a certificate is issued to that effect in accordance with the provisions of this Edict.
- (2) Any application for the issue of certificate under this section shall be made to the Board and shall be made in such form and manner, and shall contain, or be accompanied by, such information, documents, samples and other materials as may be prescribed.
- (3) No religious organisation shall use or permit the use of any uniform, emblem or insignia except with the approval of the Board.
- (4) Any person who contravenes or fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of ₦1,000.00 or to imprisonment for three years.
16. (1) Subject to section 17 of this Edict, no person shall conduct Islamic religious preachings in a public place and no mallam shall teach in any Islamic school except with a licence issued for that purpose in accordance with the provisions of this Edict.
- (2) Any application for the issue of a licence under this section shall be made in the prescribed form and shall be submitted to the Committee in the Emirate within which the applicant resides.
- (3) The Committee shall forward the application to the Board who may issue a licence to the applicant if it is satisfied that:
- (a) the applicant has the qualification and experience to preach and teach Koranic injunctions and other Islamic religious instructions;
 - (b) the applicant is of good character; and
 - (c) the applicant is capable of complying with the terms and conditions prescribed on the licence.
- (4) All Islamic religious preachings in public places shall be conducted in a calm and orderly manner and no person shall preach in a public place without first obtaining a permit, granted and signed by the Sole Administrator of the Local Government concerned or by any other person authorised by him.

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- (5) Notwithstanding the provisions of subsections (1) and (4) of this section, the Board may on application from any person, issue a special permit authorising the person specified therein to preach in any place and at any time subject to the term and conditions prescribed in such special permit.
 - (6) In this section, a “public place” shall include a mosque, an Islamic school or any educational institution.
17. The provisions of section 16 of this Edict shall not apply to:
 - (a) preachings or sermons conducted by an imam during *Jumu'at* or *Id* congregational prayers;
 - (b) a translation by any person, in whatever language, of a sermon delivered or to be delivered by an imam during *Jumu'at* or *Id* congregational prayers; and
 - (c) organised programmes designed for general public enlightenment delivered over radio or television.
18.
 - (1) Subject to section 19 of this Edict, any person who desires to establish an Islamic school shall submit an application for a certificate of registration to the Committee of the Emirate within which the school is located.
 - (2) Any application for a certificate of registration under this section shall be made in such form and manner, and shall contain or be accompanied by, such information, documents, samples and other materials as may be prescribed.
 - (3) The Committee shall forward the said application to the Board who may issue a certificate of registration to the applicant if it is satisfied that:
 - (a) the applicant has the qualification and experience to organise and conduct courses in Islamic religious matters;
 - (b) the applicant is of good character; and
 - (c) the applicant is capable of complying with the terms and conditions prescribed in the certificate.
 - (4) No mallam shall migrate with his students from the Emirate within which the school is registered unless with the approval of the Board.
 - (5) The provisions of subsection (4) shall apply in the case of migration within the Emirate of registration or from Emirate of registration to another Emirate and shall also apply to migration from the State to another State.
19. Notwithstanding the provisions of section 18 of this Edict, the Board may issue to any person, general licence to establish ad hoc Islamic schools for the sole purpose of conducting courses of temporary nature in Islamic religious matters, and such general licence shall specify the time and place where such courses may be organised.
20.
 - (1) If it appears to the Board that any person issued with licence to preach or with a certificate to operate an Islamic school, is for any reason unable or unsuitable to continue as such preacher or mallam, the Board may at any stage withdraw his licence or certificate after giving the holder of the licence or certificate a fair hearing.
 - (2) The Board shall give notice in writing of any such change to the Emirate Council concerned and to the holder of the licence or certificate.
21. [Police officers upon reasonable suspicion that an offence under this Edict has been or is about to be committed, and persons authorised by the Board or a Committee, may enter venues of preachings and schools, inspect books, documents and materials, and seize anything deemed relevant to further investigation.]
22. Any police officer or any person authorised by the Board or [a] Committee may at any

time order the holder of a licence or certificate to produce his licence or certificate for inspection and the holder shall comply with such an order.

23. Any person:
- (a) who preaches or teaches without a licence issued by the Board; or
 - (b) who operates, manages or assists in the operation or management of an Islamic school without a certificate issued by the Board; or
 - (c) who, if licensed to preach or teach, preaches or teaches in contravention of the conditions contained in the licence; or
 - (d) fails to comply with any other provisions of this Edict or any other terms and conditions prescribed on [a] certificate or order [issued] pursuant to this Edict; or
 - (e) publicly insults or seeks to excite contempt of any person or religious organisation in such manner as to be likely to lead to disorder or breach of the peace,
- is guilty of an offence and is liable on conviction for a first offence to a fine of N500.00 or imprisonment for two years and for a second offence is liable to imprisonment for three years and in addition the court may suspend his licence or certificate.
24. [The Board with the approval of the Governor may make regulations giving effect to the provisions of this Edict.]
25. This Edict repeals the Islamic Religious Preaching Edict, 1979.

(2) From an interview with Sheikh Ahmed Lemu, on the drafting of the 1985 Preaching Board Edict:⁹⁶

In 1984 Sheikh Lemu was serving as the Grand Kadi of Niger State. There was a religious crisis in Kontagora: Izala vs. the *tariqas*. David Mark was the Military Governor of Niger State at the time. Military intelligence and the police were both giving Mark information about the crisis, and it was conflicting. So Governor Marked called Sheikh Lemu, who was neither Izala nor *tariqa*, and sent him to find out what was happening. Lemu went, investigated, and made his report. Lemu [today] summarizes the causes of the problems they were having as (1) ignorance of Islam, (2) selfishness of the leaders of the various groups, each wanting to be big in the eyes of the government, and (3) money. Anyway, the result was the new Islamic Preaching Board Law. A drafting committee was established of which Lemu was chairman. They borrowed from other similar laws already on the books – all enacted after Independence, in fact all after 1966, all promulgated as Edicts by Military Governors. The new Board's purpose was to forestall clashes by regulating and monitoring what you preach and how you preach it. The Emirate Councils were involved. There are criminal provisions in the law and if you violated them you might be prosecuted. Sheikh Lemu doesn't think anyone ever was.

The Niger State Preaching Board is not functioning now (2008), although the law is still on the books. Why? Well, the law describes the characteristics of the person who should be chairman. Sheikh Lemu qualified, and was an obvious candidate for Chairman of the Board. But one of the Emirs thought an Emir should be Chairman. There was a

⁹⁶ Interview on 28th February 2008 in Minna by P. Ostien.

meeting about this, and in the end Governor Mark appointed an Emir; Lemu was put on the Board as a regular member. The Board went into operation, issued certificates to preachers etc. But the Board died little by little: successive Emirs as chairmen didn't do much, there was never a secretariat, etc. So now the Board is in a coma.

(3) Involvement of the Sharia Commission in the regulation of preaching:

Niger State's Sharia Commission was established in 2001, see section **b** below. The documentation on it suggests its involvement in the regulation of preaching as follows:

(a) The Sharia Commission Plan of Activities: Attention is drawn to the Niger State Sharia Commission Plan of Activities in subsection **b.(3)** below. A "Subcommittee on Mosques, Imams and Preachers" is proposed; in the section on "Duties and Responsibilities of Each Committee" its proposed responsibilities are given as follows:

Subcommittee on Mosques, Imams and Preachers: The committee should be responsible for monitoring change in prayer timing and ensure the observance of prayers by the public at stipulated times and help to curtail the excesses of preachers in *Jumu'at* mosques and open space preachings.

Whether any such subcommittee has ever been established within the Sharia Commission is not known.

(b) From an interview with Alhaji Muhammed Isa, uniformed member of the *hisbah* unit of the Sharia Commission:⁹⁷ Summarising the functions of the *hisbah* unit, Alh. Isa included the following:

- (v) Attend and censor preaching. The *hisbah* ensure that preachers keep within the text and do not go outside it to abuse others or stir up rebellion. Any preacher who abuses others is cautioned by the *hisbah* to desist.

b. Niger State Sharia Commission: 2001-present

(1) Niger State Sharia Commission Law 2000:⁹⁸

Niger State's Sharia Commission Law, coming into operation on 10th July 2001, is virtually identical to Katsina State's, reproduced in [Part II.7](#) above. All material variations between Niger's law and Katsina's are given in footnotes to Katsina's law.

(2) From Niger State's Sharia (Administration of Justice) Law 2002:

Under the Sharia (Administration of Justice) Law enacted in 2002,⁹⁹ Niger State's Sharia Commission is given a role in the administration of the State's Sharia Courts, as follows:

⁹⁷ Interviewed in Minna on 29th November 2005, by S.U. Fwatshak and S.H. Liman. The full report of the interview is given in Chapter 10 Part II.9.

⁹⁸ Niger State of Nigeria Gazette No. 9 Vol. 26, 3rd September 2001, Supplement Part B pp. B34-B38.

⁹⁹ Signed into law on 13th November 2002, no gazetted copy available, copy as signed by the Governor in the possession of the editor. Note the similarity to §§6 and 29 of Kebbi State's Sharia (Administration of Justice) Law 2000, reproduced in [Part 8.a above](#); Niger's law was substantially copied from Kebbi's.

6. Appointment of a person to the office of a judge of the Upper Sharia Court or Sharia Court, respectively, shall be made by the Judicial Service Commission on the recommendation of the Grand Kadi after due consultation with the Sharia Commission and the State Advisory Council of Ulama. Appointment of judges of Sharia Courts
- [...]
29. The Grand Kadi may make rules for any or all of the following after due consultation with the Sharia Commission and the State Advisory Council of Ulama: Power of the Grand Kadi to make rules
 - (a) prescribing and providing for:
 - (i) the maximum fees which may be charged:
 - (a) in Sharia Courts of first instance and appeal;
 - (b) for appeals from such Sharia Courts;
 - (ii) reduction of such maximum fees;
 - (iii) the remission in whole or in part of any maximum fees;
 - (b) the practice and procedure of the Sharia Courts in their original jurisdiction, on review and on appeal; and
 - (c) generally for the carrying into effect the provisions of this Law.

(3) Sharia Commission Plan of Activities (2001):

A lengthy text, entitled “Niger State Sharia Commission Plan of Activities on Implementation and Monitoring”, prepared by Musa Isah Lapai, Secretary of the Commission, was generously provided by the Secretary to researchers for this project. The text is undated, but was evidently prepared sometime in 2001. The text 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>.

(4) From an interview with Musa Isah Lapai, Secretary of the Sharia Commission:¹⁰⁰

The Sharia Commission is established by statute. Structure: Chairman, Secretary and Members. Members are nominated from the State’s eight Emirates. Headquarters staff are civil servants.

The staff are divided into three units: (i) Da’awah; (ii) Hisbah; and (iii) Administration.

(i) Da’awah Unit:

- Present in all the Emirates.
- Composed of Director, Deputy Director and 96 workers. All are on allowances only. The Director and his Deputy hold degrees in Islamic

¹⁰⁰ Interview conducted in Minna on 29th November 2005, by S.U. Fwatshak and S.H. Liman.

Studies and have good working experience. The 96 workers are chosen based on their experiences and communication skills.

- Functions: Educate and enlighten Muslims on correct mode of worship, the need for peaceful coexistence with non-Muslims.
- Methods: Open preaching, seminars, workshops, and one to one discussion. For the seminars and workshops, Muslim and Christian clerics are selected to give lectures to their members. Venues for such include Abubakar Abdulsalam Youth Centre, U. K. Bello Arts Theatre. Secretary said he sometimes attends Church functions. This was confirmed when while this interview was going on a Rev. Sister called to inform him of a Church program slated for this evening and he promised to be there "God willing." To facilitate the unit's functions, motorcycles, vehicles and other facilities are given to the unit to ease movement.

(ii) Hisbah Unit:

- Composed of Director, Deputy Director and 20 uniformed members. All claim allowances only. The Director is a degree holder in Islamic Studies, the Deputy Director holds a Diploma also in Islamic Studies.
- Since inception the membership has remained at 20, because the aim of the unit is not punitive but corrective, for enlightenment, and to warn wrongdoers to desist. E.g. if a trader is using the wrong measure/weight, on sighting the *hisbah*, he/she would change to the correct one.

(iii) Administration Unit:

- Also has a Director and a Deputy Director and about 7 staff. All only claim allowances. Director holds a degree in Public Administration, the Deputy holds a HND. Among the staff are one accountant and a cashier.
- Deals with staff issues, allowances and record keeping among others.

None of the 3 units is established by law. However, the Sharia Commission Law empowers the Commission to bring in people incidental to the success of implementation of the Sharia. On that basis, the Commission wrote to the Ministry of Justice requesting to interview people for the above positions. The ministry consented and gave the Commission guidelines on how to conduct the interviews.

There is no Ministry or Bureau for Islamic/Religious matters in Niger State.

Assessment of Sharia implementation in the state so far:

- Sharia has improved the economy and life standard. Before Sharia many people used to squander their salaries and did not take care of their families. Now many women have come back to thank the Commission for implementing Sharia such that their husbands take their responsibilities seriously.
- Cheating in the marketplace by traders has reduced. The use of wrong weights and measures has declined because of the fear of the *hisbah*. This has benefited all in society because not only Muslims go to the markets.
- Public officials do their work now with the fear of God.

- Muslims and Christians are more enlightened about their religions through the activities of the Da'awah Unit of the Sharia Commission.

c. Niger State Advisory Council of Ulama: 2001-present

- (1) Speech of Governor Kure inaugurating the Niger State Advisory Council of Ulama:¹⁰¹

Last year when we began to expand the scope of Islamic law in Niger State many people did not understand our approach. Criticisms, some valid, were levelled against our actions. Meanings were read into whatever explanations we sought to offer for our decisions. I am happy that today our approach is bearing fruition.

2. Some few days ago, we signed into law the Zakat Endowment Collection and Distribution Board Law,¹⁰² and the Sharia Commission Law. We have commenced consultation on the membership for the two bodies.

3. The Zakat Collection, Distribution and Endowment Board has a chairman, treasurer, assistant treasurer, executive secretary and directors for finance and administration, collection, distribution, and endowment. The reasons behind the enactment of this piece of legislation are known better by you than us. I will however mention just a few praying that you will not find them boring.

4. *Zakat* like *iman*, *salat*, fasting and *hajj* is a pillar in Islam. It is however one pillar that is often neglected to our detriment. We are of the conviction that the proper administration of this law would eliminate several problems we are today experiencing. It is therefore our prayer that you will in mosques, schools and every forum continue to enlighten our Muslim brethren on the need to give out zakat and the benefits derivable in doing so.

5. The Sharia Commission would be the body you will continue to work with. It is headed by the Grand Kadi, and has the Attorney-General, representatives from each of the Emirate Councils in the State who must be learned in Islamic law, four renowned Islamic scholars and a lecturer in Islamic jurisprudence as members. Nomination of members other than ex officio has already commenced and in due course the list would be submitted to the legislature for its approval.

6. The Sharia Commission in consultation with your Council is the body that will monitor the application of Sharia in the State. The Commission will also render advisory functions as appropriate in addition to such other functions as the House of Assembly may confer on it.

7. I have been informed by the Attorney-General that he had submitted to your Council our draft law on the establishment of various grades of Sharia Courts in the State. I urge

¹⁰¹ The precise date of this speech is uncertain, but from internal evidence it appears to have been delivered in the first week of July 2001. A copy of the speech was kindly provided to us by Sheikh Ahmed Lemu, the Chairman of the Advisory Council of Ulama.

¹⁰² See Chapter 9 Part II.9. The correct title of the law is Zakat (Collection and Distribution) and Endowment Board Law (2001).

you to give the matter serious consideration and we are eagerly looking forward to receiving your input(s) to the draft law in order for us to move forward.

8. Since last year we have been encouraging the Liquor Licensing Board to monitor compliance with our Liquor Law. I am happy to state our satisfaction with the Board. In recent weeks, about four trucks fully laden with liquor were intercepted by the Board, the transporters tried, convicted and sentenced and the contents destroyed.

9. We have made it clear to the military establishment in the State of our resolve to fight the scourge of alcoholism because we are aware that alcoholism destroys the soul of every society. You each have a role to play in this struggle. I urge you to consider the matter as a personal issue and play an appropriate role. We have recently conferred Justice of the Peace status on several individuals in order to confer them with lawful powers on investigation and arrest of persons involved in flouting the laws in respect of liquor and prostitution.

10. We are determined to ensure that the Muslim community is given the opportunity to live in accordance with the Sharia. But this is an issue we cannot do alone. We need your support, cooperation and assistance. I look forward to having your advice on matters that may be laid before you.

11. Permit me to conclude this address by reminding you of the burden of your assignment. We have reposed our trust and confidence in you believing that your advice to us will be candid, honest and sincere. If you fail to do so, ALLAH is the ultimate judge. As we move along, there may arise situations or conditions that would make necessary the effecting of changes in your Council. More members may be added or some may leave. I urge you to take this assignment serious and may ALLAH bless our efforts. AMEN.

(2) The Advisory Council of Ulama Standing Order:¹⁰³

1. The Niger State Advisory Council of Ulama is established as a Muslim body to advise the Executive Governor of Niger State on any issue referred to it by the Governor.
2. It shall also be the responsibility of the members of the Council individually and collectively to take positive measures and cooperate with the State Government in every respect towards achievement of:
 - a) Unity and solidarity of the Muslim ummah of Niger State of Nigeria, and promotion of mutual understanding as well as respect of each other's rights;
 - b) The purpose for which the Council is established;
 - c) Intra-religious conflict prevention, control and resolution among the Muslim ummah of Niger State;
 - d) Honesty and sincerity of the members of the Council regarding the advice to be given to His Excellency the Governor on any issue referred to the Council;

¹⁰³ Drafted by the Chairman of the Council, Sheikh Ahmed Lemu, and approved by the Council, probably sometime in mid-2001. Copy kindly provided by Sheikh Lemu.

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- e) Islamic public enlightenment at every level of the Muslim ummah in Niger State, for which the Advisory Council will consider effective measures to be taken right to the grassroots level.
- 3. Notwithstanding the right of every member to contribute to the proceedings at appropriate stages the Chairman shall have full powers to administer and control the meeting in the manner considered expedient for successful achievement of the Council objectives.
- 4. The Chairman shall have the right to take appropriate actions considered necessary in preparation for, or to follow-up on behalf of the Council, any function or matter of concern to the Council.
- 5. The Chairman shall have the right to invite any member of the Council, and the member invited shall not unreasonably refuse, to assist the Secretary in any respect on an honorary basis regarding any duties to be discharged for, or on behalf of, the Council.
- 6. In the absence of the Chairman, the members present at the meeting shall, by simple majority, appoint any one of them to act for, and exercise all the powers conferred on, the Chairman of the Council.
- 7. For every meeting of the Council, it shall be the responsibility of the Council Secretariat with the co-operation of the Office of the Attorney-General, to devise and adopt the necessary means whereby the invitation to the meeting, whether oral or written, reaches every member of the Council.
- 8. In attending every meeting, it shall be the individual responsibility of every member of the Council to appear, behave and speak in the right manner to comply with the divine injunctions in the Qur'an – regarding dress, lowering the gaze, volume of speech, mutual understanding and respect, walking and other Islamic etiquettes as prescribed also in the Sunnah of Prophet Muhammad (SAW).
- 9. The quorum for holding meetings – other than informal consultations by the Chairman or among the members – and for validity of any conclusion to be communicated on behalf of the Council to the Governor, shall be simple majority of the total membership of the Council.
- 10. The Council shall have the right to organise workshops and seminars and symposia, to any of which non-members of the Council from within and outside Niger State may be invited by the Chairman to present papers and views for deliberation by the panels concerned as well as the Council members to be present at the functions so that the conclusions reached at such functions shall be valid for presentation by the Chairman on behalf of the Council to the Governor.
- 11. All the actions taken on behalf of the Council by the Chairman, the Secretariat and the meetings of the Council prior to the adoption of this Standing Order shall remain valid.
- 12. This Standing Order shall be reviewed from time to time as may be dictated by circumstances and affairs of the Council.

[signed]

Dr. Sheikh Ahmed Lemu
Chairman

(3) From an interview with Sheikh Ahmed Lemu, Chairman of the Advisory Council of Ulama:¹⁰⁴

The Governor only sought Sheikh Lemu's advice on Sharia-related issues after the initial Sharia bills were enacted in Niger State, and after the Sharia Commission Law was passed. It was then that the Advisory Council of Ulama was established. Lemu clarified that there is no law or a bill establishing the Advisory Council of Ulama as is the case with the Sharia Commission. Sheikh Lemu was appointed a member and to Chair the Council. Their function is mainly advisory. The Council is made up of Muslim scholars drawn from a broad spectrum of diverse backgrounds, traditional malams who are learned, and the youths. There are three women on the Council. They are Justice Amina Wambai, Halima Jibril, and Diya Bala. The Advisory Council of Ulama has broad functions covering issues related to Muslims generally in Niger State. But the Council has tried to avoid taking over the functions of the Sharia Commission. It trains people for peaceful co-existence. Petitions or complaints made to the Council on Sharia-related cases are channelled to the Sharia Commission or the Zakat Board. The Council is a branch of the National Council of Ulama but the Niger State Advisory Council of Ulama does not refer to them on Sharia matters of the State.

(4) From an interview with Hon. Justice Mamman Kolo, Secretary of the Advisory Council of Ulama:¹⁰⁵

The Council has twenty-five members excluding the Secretary (but Secretary attends all meetings of the Council). A list of current members was given to us.¹⁰⁶ All members are appointed by the Governor. The Secretary does not know the criteria used in selecting members nor the qualifications of all. He only met some of them on the day they were inaugurated. But most are learned in Islamic law.

¹⁰⁴ Interview conducted in Minna on 9th April 2003, by J.M. Nasir, J.D. Gwamna and R. Awal.

¹⁰⁵ Interview conducted in Minna on 29th November 2005, by S.U. Fwatshak and S.H. Liman. Justice Kolo is a retired judge of the Federal High Court.

¹⁰⁶ List of Members of Niger State Advisory Council of Ulama, November 2005:

- | | |
|--|---|
| 1. Dr. Sheikh Ahmad Lemu OFR, Chairman | 2. Malam Isah Adamu |
| 3. Malam Ahmad Shehu | 4. Malam Yusuf M. Yunusa |
| 5. Alhaji Muh'd K. Lawal | 6. Malam Muh'd Sani Abubakar |
| 7. Malam Ibrahim Husam Imam | 8. Dr. Salau S. Omotoso |
| 9. Imam Alhaji Shehu Rimaye | 10. Malam Idris N. Muh'd |
| 11. Malam Muh'd Bagi | 12. Sheikh Abdulkadir Na'uzo |
| 13. Qadi Muh'd Sambo | 14. Alh. Muh'd Habibu |
| 15. Mal. A.H. Siraj | 16. Hajiya Diye Jibrin Bala |
| 17. Hajiya Halima Jibril | 18. Hon. Justice Amina Wambai |
| 19. Sheikh Saeed Enagi | 20. Mal. Abubakar Sumayya |
| 21. Hon Attorney-General | 22. Sheikh Muh'd Nafiu |
| 23. Hon. Grand Kadi | 24. Mal. Muh'd Suru |
| 25. Alh. Abdullahi B. Limamin Kagara | 26. Hon. Justice Mamman Kolo, Secretary |

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The Council's headquarters are in Minna. There are eight coordinators – one in each of the eight Emirates; they operate at the Emirate headquarters. The coordinators work in league with the Emirs and Local Government Chairmen. The coordinators transmit information/decisions from the Advisory Council of Ulama to the grassroots and vice versa.

There is one zonal coordinator who is link between the eight coordinators and the Council headquarters. He oversees the activities of the eight zones and reports to the HQ.

Function of the Advisory Council of Ulama is to advise the Governor on all Islamic matters. But by its title, already the limitations of the ACU are clear. It can only advise, decisions are made by the Governor.

Achievements of the Advisory Council of Ulama:

- (i) It has organized various seminars, workshops, and symposia. Last year, on 24th April 2004, a symposium was organized under the title: *Conflict Prevention, Control and Resolution*. Many speakers were invited country-wide.
- (ii) Meets from time to time with the eight coordinators directly.
- (iii) Has advised the Governor on handling pilgrimage conduct (he accepted and implemented this advice).
- (iv) Advised Governor to assist Muslims during fasting periods with food supplements (he also accepted and implemented this).
- (v) Last pilgrimage, bought and distributed books to pilgrims with approval and assistance of the Governor.
- (vi) Settled some family disputes.
- (vii) Settled some factional disputes in mosques.
- (viii) Advised the Governor to appoint women from FOMWAN into the Council. This was debated in Council with some members arguing against it on the basis of sentiment, not Islamic jurisprudence; the Chairman prevailed by siding with those in support, arguing that society belongs to both men and women. The Governor accepted and implemented this. Thus, the presence of women on the Council. The women have proved very useful. There is one Yoruba Islamic Scholar (Dr. Omotosho) also on Council on recommendation of the Council to the Governor.
- (ix) Give lectures on invitation like three lectures given to Muslim Student Society.
- (x) During Ramadan Council answers questions and performs *tafsir* through various mass media: radio, television. But no *fatwa* has yet been passed.
- (xi) Answers oral and written questions of people. "Those I can't answer, I refer to the Chairman."

Pay: Initially members were paid sitting and transport allowances. Since August 2005 members are now paid monthly allowances plus transport allowance after each meeting. Except for the Chairman all members claim equal sums. The Secretary, who is not a Council member, is on a fixed salary.

10.

Sokoto State

a. Sokoto State Religious Preaching Board: 1979-present

- (1) The Sokoto State Religious Preaching and Establishment of Jumu'at Mosque Edict 1986.¹⁰⁷

Sokoto State, then still including what became Kebbi State (created in 1991) and Zamfara State (created in 1996), appears to have enacted its first law on religious preaching in 1979: this was That Certain Religious Preaching Edict 1979, amended in 1984, and repealed in 1986 when it was replaced with the Religious Preaching and Establishment of Jumu'at Mosques Edict of 1986, reproduced here. The 1986 edict is still the law in Sokoto and Kebbi States (though amended in Kebbi in 2004 as indicated in [Part II.8](#) above). The 1986 edict is also in most respects also still the law in Zamfara State, although now embedded in Zamfara's 2003 Religious Preaching and Establishment of Jumu'at Mosques *and Idi Praying Ground Commission* (Amendment) Law (italics added).¹⁰⁸ The italicised words in the name of Zamfara's new law indicate the principal changes Zamfara has made: the Board has become a Commission, and regulation of *Idi* praying grounds is added to the Commission's responsibilities. It is also notable that Zamfara has cut the Emirate Councils out of the procedure for registering *Jumu'at* mosques and *Idi* praying grounds, and has brought imams and Islamic poets within the licensing requirements which in Sokoto extend only to preachers and Qur'anic commentators. Nevertheless, the two laws are still very similar, and rather than reproduce the text again in [Part II.12](#) below, differences between the Sokoto edict of 1986 and the Zamfara law of 2003 are shown in annotations to the Sokoto edict in what follows. It may be that the edict as applicable in Sokoto State has also recently been amended, see the further information about the Sokoto State Preaching Board in the next subsection; but the amending law, if any, was not obtained.

AN EDICT TO PROVIDE TRAINING FOR ISLAMIC PREACHERS
AND TO ESTABLISH JUMU'AT MOSQUES¹⁰⁹

Arrangement of sections:

1. Short title.
2. Interpretation.
3. Establishment of Religious Preaching Board.
4. Composition.
5. Functions of the Board.
6. Establishment of the Committee.

¹⁰⁷ Sokoto State No. 18 of 1986, Cap. 123 Laws of Sokoto State 1996.

¹⁰⁸ Zamfara State of Nigeria Gazette, 20th November, 2003, Law No. 14 [no volume number given]; for further discussion of this law and its July 2003 antecedent see [Part II.12 below](#).

¹⁰⁹ Zamfara: A LAW TO PROVIDE FOR THE (AMENDMENT) OF THE RELIGIOUS PREACHING AND ESTABLISHMENT OF JUMU'AT MOSQUE AND IDI PRAYING GROUND COMMISSION.

7. Composition of the Committee.
 8. Functions of the Committee.
 9. Procedure for establishment of a *Jumu'at* mosque.
 10. Procedure for obtaining a preaching licence.
 11. Appeal against revocation of licence.
 12. Preaching permit.
 13. Offences.
 14. Penalties.
 15. Exclusion of disabled persons.
 16. Jurisdiction.
 17. Schedules.
 18. Regulations.
 19. Repeals.
1. This Edict may be cited as the Religious Preaching and Establishment of Jumu'at Mosques Edict.
 2. In this Edict, unless the context otherwise requires:
 - "appropriate authority" shall include the Chairman of an Emirate Council and the Secretary/Administrator of the Local Government Council;¹¹⁰
 - "Commissioner" means the State Commissioner for the time being responsible for Local Government;¹¹¹
 - "imam" means the imam of a *Jumu'at* mosque;
 - "Islamic religious injunction" includes translation of the Koran, the traditions of the Prophet, and other recognised books of Islam;
 - "*Jumu'at* mosque" means any mosque in which *Jumu'at* (Friday) prayers are conducted;
 - "malam" means a person who gives instructions on the Koran, the traditions of the Prophet of Islam and other recognised books for the purpose of imparting Islamic knowledge;
 - "mosque" means any enclosed place, building or premises devoted to Islamic religious prayers and includes an open space set apart for the performance of prayers and other Islamic religious devotion;
 - "person" means a person of the Muslim faith;
 - "preacher" means a person who disseminates religious instruction;
 - "preaching" means to preach religious instructions with or without reading from any written document;¹¹²
 - [Sokoto definitions of "Board", "Committee", "Emirate Council", "Governor", "preaching permit", "public place", and "State" omitted.]
 - [additional Zamfara definitions]¹¹³

¹¹⁰ Zamfara omits this definition.

¹¹¹ Zamfara omits this definition.

¹¹² Zamfara adds: "where the context so admits shall include Qur'anic commentator or an Islamic poet".

¹¹³ Zamfara adds boilerplate definitions of "Local Government", "Chairman", "Secretary" and "members", plus the following: "Hisbah" means an Islamic volunteer group whose routine

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CHAPTER 8: COUNCILS OF ULAMA AND RELATED BODIES

3. There shall be established in the State a body to be known as the Sokoto State Religious Preaching Board.¹¹⁴
4. (1) The Board shall be composed of the following members to be appointed by the Governor:¹¹⁵
 - (a) Chairman;
 - (b) seventeen malams to be selected from all the Emirate Councils of the State as follows:
 - (i) Argungu Emirate Council – two malams;
 - (ii) Gwandu Emirate Council – three malams;
 - (iii) Sokoto Emirate Council – eight malams;
 - (iv) Yauri Emirate Council – two malams;
 - (v) Zuru Emirate Council – two malams.
 - (c) four other persons of proven integrity.
- (2) There shall be a Secretary to the Board to be appointed by the Governor who shall carry out the administrative functions of the Board and other related functions.
5. The functions of the Board shall be:
 - (1) to determine and regulate the qualifications required for any person to become a religious preacher or Koranic commentator;¹¹⁶
 - (2) to conduct examinations and set standards for any person desirous of becoming a religious preacher or a Koranic commentator;¹¹⁷
 - (3) to compile and approve religious poetry¹¹⁸ or songs that may be permitted in mosques and public places;
 - (4) to regulate and approve the type of religious poetry or songs for public consumption and dissemination in public preaching or places of worship;¹¹⁹
 - (5) to recommend to the Emirate Councils the establishment of *Jumu'at* mosques;¹²⁰
 - (6) to recommend to the Emirate Councils the suspension or cancellation of a mosque registration certificate;¹²¹
 - (7) to advise the Emirate Councils and the State Government on all matters affecting Koranic schools;
 - (8) to co-opt any person it deems fit to participate in the functions of the Board;
 - (9) to do any other thing which is necessary for carrying into effect the provisions of this Edict.

duties include implementation of Sharia and eradication of anti-social vices and anti-Islamic religion vices.'

¹¹⁴ Zamfara: "to be known as the Zamfara State Religious Preaching and Establishment of Jumu'at Mosques and Idi Praying Ground Commission."

¹¹⁵ Zamfara: "(a) Executive Chairman; (b) five permanent commissioners; (c) one malam from each Local Government to be appointed by the Governor."

¹¹⁶ Zamfara: "become an Islamic preacher or Qur'anic commentator or imam or Islamic poet".

¹¹⁷ Zamfara: "becoming an Islamic preacher or Qur'anic commentator or imam".

¹¹⁸ Zamfara: "Islamic religious poetry".

¹¹⁹ This subsection omitted in Zamfara.

¹²⁰ Zamfara: "to approve to the Emirate Councils for the establishment of a Jumu'at mosque and Idi praying ground".

¹²¹ Zamfara: "to notify the Emirate Councils of the suspension or cancellation of a mosque registration certificate or imam's licence".

[additional Zamfara subsection]¹²²

[additional Zamfara section]¹²³

6. Subject to the provisions of this Edict, there shall also be established in each Local Government, a Religious Preaching Advisory Committee.

7. The Committee shall be composed of:

- (1) the Chairman/Administrator of the Local Government who shall be the Chairman;
- (2) all District Heads within the Local Government;
- (3) two malams from each District within the Local Government Council;
- (4) the Divisional Police Officer in charge of the Local Government Area;
- (5) any other person deemed fit by the Committee to participate in its deliberations, so however that such person shall not possess a right to vote on any matter before the Committee.

[additional Zamfara subsection]¹²⁴

8. (1) The functions of the Committee shall be:

- (a) to forward to the Board applications from persons intending to be preachers or commentators;¹²⁵
- (b) to forward to the Board applications for the establishment of *Jumu'at* mosques;¹²⁶
- (c) to advise the Board on all matters that fall within the functions of the Board.

(2) The Committee shall forward the applications with its comments and recommendations to the Board within thirty days of the receipt of such application.

9. (1) Any community or organisation that wishes to establish a *Jumu'at* mosque¹²⁷ shall apply for registration to the Board through the Committee in the form specified in the second schedule to this Edict.

(2) The Board shall, if satisfied that the applicant has met the requirements of this Edict or any regulations made pursuant thereto recommend to the appropriate Emirate Council¹²⁸ for the grant of a certificate of registration.

(3) The Emirate Council shall, if satisfied with the recommendations of the Board¹²⁹ issue a certificate of registration, which shall *prima facie* entitle the holder to conduct or perform *Jumu'at* prayers at a mosque specified therein.

(4) Where the Emirate Council declines to issue a certificate under this section it shall within 14 days provide to the Governor, the Board and the applicant, reasons for

¹²² Zamfara here adds a subsection as follows: "The Commission shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its name and may hold, acquire and dispose any property movable or immovable."

¹²³ Zamfara here adds a section as follows: "There shall be paid to the Chairman, permanent commissioners and other members of the Commission such remuneration either by way of salary or allowances as the Governor may from time to time direct."

¹²⁴ Zamfara here adds a subsection as follows: "Chairman of the Local Government Hisbah Committee".

¹²⁵ Zamfara: "preachers or Qur'anic commentators or Islamic poets or imams".

¹²⁶ Zamfara adds: "and *Idi* praying grounds".

¹²⁷ Zamfara adds: "or *Idi* praying ground".

¹²⁸ Zamfara: "recommend to the Commission".

¹²⁹ Zamfara: "The Commission shall, if satisfied with the recommendations of the Committee".

- its decision.¹³⁰
- (5) Where the Emirate Council¹³¹ is of the opinion that there is non-compliance with the provisions of this Edict or any regulations made pursuant thereto with respect to any registered *Jumu'at* mosque,¹³² it may by order suspend, withdraw or revoke the said certificate of registration.
 - (6) Where the Emirate Council makes such order pursuant to subsection (5) of this section, it shall notify the Board and the respective Committee.¹³³
10. (1) Any person who wishes to obtain a licence to preach shall apply to the Board through the respective Committee in the Local Government Area in which he resides in the form specified in the First Schedule.
- (2) The Board shall, if satisfied that the applicant has met the requirements of this Edict or any regulation made pursuant thereto issue under its seal a licence to preach to the applicant as specified in schedule three to this Edict.¹³⁴
 - (3) Where the Board declines to issue a licence to the applicant under this section it shall within 14 days provide the Governor and the applicant¹³⁵ its reasons for the refusal.
 - (4) If it appears to the Board that any licensed preacher is for any reason unable or unsuitable to perform, it may after giving the licensee a fair hearing, suspend, withdraw or revoke his licence.
 - (5) Where the Board exercises its power pursuant to subsection (4) of this section, it shall notify the respective Committee.¹³⁶
- [additional Zamfara subsection]¹³⁷
11. (1) Any person or association whose application for licence, permit or registration is rejected or whose licence, permit or registration is suspended, withdrawn or revoked may, if dissatisfied with such rejection, suspension, withdrawal or revocation, within thirty days of such order appeal to the Governor.
- (2) Whoever appeals to the Governor shall, notwithstanding such appeal continue to adhere to such order until the determination of his appeal.
 - (3) If it appears to the Governor that injustice may be occasioned by the compliance with the order of the Committee, the Emirate Council or the Board,¹³⁸ he may cause an investigation into the matter and may thereupon nullify, vary or make any other order he may deem reasonable in the circumstances.

¹³⁰ Zamfara: "Where the Commission declines...provide to the Commissioner [sic: ?], the Committee and the applicant, reasons...".

¹³¹ Zamfara: "Where the Commission".

¹³² Zamfara adds: "or *Idi* praying ground".

¹³³ Zamfara: "Where the Commission makes...it shall notify the respective Committee".

¹³⁴ Zamfara omits "as specified in schedule three..." but in fact the Third Schedule to Zamfara's law is the Licence to Preach.

¹³⁵ Zamfara: "provide the Local Government Chairman and the applicant".

¹³⁶ Zamfara adds: "and the appropriate Emirate Council".

¹³⁷ Zamfara here adds a subsection as follows: "References to a preacher under this section shall also include a commentator, Islamic poet or imam".

¹³⁸ Zamfara: "the order of the Commission or the Committee".

12. (1) Every preacher shall, before preaching in any locality,¹³⁹ obtain a permit signed by the Chairman of the Committee having jurisdiction in that locality.
 - (2) The following officers may demand from a preacher his licence or permit for the purpose of inspection:
 - (i) a member of the Board;
 - (ii) a member of the respective Emirate Council;
 - (iii) a member of the Committee;
 - (iv) a Police Officer not below the rank of an Inspector;
 - (v) a Justice of the Peace;
 - (vi) the District Head of the area; and
 - (vii) the Village Head of the area.¹⁴⁰
 13. A person commits an offence who:
 - (a) preaches without a licence or a permit; or
 - (b) if licensed to preach, does so in contravention of the licence or the permit; or
 - (c) refuses to stop after being ordered to do so by the appropriate authority or any officer listed under section 12(2) of this Edict; or
 - (d) uses unapproved poetry or songs¹⁴¹ in preaching; or
 - (e) by any means publicly insults or seeks to incite contempt of any Islamic religious sect in such manner as is likely to lead to breach of the peace; or
 - (f) establishes, leads or conducts *Jumu'at* prayers at an unregistered mosque or public place.¹⁴²
- [additional Zamfara sections]¹⁴³
14. (1) Any person who commits an offence under this Edict shall be liable on conviction for a first offence to imprisonment not exceeding three months or to a fine of one thousand naira or both, and for a second or subsequent offence to imprisonment for one year or to a fine of two thousand naira or both.¹⁴⁴
 - (2) The court may, in addition to the punishments prescribed in subsection (1) of this section, issue an order suspending the licence or permit of the convict for the first offence, and may revoke the licence or permit for a second or subsequent offence.
 15. Subject to the provisions of section 13(a) nothing in this Edict shall apply to disabled persons who use the approved songs in public gatherings or places of worship as a means of livelihood.
 16. The Magistrate Courts and Upper Area Courts¹⁴⁵ shall have original jurisdiction in the determination of any offence or issue arising under this Edict.

¹³⁹ Zamfara: "Every preacher or commentator or poet shall, before preaching or commenting or poetry in any locality".

¹⁴⁰ Zamfara omits from this list the Justice of the Peace, and adds to it "a *hisbah* officer not below the rank of Ward Committee Chairman".

¹⁴¹ Zamfara: "unapproved Islamic poetry or songs".

¹⁴² Zamfara adds: "or conducts *Idi* prayers on the day not appointed by the Supreme Council for Islamic Affairs or [at] a place which did not appear in Schedule 3 to this Law".

¹⁴³ Zamfara here adds two sections, the first saying that the Chairman or any member of the Commission may be removed by the Governor for inability to discharge his duties, the second saying the Chairman and members may resign if they do may be replaced.

¹⁴⁴ Zamfara: first offence: "shall be liable...for imprisonment of 6 months and a fine of ₦5,000"; second offence: "for imprisonment of 2 years and a fine of ₦12,000".

¹⁴⁵ Zamfara: "the Sharia Courts".

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17. The forms set in the schedules to this Edict shall be used in all cases to which such forms are applicable.¹⁴⁶
18. (1) The Governor may make regulations generally for the purpose of carrying into effect the objects of this Edict.¹⁴⁷
(2) The Board may make regulations for carrying out the purposes and provisions of this Edict.
19. (1) The following enactments are hereby repealed:
 - (i) The Certain Religious Preaching Edict 1979;
 - (ii) The Certain Religious Preaching (Amendment) Edict, 1984.
(2) Nothing in this section shall be construed to nullify any actions, instruments, rules or documents executed or done by the Board or Emirate Councils pursuant to the repealed enactments.¹⁴⁸

SCHEDULES

[The schedules are forms to be used for their stated purposes; they are described rather than reproduced here.]

First Schedule: Application for Preaching Licence:¹⁴⁹ is addressed to the Sokoto State Religious Preaching Board; calls for the name and full residential address of the applicant, who fills in the following: “I, of in District L.G.A. hereby apply for a licence to be a Religious Preacher/Koranic Commentator within Local Government Area of Sokoto State.”

Second Schedule: Application to Establish a Jumu’at Mosque:¹⁵⁰ is addressed to the Secretary, Religious Preaching Board; calls for the following information:

1. Name of the applicant (whether individual or association);
2. Location of the mosque to be built, designating Ward, Village, Town, Local Government Area, and Emirate Council;
3. Number of existing mosques in the area;
4. Distance of the proposed new mosque from the nearest existing *Jumu’at* mosque in the town/village/ward;
5. Proposed name of the mosque;
6. Reason(s) for establishing the mosque;
7. Site plan;
8. Building plan (if applicable);
9. Any other relevant information.

¹⁴⁶ Zamfara gives the titles of the five schedules.

¹⁴⁷ Zamfara: “The Commission may make regulations...”. Zamfara then omits subsection (2).

¹⁴⁸ Zamfara repeals its Religious Preaching and Jumu’at Mosque (Establishment) Law, 1997, which was no doubt simply the statute here annotated which it inherited from Sokoto State.

¹⁴⁹ Zamfara: “Application for Preaching/Qur’anic Commentator Licence”; and then in the body of the form one applies to be a “religious preacher/Qur’anic commentator/poet” of course in Zamfara State.

¹⁵⁰ Zamfara omits this form entirely, probably inadvertently.

Third Schedule: Preaching Licence: recites that the named person has applied for a licence to be a preacher/Koranic commentator,¹⁵¹ that he has met all the requirements of the Board for that purpose, and grants the licence; to be signed by the Chairman and Secretary of the Preaching Board.

Fourth Schedule: Permit to Preach: recites that the named person is “permitted to preach at on day of [and] from day to day thereafter. This permit shall be in force for from the date thereof”; to be signed by the Chairman and Secretary of the Local Government Preaching Committee.

Fifth Schedule: Certificate of Registration of Jumu’at Mosque:¹⁵² recites that the Preaching Board has recommended to the Emirate Council that the named applicant has satisfied all requirements for establishment of a *Jumu’at* mosque, and authorises the applicant to conduct *Jumu’at* prayers at the named premises, “and to perform all such religious activities or obligations that are incidental thereto; to be signed by the Chairman and Secretary of the Emirate Council with jurisdiction over the place.

[additional Zamfara schedule]¹⁵³

(2) Further information about the Sokoto State Preaching Board:¹⁵⁴

The Preaching Board was reconstituted in 2007 by the new Governor. It is large, now having thirty-two members. It also has branches in all the Local Governments. The Permanent Secretary of the Office of Special Adviser to the Governor on Religious Matters says his Office will soon go around and visit all of the branches to try and revitalize them. The Preaching Board regulates preaching by issuing licences to preachers; applicants are screened by the Local Government committees, which send recommendations on to main Board which issues licenses. The Board also recommends to the Sultanate Council which mosques should be registered for Friday prayers, and recommends for the appointment of imams; it also advises Government on Qur’anic and Islamiyya schools. In the Local Governments there are committees, with the LGA Chairman, the Chief Imam, three other jurists, and some other religious leaders on them, who do the work there; the Secretary of the LGA is the Secretary of these committees. The Permanent Secretary said they want to amend the Preaching Board Law, which is quite old, but he didn’t say how.

¹⁵¹ Zamfara: “preacher/Qur’anic commentator/poet”.

¹⁵² Zamfara: Certificate of Registration of *Jumu’at* Mosque and *Idi* Praying Ground”.

¹⁵³ Zamfara’s Fifth Schedule is a list of the seventeen Emirate Councils in Zamfara State, also naming all the districts into which each is subdivided, and further naming all the approved *Idi* praying grounds in each district, for a total of 1,307 praying grounds as of 2003.

¹⁵⁴ Interview with Umar Attahiru Sokoto, the Permanent Secretary of the Sokoto State Office of Special Adviser on Religious Matters, by P. Ostien, Sokoto, 14th March 2008.

**b. Sokoto State Committee (or Advisory Council) on Religious Affairs:
19??-present**

There are references to this Committee (or Advisory Council) in two of the Sharia implementation-related laws passed in Sokoto State in 2000:

From the Sokoto State Sharia Courts Law 2000¹⁵⁵

- | | | |
|-----|--|------------------------|
| 13. | There shall be appointed by the Judicial Service Commission on the recommendation of the Grand Kadi, Wali of Sharia Court. | Appointment of
Wali |
| 14. | The functions of Wali shall include:
(a) advising the Grand Kadi on applicable law, practice and procedure, and changes therein; and
(b) such other duties as may be conferred on him by the Grand Kadi. | Functions of
Wali |
| 15. | A person shall not be appointed as Wali of Sharia Court unless :
(a) he is a retired Upper Area Court Judge or a retired Kadi of the Sharia Court of Appeal; or
(b) he is qualified to be appointed as an Upper Area Court Judge, a President or Member of the Upper Sharia Court or a Sharia Court of Appeal kadi; or
(c) he is recommended by the State Committee on Religious Affairs, and found fit by the Judicial Service Commission. | Qualification |

From the Sokoto State Sharia Criminal Procedure Code Law 2000¹⁵⁶

- | | | |
|------|--|---|
| 248. | (1) When any convicted person:
(a) has been sentenced to death or <i>qisas</i> of the limbs or amputation by the Upper Sharia Court; and
(b) (i) has not appealed within the time prescribed by law; or
(ii) has unsuccessfully appealed against the conviction; or
(iii) having filed a notice of appeal has failed to prosecute such appeal,
the Governor, after consultation with the Executive Council and the State Advisory Council on Religious Affairs shall affirm the sentence. | Affirmation
of sentence
of death etc. |
|------|--|---|

Presumably the same body, not two separate ones, is referred to in the two laws. The Permanent Secretary of the Office of Special Adviser on Religious Matters (see below) confirmed that there is such a body, which he called a “Committee of Jurists”, presumably meaning “Malams” or “Ulama”. It seems that this body pre-dates the sharia implementation era which began in 1999, but further information about its origins was

¹⁵⁵ Signed into law on 22nd February 2000, gazetted as No. 2 of 2000, Sokoto State of Nigeria Gazette No. 1 Vol. 35, 21st February 2000 [sic].

¹⁵⁶ Signed into law on 25th January 2001, coming into operation on 31st January 2001, gazetted as a separate volume given no number or date.

not obtained. The Governor appoints its members; they give advice on general issues concerning Islamic affairs in the State. As to the Committee's role in the appointment of the Wali of the Sharia Courts, as laid down in the Sharia Courts Law, the current Wali said that so far the Committee on Religious Affairs has played no such role at all.¹⁵⁷

c. Sokoto State Office of the Special Adviser to the Governor on Religious Matters: 2000-present

In its Final Report, submitted in December 1999, the "Committee Set Up to Advise the State Government on the Implementation of Sharia in Sokoto State" made the following recommendation: "The State Government should establish a Ministry for Islamic Affairs which will be responsible for supervision, administration and co-ordination of matters related to Islamic affairs."¹⁵⁸ The Governor did not establish such a Ministry. Instead, within the Governor's office itself, he set up an Office on "Home Affairs, Special Duties & Religious Affairs", all under the management of a single Special Adviser to the Governor on these matters.¹⁵⁹ This was probably done early in 2000. A 2004 press release from the Governor's office said this about the then-Department of Religious Affairs & Special Duties:

The department was restructured to handle the issue of Sharia implementation effectively. Accordingly, there now exists in the department divisions in charge of Sharia implementation, *zakat* collection and preaching each under a director. Pamphlets, billboards, signboards and posters were designed and produced by the Sharia implementation department on responsible behaviour in line with the dictates of Sharia legal system at the cost of N2,200,000.¹⁶⁰

The new administration elected in 2007 made Religious Affairs a full-fledged Office in its own right with its own Special Advisor and Permanent Secretary. As such the Office is quite new; they are trying to get going again and to define an agenda for themselves; they intend to go around to other Sharia States to see how these things are being managed there to help them know how they should move ahead.

The Office is currently 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.

Department of Community Services: (1) is looking after Islamiyya schools: building schoolhouses for them and providing them with books; (2) is building and rehabilitating

¹⁵⁷ Interview with Aliyu Aliyu Yabo, Wali, Sharia Court of Appeal, Sokoto, by P. Ostien in Sokoto on 14th March 2008.

¹⁵⁸ http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria/vol_2_7_chapter_2_supp_sokoto_pre.pdf, p. 31.

¹⁵⁹ This and the following information on the Office of Special Adviser on Religious Matters was generously provided by the Permanent Secretary, Umar Attahiru Sokoto, in an interview with P. Ostien in Sokoto on 14th March 2008.

¹⁶⁰ "Governor Bafarawa's General Administration", <http://www.sokoto-state.com/general%20administration.html>.

mosques; but even the imams of Friday mosques are not paid by the government; (3) buying books for malams, for the Sharia Courts, etc.; and (4) cooperates with other organisations in these efforts various efforts.

On the construction of mosques, the 2004 press release from the Governor's office quoted above above said this:

The sum of N184,600,000.00 was expended during the period under review [1999-2004] for the construction of mosques and Islamiyya schools all over the State. Completion of Hassan Dan Mu'azu Mosque and Asma'u Girls Islamic College, a community-owned institution at R/Sambo Sokoto cost the State Government the sum of N25,000,000.00. This was meant to encourage greater community participation in education within the State.¹⁶¹

Department of Da'awah: This Department [among other things?] is in charge of the Religious Preaching Board: its Director supervises the Board which answers to the Governor through him, the Permanent Secretary and the Special Adviser. For further information about the Preaching Board see section **a** above.

Department of Sadaqat and Endowment: There is a Committee under the supervision of this Department, the Sokoto State Sadaqat and Endowment Committee. For further information on the Sadaqat and Endowment Committee see Chapter 9 Part II.10.

Department of Sharia Implementation: This Department evidently deals with everything having anything to do with Sharia implementation and not covered by other departments. Specifically: (1) they are working on the suppression of alcohol, prostitution, and other vices: they look into these problems and advise the Government what to do about them; (2) if there are problems related to religion, as between different Muslim sects or between Muslims and Christians, they try to deal with them; and (3) evidently when there is finally a *bisbah* organisation, it will come under their Department. They are planning to organise a *bisbah* group for the State. Right now there is no official *bisbah*; there is a private organisation that goes under this name, in Sokoto City only, although they are trying to extend it to other places as well.

¹⁶¹ Ibid.

11.

Yobe State

a. Yobe State Local Government Authority Admonishing and Interpretation Committees: 1991-1994

Borno State's Admonishing and Interpretation Edict 1977, given in full in [Part II.2](#) above, was inherited by Yobe State when Yobe was carved out of Borno in 1991. It appears as Cap. 4 of the Laws of Yobe State 1994. In Borno State the law was repealed by the Islamic Religious Preachings Law, 1981, "in so far as it applies to Islamic religious preachings". The Borno State Islamic Religious Preachings Law, also given in [Part II.2](#) above, should also have become the law in Yobe State, but it does not appear in the 1994 Laws. Yobe instead decided on its own Religious Preaching Edict, see below, which does not mention the Admonishing and Interpretation Law. Nevertheless, the Religious Preaching Edict covers the same ground as the Admonishing and Interpretation Law, and being later in time therefore presumably supersedes it.

b. Yobe State Emirate or Traditional Council Islamic and Christian Preaching Committees: 1994-present

Yobe State changed its method of regulating preaching in 1994, under the Religious Preaching Edict promulgated in that year.¹⁶² The full text follows:

YOBE STATE RELIGIOUS PREACHING EDICT, 1994

Arrangement of sections:

1. Title, commencement and application.
2. Interpretation.
3. Establishment.
4. Committee unable to function.
5. Secretary to the Committee.
6. Functions of the Committee.
7. Tenure of office of members.
8. Allowance of members.
9. Preaching without licence and permit.
10. Application for licence.
11. Grant of licence.
12. Licence valid anywhere in State.
13. Preaching permit.
14. No fees for application or licence or permit
15. Transferability.
16. Replacement of lost licence or permit.
17. Production of licence or permit.
18. Duty to inform police.

¹⁶² No. 4 of 1994, Yobe State of Nigeria Gazette No. 21 Vol. 4, 26th May, 1994, Supplement Part A, pp. A7-A15.

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19. Revocation of a licence or permit.
20. Control of use of electronics.
21. Manner of preaching.
22. Proceedings and regulations.
23. Governor to give orders.

The Military Administrator of Yobe State of Nigeria hereby makes the following Edict:

1. (1) This Edict may be cited as the Yobe State Religious Preaching Control Edict and shall come into operation on the 16th day of May, 1994.
(2) This Edict shall apply throughout the State.
2. In this Edict unless the context otherwise requires:
“Preacher” means a person learned in any religious faith who preaches or interprets the books and teaching of that faith;
“Intelligence Committee” means the State Intelligence Committee;
[definitions of “Governor”, “permit” and “licence” omitted.]
3. (1) There shall be established for each Emirate or Traditional Council Committees to be known as Islamic and Christian Preaching Committees.
(2) The Islamic Religious Preaching Committee shall consist of the following:
 - (a) The Emir or Mai as Chairman;
 - (b) Chief Imam in the Headquarters of the Local Government Area;
 - (c) Divisional police officer or officers in the Local Government Area or Areas;
 - (d) The officer or officers in charge of the State Security Service in the Local Government Council area or areas; and
 - (e) Not less than six other members who shall be Islamic religious scholars of high repute to be appointed by the Administrator in consultation with relevant Emirate or Traditional Council.
(3) The Christian Religious Preaching Committee shall consist of the following:
 - (a) The Emir/Mai as Chairman;
 - (b) Chief Priest or Pastor in the Headquarters of the Local Government Area nominated by Christian Association of Nigeria;
 - (c) Divisional police officer or officers in the Local Government Area or Areas;
 - (d) The officer or officers in charge of the State Security Service in the Local Government Council area or areas; and
 - (e) Not less than six other members who shall be Christian religious scholars of high repute to be appointed by the Administrator in consultation with Christian Association of Nigeria.
4. (1) Where for whatever reason, any of the Committees is unable to function, the State Intelligence Committee shall disband it.
(2) The State Intelligence Committee shall after the disbandment of the Committee appoint another Committee.
5. The Secretary of the two Committees in subsections (2) and (3) of section 3 of this Edict shall be the Secretary of the Emirate or Traditional Council.
6. The functions of the Committees shall be:
 - (a) to receive application for preaching licence;
 - (b) to determine and regulate the qualifications required for any person to become a religious preacher;
 - (c) to consider and approve applications of persons wishing to become religious

DOCUMENTARY MATERIALS: YOBE STATE

- preachers;
- (d) to issue a licence to any person who is qualified to become a religious preacher; and
 - (e) to open and keep register of preachers granted with licence.
7. [Appointed members of the Committees to hold office for three years; may be reappointed; may resign or be removed by the Governor for “inability to perform the functions of his office or for misconduct.”]
 8. A member of a Committee other than ex-officio member may be paid by the relevant Local Government Council such allowances as the Government may approve.
 9. (1) No person shall after the commencement of this Edict preach in any public place without being licensed and had obtained a valid permit in accordance with the provisions of this Edict.
(2) Any person who commits any offence under subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of two thousand naira or an imprisonment of one year or to both such fine and imprisonment.
 10. (1) An application for a licence to preach shall be in the form prescribed in Form 1 of the schedule to this Edict.
(2) A Committee may, if it deems necessary to do so, require the attendance of the applicant in person during the consideration of his application.
 11. (1) After considering the application including, as the case may be, the attendance of the applicant in person, the Committee may grant licence to the applicant if found to be qualified to preach.
(2) [Licences valid for a one year from the date of issue and may be renewed by application to the Committee to reach the Committee not later than thirty days before the expiration of the licence.]
 12. (1) Any licence issued by any other State is not valid for the purposes of this Edict.
(2) For the avoidance of doubt, any preacher coming to the State to preach must seek for and be granted a licence before preaching.
(3) Every licence granted by any Committee in the State shall be valid anywhere within the State. Provided that whenever a licensed preacher wishes to preach in any Local Government Council area, such preacher must first obtain a permit in accordance with provisions of this Edict from that Local Government Council.
 13. (1) Every licensed preacher wishing to preach anywhere in a Local Government Area shall first obtain a permit from the Local Government Council within which is situated the town or village he wishes to preach.
(2) The permit shall be in the form prescribed in Form 3 of the schedule to this Edict.
 14. No fees shall be charged for application for licence, [or] for the grant of licence and permit under this Edict.
 15. (1) A licence or permit granted under the provisions of this Edict shall not be transferable.
(2) Any licence or permit which is transferred shall be deemed to be cancelled forthwith and the holder shall be disqualified forthwith from preaching or applying for another licence or permit for a period of twelve calendar months.
 16. A licence or permit which is lost or destroyed shall be replaced by the Committee on an application by the holder supported by an affidavit stating inter alia the date of issue, the number and the circumstances of the loss for the duration of the licence or permit.

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17. A person to whom a licence or permit is granted under this Edict, shall on being so required by a policeman or security agent produce same for examination.
18. It shall be the duty of any licensed and duly permitted preacher to inform the police of the date, time and place whenever he is going to preach.
19. (1) A Committee may revoke a preaching licence and a Local Government Council may revoke a preaching permit under this Edict if it is satisfied that:
 - (a) the preacher has violated the conditions attached to the preaching licence or permit or any provisions of this Edict;
 - (b) the preacher has obtained the preaching permit by fraudulent means; or
 - (c) it is in the public interest to do so.(2) Upon the revocation of the licence or permit the preacher shall cease to preach in any public place.
20. (1) The playing of religious cassettes and the use of loudspeakers, amplifiers and other electronic equipment in public place of worship or residential building in such a way that will constitute:
 - (a) public nuisance;
 - (b) public insult or excite contempt of any religious denomination in such a manner as to cause breach of the peacecommits an offence.
 - (2) Any person who commits an offence under the provisions of subsection (1) of this section shall be liable on conviction to a fine of ₦2,000.00 or imprisonment for six months or both such fine and imprisonment.
 - (3) Any person who aids, abets or counsels the doing of any act which is contrary to subsection (1) of this section commits an offence and on conviction shall be liable to a fine of ₦1,000.00 or imprisonment for three months or both such fine and imprisonment.
 - (4) For the avoidance of doubt the use of electronic equipment in mosques, churches, shrines or during the organised religious ceremonies where such equipment are usually employed shall not be an offence.
 - (5) Notwithstanding the provisions of subsection (4) above, it shall be the duty of every religious denomination to ensure the use of the electronic equipment in a sober manner and does not constitute insults, provocation or use of abusive language or songs to excite contempt of any religious denomination.
 - (6) Any religious denomination which uses electronic equipment in violation of the provisions of subsection (5) above shall have the equipment confiscated by the Committee. Such equipment confiscated may be returned to the denomination at the discretion of the Committee.
21. It shall be the duty of every preacher to ensure that he conducts the preaching in a calm and orderly manner.
22. Each Committee shall regulate its own procedure and may subject to the approval of the Governor make regulations for the carrying into effect of the provisions of this Edict.
23. The Governor may give orders of specific or general nature to the Committee with respect to any or all matters under this Edict.

THE SCHEDULE

[The schedule comprises three forms, which are described but not reproduced here.]

Form 1, *Application for Licence*, calls for a passport photo of the applicant, his name and place of residence, and a statement of “My Evidence of Qualification”; then there are places for three different Recommenders to state their views.

Form 2, *Licence to Preach*, calls for a passport photo of the licensee, the name of the Local Government whose Committee is granting the licence, the name of the preacher, any conditions to the licence, and its duration.

Form 3, *Permit to Preach*, again calls for a passport photo, the name of the preacher, the place and date he is licensed to preach, and any conditions imposed by the licensing authority.

c. Yobe State Religious Affairs Board: 2001-2003

The Yobe State Religious Affairs Board was established by the Religious Affairs Board Law 2001.¹⁶³ In 2003 the Board was upgraded to a Ministry, documented in subsection **d** below. Although the Religious Affairs Board Law appears not to have been repealed, it has therefore in some respects become a dead letter. Nevertheless, the structure and functions of the Ministry are largely the same as those of the Board before it, and the Law contains some other information as well which may be of interest. We therefore reproduce a number of sections of the Religious Affairs Board Law here, together with the list of all the sections for the information of the reader.

A LAW TO PROVIDE FOR THE ESTABLISHMENT, FUNCTIONS AND POWERS OF YOBE STATE RELIGIOUS AFFAIRS BOARD AND OTHER MATTERS RELATED THERETO

Arrangement of sections:

- | | |
|---------------------------------------|--|
| 1. Citation and commencement. | 13. Functions of the Directorates. |
| 2. Interpretation. | 14. Powers of the Board to delegate its functions. |
| 3. Establishment of the Board. | 15. Validity of proceedings. |
| 4. Membership of the Board. | 16. Discharge of functions of member. |
| 5. Tenure of office. | 17. Funds of the Board. |
| 6. Resignation. | 18. Standing orders. |
| 7. Vacation of office. | 19. Power to co-opt. |
| 8. Remuneration. | 20. Liability of members. |
| 9. Appointment of Executive Secretary | 21. Estimates. |
| 9(3). Board of Trustees for Zakat and | 22. Accounts. |
| Endowments. | |
| 10. Staff of the Board. | 23. Financial reports. |
| 11. Functions of the Board. | 24. Regulations. |
| 12. Directorates. | 25. Powers of Governor |

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

1. This Law may be cited as the Yobe State Religious Affairs Board 2001 and shall come into force on the 21st day of December, 2001.
2. In this Law unless the context otherwise requires:

¹⁶³ No gazetted copy available; copy of the bill as signed by Governor Bukar Abba Ibrahim on 21st December, 2001 in the possession of the editor.

“Religion” means the Islamic religion.

[definitions of “Board”, “Governor”, and “State” omitted.]

3. (1) There is hereby established for the State a Board to be known as Religious Affairs Board which shall be a body corporate with perpetual succession and a common seal and can sue and be sued in its corporate name.
- (2) The Board shall be answerable to the Governor’s office.
4. (1) The Board shall comprise of a Chairman and the following members:
 - (a) Special Adviser on Religious Affairs;
 - (b) Provost College of Legal and Islamic Studies, Nguru;
 - (c) Executive Secretary, Pilgrims Welfare Board;
 - (d) the Executive Secretary, Arabic and Islamic Education Board;
 - (e) the Secretary, Yobe Islamic Centre;
 - (f) representative, Ministry of Justice;
 - (g) representative, Department of Parastatals, Governor’s Office;
 - (h) seventeen members one from each of the Local Government Areas to be appointed on their merits.
- (2) The Chairman and members of the Board save the ex-officio members are to be appointed by the Governor.
- (3) For the purpose of this Law members includes the Chairman.

[...]

11. The functions of the Board shall be:
 - (a) coordinating the activities of preachers in the State;
 - (b) working out and implementing a programme of collection and distribution of *zakat* in the State in accordance with Sharia injunctions;
 - (c) coordinating, regulating and observance of Islamic business practices;
 - (d) monitoring compliance with Sharia laws and injunctions in Government business and activities;
 - (e) research on religious affairs and Sharia;
 - (f) overseeing the activities of *juma’at* mosques in the State;
 - (g) regulation of *mu’amalat* in the State;
 - (h) designing and implementing programme for receiving and training of converts;¹⁶⁴
 - (i) giving advice on marriage matters including dowry, *iddah* and succession or inheritance;
 - (j) organising lectures and symposia so as to create awareness with a view to facilitate intra- and inter-religious peace and understanding for harmonious co-existence between the various religious groups in the State;
 - (k) control and regulation of scales and measures with a view to having Sharia-compliant scales and measures in the State;
 - (l) liaise with appropriate government agencies to facilitate the implementation of Sharia through provision of guidance on the Islamic implications of politics, programmes and laws; and
 - (m) general *fatwa* matters.

¹⁶⁴ Here and in §13(B)(iii) the text has “combats” instead of “converts”; evidently the latter is intended.

12. (1) There shall be for the Board the following Directorates:
 - (a) Directorate of Sharia;
 - (b) Directorate of Da'awah;
 - (c) Directorate of Religious Affairs;
 - (d) Directorate of Finance and Administration;
 - (e) Directorate of Zakat and Endowment.
- (2) Each of the Directorates is to be headed by a Director.
13. (1) Each of the Directorates shall have the functions set out hereunder:
 - A. Directorate of Sharia.** The Directorate of Sharia shall have the following functions:
 - (i) Coordinating *fatwa* matters in the State;
 - (ii) Monitoring the implementation of Sharia in the State;
 - (iii) Coordinating the establishment of Councils of Ulama for the State and Local Government levels.
 - (iv) Research on religious affairs and Sharia.
 - B. Da'awah Directorate.** The Da'awah Directorate shall have the following functions:
 - (i) Coordinating the activities of preachers and the regulation of preaching in the State;
 - (ii) Organizing intensive enlightenment and sensitizing campaign aimed at making people adjust their lives for living under Sharia;
 - (iii) Designing and implementing programme for receiving and training of new converts; and
 - (iv) Facilitating inter-religious peace and understanding for harmonious co-existence between the various religious groups in the State.
 - C. Religious Affairs Directorate.** The Religious Affairs Directorate shall have the following functions:
 - (i) Regulating prayer times;
 - (ii) Regulating fasting time;
 - (iii) Overseeing the direction of mosques and welfare of imams in the State;
 - (iv) Advising on marriage affairs and determination of dowry, *iddah* and succession/inheritance; and
 - (v) Regulation of *mu'amalat*.
 - D. Finance and Administration Directorate.** The Finance and Administration Directorate shall be responsible for all the finances and budget and shall also be responsible for all administrative and personnel matters of the Board.
 - E. Directorate of Zakat and Endowment.** The Directorate of Zakat and Endowment shall have the following functions:
 - (i) Updating and announcement of *nisab* of *zakat* periodically;
 - (ii) Assessment and verification of *zakat* items;
 - (iii) Collection and distribution of *zakat* according to Sharia injunctions;
 - (iv) Establishment and supervision of Local Government Zakat Committees;
 - (v) Management of Islamic endowment (*waqf*) 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.

d. Yobe State Ministry of Religious Affairs: 2003-present¹⁶⁵

The Religious Affairs Board became a Ministry in the following way. Early in 2003 officials of the Supreme Council for Sharia in Nigeria (SCSN) came to Damaturu to confer on the then-Governor, Bukar Abba Ibrahim, the title of *Garkuan Sharia* (“Shield or Defender of Sharia”) for the Northeast, on account of his having been the first governor in that part of the country to get Sharia implementation started. While they were there the SCSN suggested to the Governor that the Religious Affairs Board be upgraded to a Ministry. Reason: the Ministry would be directly represented, by its Commissioner, on the State Executive Council, and would therefore have more influence on policy matters in all areas. The Ministry might also assume oversight of other parastatals, which the Board could not do. The Governor was persuaded, and the new Ministry came into being in July 2003.

The structure of the Ministry is the same as that of the Board, as are the functions of its various Directorates: refer to §§11, 12 and 13 of the Religious Affairs Board Law, above. But the Directorates now have more staff and more clout. Only the old Finance & Administration Directorate has been split, into Finance and Administration.

The Ministry also now has two parastatals under it: the Hajj Commission, and the Arabic and Islamic Education Board.

It will be noted (see the Religious Affairs Board Law §13) that the Da’awah Directorate is responsible among other things for “coordinating the activities of preachers and the regulation of preaching in the State”. This is primarily the responsibility of the Emirate and Traditional Council Islamic and Christian Preaching Committees documented in section **b** above.

As of March 2008, the Ministry was making plans to establish an Ulama Advisory Council in Yobe State, which would have its own statute and would become a third parastatal under the Ministry.¹⁶⁶ This Council was in fact established later in 2008, see section **e** below.

There is a Yobe Islamic Centre headquartered at the Central Mosque in Damaturu. It is a “quasi-NGO”, evidently receiving some support from government. It has a Council of Ulama of its own.

¹⁶⁵ The information in this section is based on an interview with several officials of the Ministry, including the Honourable Commissioner, Alh. Habu Dauda Gulani, the Permanent Secretary, Alh. Bukar Modu Jumbam, and the Director Sharia, Muhammad Muntaka Tanko, conducted by P. Ostien in the Ministry offices in Damaturu on 4th March 2008. These same officials also generously supplied a copy of Yobe State’s Religious Preaching Control Edict 1994, discussed below.

¹⁶⁶ The Council of Ulama was established in July 2008: see the news item in subsection **c** below.

As to the Directorate of Sharia within the Ministry: For a time there were forty Local Government Areas (LGAs) in Yobe State. This has had to be reduced again to seventeen, in accordance with the constitution. Nevertheless, in all of the forty former LGAs, there are Sharia Committees whose activities are coordinated by the Sharia Directorate. These committees all have a chairman, members, and a secretary. They are further divided into subcommittees, on *hisbah*, moonsighting, *da'awah* (this is an *ulama* subcommittee), graveyards, and welfare. All of these subcommittees also have chairmen, members, a secretary, and schedules of duties. All members of these committees and subcommittees are volunteers: but they get some logistic support from government. So this is how they are extending the work of Sharia implementation to the grassroots in Yobe State.

As to how Sharia implementation is faring under the new government of Mamman Bello Ali, who took office in May 2007: It is a bit early to tell, especially as the Governor has been distracted with court cases challenging both his status as the nominee of the ANPP and then his victory in the election. Nevertheless, the initiatives started under the previous government are being continued: for instance, all personnel have been appointed into the relevant ministries, e.g. the Ministry of Religious Affairs. And there have been steps forward under the new government:

- the feeding of the less-privileged during Ramadan: centres were set up to do this in all Local Governments and millions of naira were spent;
- during last year's *haji*, all pilgrims from Yobe State (about 2,500) were given a ram to slaughter, at the State's expense: this cost about ₦12,000 x 2,500 = ₦30 million (about €170,000);
- new offices are being built for the Ministry of Religious Affairs and the two parastatals under it;
- the *haji* was handled better last time: instead of sending the pilgrims to Maiduguri to suffer for days waiting at the airport, a temporary *haji* camp was set up in Yobe where they were taken care of until it was time to go;
- Christian pilgrims have also been assisted: they were sent on their own pilgrimage and each had to pay only N50,000 of the cost.

e. Yobe State Council of Ulama: 2008-present

In March 2008, when the information in previous subsection was obtained, the Yobe State Council of Ulama was still in the planning stages. In July 2008 those plans reached fruition, as the following news story indicates:

13 July 2008: **Yobe Gets Ulama Council.**¹⁶⁷ Yobe State Ministry of Religious Affairs has constituted 32 Islamic scholars into a Council of Ulama, charged with moderating preaching activities as well as serving as an advisory council on religious issues in the state.

¹⁶⁷ Daily Trust, internet edition.

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The council, which was inaugurated by the ministry's commissioner, Alhaji Habu Dauda Gulani, has Malam Salihu Abubakar of the National Islamic Centre, Zaria, as the chairman, and Ustaz Hudu Muhammad Yusuf, the Chief Imam of Yobe Mosque and Islamic Centre as vice chairman, while Malam Muhammad Muntaqa, director of Sharia in Yobe state is to serve as the secretary.

The commissioner advised the members of the council to be fair in dealing with matters that have religious complications in order to achieve the objectives of re-introducing Sharia legal system in the state.

He also called on them to come up with meaningful contributions towards creating harmonious coexistence among all the people in the state.

The chairman of the council, Malam Salihu Abubakar, said advisory function for good governance is the responsibility of all, stressing that those in positions of authority should always fear God.

He also said that those in leadership positions should be ready to hear and accept constructive criticism and suggestions which are aimed at sanitising the polity.

The Ulama Council is charged with the responsibility of monitoring and regulating the activities of preachers and settling disputes that may likely arise between *ulama* and Islamic groups.

12.

Zamfara State**a. Zamfara State Religious Preaching Commission: 1996-present**

Zamfara State was created, out of Sokoto State, in 1996. It then inherited Sokoto State's Religious Preaching and Establishment of Jumu'at Mosques Edict of 1986, see [Part II.10](#) above. In 2003 it was decided to replace the Board created by that Edict with a new Commission. This was done in July 2003 by the Religious Preaching and Establishment of Jumu'at Mosque Commission Law 2003, which repealed and replaced the old Edict.¹⁶⁸ The July 2003 law was in turn very quickly replaced, in November 2003, by the Religious Preaching and Establishment of Jumu'at Mosque Commission (Amendment) Law 2003.¹⁶⁹ Both of Zamfara's 2003 laws are substantially based on the 1986 edict of Sokoto State. Rather than reproduce that text again here, differences between the Sokoto edict of 1986 and the Zamfara law of November 2003 have instead been shown in annotations to the Sokoto edict, given in full in [Part II.10](#). Here it may be helpful to list the principal changes that have been made by Zamfara State:

- in Zamfara the Preaching Board has become a Commission;
- regulation of *Idi* praying grounds has been added to the Commission's responsibilities;
- Zamfara has cut the Emirate Councils out of the procedure for registering *Jumu'at* mosques and *Idi* praying grounds, leaving this entirely in the hands of the Commission and of Local Government Committees;
- Zamfara has brought imams and Islamic poets within the licensing requirements which in Sokoto extend only to preachers and Qur'anic commentators.

Today the Preaching Commission reports to the State Government through the Ministry of Religious Affairs, and specifically through the Da'awah Department of the Ministry.

b. Zamfara State Ministry of Religious Affairs: 2000-present

(1) From an interview with officials of the Ministry of Religious Affairs:¹⁷⁰

The Ministry of Religious Affairs was set up in 2000 shortly after Sharia implementation took off in Zamfara State. It originally had six Departments: Administration, Finance and Supply, Planning, Research and Statistics, Religious Matters, Da'awah, and Sharia.

¹⁶⁸ Zamfara State of Nigeria Gazette No. 2 Vol. 4, 10th October 2003, pp. A19-A30. The law was assented to by the Governor and came into operation on 28 July 2003.

¹⁶⁹ Zamfara State of Nigeria Gazette, 20th November, 2003, Law No. 14 [no volume number given].

¹⁷⁰ Interview by P. Ostien on 17th March 2008 at the Ministry offices in Gusau, initially with Malam Yusuf Abdullahi, the Director Administration. Later the Directors of the Departments of Religious Affairs and of Da'awah joined the session, unfortunately their names were not recorded. The kind cooperation, friendliness and openness of these officials is gratefully acknowledged.

But in 2003 the Sharia Department was made into a separate organisation in its own right, the Sharia Research and Development Board (as to which see section **d** below). The Ministry is headed by a Commissioner and Permanent Secretary, and then each of the five remaining Departments has a Director, a Deputy Director, and various staff under them.

As to the schedules of the two substantive Departments of the Ministry:

- the Department of Religious Matters is in charge of “anything to do with religion”. For example: they deal with and assist converts to Islam; resolve religious conflicts; handle moonsighting; settle disputes, e.g. regarding marriages; deal with other complaints, which might also go either to the *hisbah* people or to the Public Complaints Commission; deal with cemeteries; and so on.
- the Department of Da’awah: organises preaching in rural areas; organises workshops and seminars with Muslim scholars and organisations; organises Friday preachings in the stadium in Gusau, to which it brings well-known malams to preach.

There are also four statutory organisations under the Ministry:

- the Zakat and Endowment Board [see Chapter 9 Part II.12]
- the Sharia Research & Development Board [section **d** below]
- the Preaching Board [section **a** above]
- the Qur’anic Memorization & Tajweed Board.¹⁷¹

Under the Office of the Secretary to the State Government there are also three other Sharia-related agencies:

- the Hisbah Board [see Chapter 10 Part II.12]
 - the Anti-Corruption Commission
 - the Public Complaints Commission
- } [see Chapter 3 Part IV.2]

Then there is the Council of Ulama (subsection **c** below): this is independent of the Ministry of Religious Affairs; it is housed in Government House at present, and reports directly to Governor.

The Ministry of Religious Affairs also works with non-Muslim groups. For instance, there is an Association of Christian Indigenes of Zamfara State, with which they work; they also dialogue with other Christian organisations like CAN. Zamfara’s Christians have honoured Governor Sani for his contributions to religious peace in the State.

¹⁷¹ This Board was created in 2005, with the aim of fostering not only Qur’anic memorization and recitation but also the study of “Tafsir, Hadith and Fiqhu”. It was established by statute, ungazetted copy, signed by the Governor on 7th June, 2005, in the possession of the editor.

- (2) From the report of the Niger State Advisory Council on Religious Affairs (NISACORA) on its visit to Zamfara State's Ministry for Religious Affairs, 31 July to 2 August 2000:

Note: The Niger State Advisory Council on Religious Affairs (NISACORA) was one of many delegations from other States that visited Zamfara State in 2000 and 2001 to see how Sharia implementation was proceeding there and to get ideas about how to do it themselves. NISACORA's complete report is published online at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>, see Volume II, Supplementary Materials. The report includes a record of NISACORA's visit to Zamfara State's Ministry of Religious Affairs, which supplements the information given above and which is reproduced here for the convenience of the reader:

NISACORA members visited Zamfara State Ministry for Religious Affairs. The Permanent Secretary of the Ministry, Malam Muhammad Tukur Jangebe, received the members. The Ministry has a Commissioner and a Permanent Secretary. It has six departments. These departments are Religious Department, Da'awah Department, Sharia Department, Finance Department, Department of Administration and Planning, and Research and Statistics Department. According to Malam Tukur, a director heads each department. He also explained that there are deputy directors and assistant directors in each department with supporting staff.

- I. **Religious Department:** This department takes care of anything or any matter concerning religion. According to the Permanent Secretary, the department treats cases of revert to Islam, marriage contracts, illness, mental problems etc.
- II. **Da'awah Department:** Da'awah Department organises public enlightenment, seminars and workshops for the Muslim scholars such as imams and malams. Some are organised for the general public. The Ministry employed two hundred (200) Muslim scholars for the department and these scholars are posted to the fourteen Local Government Areas of the State. Among the scholars employed, there are volunteers and there are those who receive five thousand naira monthly as their salary. The department therefore spends one million naira (₦1,000,000) to pay its field workers every month. Malam Tukur also explained that various Islamic organisations in the State are invited from time to time to attend seminars and workshops. He also contended that the department also polices the affairs of the *ulama*. It is based on this that any Muslim preacher who misinterprets the Holy Qur'an or the Hadith of the Holy Prophet Muhammad (SAW) is invited for interrogation and appropriate correction by the department. He pointed out that there is absolute peace and unity among the *ulama* in Zamfara State and among the various religious groups in the State. He said that the department recorded a huge success when it held a joint national inter-religious preaching session whereby all the commissioners, emirs and district heads attended.

- III. **Sharia Department:** The Sharia Department according to Malam Tukur listens to the reports of the public against corrupt practices of the judges. The department investigates such cases and reports to the Ministry for onward transmission to the Grand Kadi. They also look into issues that affect Sharia.
- IV. **Finance Department:** According to Malam Tukur Jangebe, the Finance Department deals with any case that is capital oriented and affects finance such as extending assistance to individuals and organizations. All the Ministry's financial matters are being handled by this department.
- V. **Department of Administration:** This department deals with any administrative matter, according to Jangebe. He said that Ministry of Religious Affairs meets every month to give progress reports and to find solutions to the problem areas.
- VI. **Planning, Research and Statistics Department:** The department collects, collates and analyses data and statistics on the number of Islamiyya schools and Qur'anic schools in the State. The department also supports publications, and songs composed in favour of Sharia through giving financial assistance after scrutiny. It also organises a fact-finding tour to various Local Government Areas in the State.

The Permanent Secretary, Malam Tukur Jangebe, also explained that several committees are created under the supervision of the Ministry for Religious Affairs. These committees include Sharia Implementation Committee headed by His Excellency, the Zamfara State Governor, Alhaji Ahmed Sani Yariman Bakura; State Ulama Consultative Committee, a twenty-two member committee headed by Malam Muhammad Isah Talata Mafara; Joint Aid Monitoring Committee comprising all the Aid Groups in the State such as JNI, Fityanul Islam, Izalatul Bid'a Aid Groups; Committee of Elders headed by Malam Yahaya Gusau; and Committee for the Improvement of Jumu'at Mosques. He also pointed out that in Zamfara State, the Islamic youths organisations such as Muslim Students Society, Muslim Corpers Association, Muslim Sisters Forum, etc., are joined together to form a joint youth organisation. They complement government's effort on public enlightenment. He also pointed out that the doors to see His Excellency are wide open all the time to him and his commissioners. He stated that the Ministry, in a bid to institute Sharia in Nigeria, supports any state that wants to implement Sharia through hiring vehicles and mobilising the public to travel to such states to support their move.

The Permanent Secretary informed the members about two parastatals under the Ministry of Religious Affairs: The Zakat and Endowment Board, which has four directors and a part-time chairman and part-time members, and the Islamic Religious Preaching Board which has twenty-one members. The Religious Preaching Board examines the suitability of a preacher. The Islamic Religious Committee at the Local Government level recommends the suitability of establishing a *Jumu'at* mosque and the Ministry looks into the recommend-

ation. He stated that the Ministry assists from time to time the Qur'anic schools with grains for the feeding of pupils.

The Permanent Secretary also suggested ways that could lead to the success of Sharia in Niger State based on their experience. These ways include intensive *du'a* (prayers) which should involve sending *ulama* to the sacred lands of Makka and Madina to pray for the success of Sharia, establishment of inter-religious committee comprising both Muslims and Christians for the cross-fertilisation of ideas, and encouraging imams to present Friday *khutbah* in a modest manner. He also advised that the *ulama* should be encouraged to fear Allah, work with purity of mind and not be greedy.

He also suggested that Muslim writers should be encouraged to write and those who are Muslims among the SSS and police should be assisted to support Government move on Sharia. He explained that Government should hold consultations with Christian Association of Nigeria (CAN) and assistance be extended to them where necessary. Those who support Sharia implementation among them should be closely monitored and encouraged in that vein. He stressed that there should be radio and television programmes by renowned Muslim scholars in support of Sharia and explaining Sharia to the Nigerlites [sic].

While speaking to NISACORA members on what will be the position of the Niger State Chief Executive, he stressed that he should support Sharia whole-heartedly and commit much of the finance to it. He said that His Excellency should allow NISACORA members to see him at anytime and without any delay when the need arises. He stated that His Excellency should compel his commissioners to support Sharia movement. The Permanent Secretary contended that since the issue of Sharia implementation is capital intensive, His Excellency should be ever ready to give financial assistance whenever the need arises. He also emphasised that the government should seek Nigeria Union of Road Transport Workers (NURTW) members' co-operation through giving them vehicle loans.

When asked about the relationship of his Ministry with the Pilgrims Welfare Board, he said that the Ministry liaises with the Pilgrims Welfare Board to give pertinent advice. He also stressed that members of Zakat Board should comprise the keen Muslims who are rich.

He also advised that the Ministry refers women with problems to Women Commission.

c. Zamfara State Council of Ulama, or Ulama Consultative Council

Zamfara State Council of Ulama, sometimes called the Ulama Consultative Council, is dealt with or mentioned in several statutes; the relevant sections of statutes mainly on other subjects are reproduced below, followed by the whole of the 2003 Council of Ulama (Establishment) Law 2003. The last part of this subsection is the report of an

interview, conducted by M.S. Umar, with Dr. Ibrahim Ahmad Aliyu, the Deputy Chairman of the Council.

- (1) From the Sharia Courts (Administration of Justice and Certain Consequential Changes) Law, 1999.¹⁷²

Zamfara State's Council of Ulama was first officially established in early 2000 under the 1999 law establishing the State's Sharia Courts. The complete text of that law is given in Chapter 7 Part II.1. The sections pertaining to the Council of Ulama are reproduced here.

2. In this Law unless the context otherwise requires: Interpretation

$$\begin{bmatrix} \vdots \\ \vdots \\ \vdots \end{bmatrix}$$

“Council” means and shall include the State Council of Ulama comprising knowledgeable and experienced persons appointed by the Governor under this Law to guide on the application of Sharia Law in the State.

$$[\dots]$$

“Secretary” means and shall include the person appointed by the Governor under this Law to serve as the Secretary to the Council of Ulama.

$$\left[\begin{array}{c} \vdots \end{array} \right]$$

7. [...]

- (ii) The Grand Kadi of the State shall, in consultation with the State Council of Ulama, have power to make rules and regulations for the practice and procedure of the Sharia Courts; provided that the practice and procedure shall be as prescribed by and in strict compliance with Islamic law.

$$\left[\begin{array}{c} \vdots \end{array} \right]$$

8. (i) The appointment, dismissal and disciplinary control over Sharia Court al-kadhis and assessors referred to in this Law shall be exercised by the State Judicial Service Commission; provided that nothing in this section shall preclude the State Council of Ulama from screening, advising and recommending competent, qualified, fit and proper persons both in learning and in character to be appointed and/or disciplined as the case may be.

- (ii) Subject to and without prejudice to the provision of subsection (i) of section 8 of this Law, a person shall not be qualified to hold office as a Sharia Court alkali under this Law unless, in the opinion of the State Council of Ulama, he has attended and has obtained a recognized qualification in Islamic law from an institution approved by the Council and has held the qualification for a period of not less than five years; and/or in the opinion of the Council of Ulama he either has:

¹⁷² Assented to by the Governor on 8th October, 1999, and published in the Zamfara State Gazette No. 1 Vol. 1, 15th June, 2000, pp. A1-A30

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- (a) considerable experience in the knowledge of Islamic law,
or
- (b) he is a distinguished scholar of Islamic law.

[...]

PART VI – STATE COUNCIL OF ULAMA

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|-----|---|---------------------------------|
| 9. | <ul style="list-style-type: none"> (i) For the purposes of this Law there shall be established a Council to be known as the State Council of Ulama by the State Governor. (ii) The State Council of Ulama shall be responsible for the screening, recommendation and advising on the qualification, competence and fitness of any person, both in character and learning, to be appointed as a Sharia Court alkali under this law. (iii) The State Council of Ulama may, subject to section 8(i) of this Law, prescribe the guidelines, conditions and terms of appointment of a Sharia Court alkali under this Law to the appointing authority or body. | Establishment
of Council |
| 10. | <ul style="list-style-type: none"> (i) The Council shall comprise not less than 17 members appointed by the Governor and who shall be knowledgeable in Islamic law and jurisprudence and are distinguished scholars in the study of the Qur'an, Hadith and Sunnah of the Prophet, <i>ijma</i>, <i>qiyas</i> and other sources of Islamic law, and generally have considerable experience in these fields. (ii) The membership and composition of the Council and the conduct of its affairs shall be carried out in such a manner as to reflect the various competing Islamic sects or schools of thought in the state. (iii) Not less than ten members of the State Council of Ulama may [sic: shall] be appointed from within the State, and not more than five members of the Council shall be appointed from other States in the Federation; provided that nothing in this section shall be construed to preclude the Governor from appointing a member or members of the Council from outside the Federation of Nigeria. (iv) The members of the State Council of Ulama may elect the leaders of the Council from amongst themselves; <i>provided that</i> such leader shall be approved by the Governor who will subsequently appoint him for a period of time. (v) The State Council of Ulama shall make rules and regulations for the conduct of the affairs of the Council. (vi) The State Council of Ulama may co-opt any person to attend its meetings and whose advice or opinion is required in its deliberations over any matter before it. | Membership
and qualification |
| 11. | <ul style="list-style-type: none"> (i) The Council shall meet at least once in every month or as the occasion may require. (ii) The quorum of the Council on any meeting to discuss any matter shall be two thirds of all the members of the Council, or by simple majority where the members present and voting are not less than two-thirds of all the members of the Council. | Meetings and
quorum |

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- | | | |
|--|---|---|
| <p>(iii)</p> <p>(iv)</p> <p>12.</p> <p>13.</p> | <p>At the conclusion of its meetings, the Council shall make and submit its decisions, recommendations, opinions or advice to the appropriate body for implementation.</p> <p>The Governor shall appoint a person learned in Islamic law to be the Secretary to the Council.</p> <p>The members of the Council shall be entitled to payment of such remuneration and/or allowances as sitting or monthly allowances as may from time to time be determined by the Governor.</p> <p>The Council shall have power to carry out its functions which may include:</p> <ul style="list-style-type: none"> (i) meeting periodically to discuss, interpret, explain or give informed opinion on issues, matters or questions that may be referred to it by any person, group of persons or authority or the Sharia Courts in respect of questions or issues in Islamic law and jurisprudence generally. (ii) to monitor and assess progress in the implementation of Islamic law in the State and where necessary, give corrective advice or measures to attain maximum result. (iii) to monitor and give informed opinion on Islamic law on recent or new developments as a result of technological innovations, new trends in civilization, modern trade and commerce, contemporary social vices and diseases, etc. (iv) to advise, select and recommend fit, suitable and qualified persons to be appointed as Sharia Court alkalis. (v) to advise, subject to the provisions of section 8(i) of this Law, and make recommendations for the discipline, suspension, termination, interdiction or dismissal of Sharia Court alkalis or any other to the appropriate authority, body or person responsible for such disciplinary measures. (vi) to make available literature in print, audio or video form on the provisions of Sharia law (theory and practice), to enlighten and educate the people of the State on the said principles and practice of Sharia law. (vii) the Council may, subject to the provisions of this Law, have power to codify all the Islamic penal laws and their corresponding punishments, and the rules of criminal procedure and evidence as prescribed by the Qur'an, Hadith and Sunnah of the Prophet (SAW), <i>ijma</i>, <i>qiyas</i> and other sources of Islamic law (to ease reference). (viii) the Council may advise on the enactment of the rules of practice and procedure and evidence in civil and criminal proceedings in Sharia Courts as prescribed under Islamic law. (ix) to perform or carry out any other function that may be necessary or incidental to the attainment of any or all of the above duties and responsibilities, and to generally do anything that will enhance the development and | <p>Remuneration
of members of
Council</p> <p>Functions of the
Council</p> |
|--|---|---|

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- administration of Sharia law in the State.
14. In the discharge of its functions and responsibilities the Council shall be independent of any person or authority and shall not be subject to the direction or control of any other person or authority. Independence of Council
- [...]
32. There may be appointed for this Law the following grades of inspectors: Appointment of inspectors
- (i) Chief Inspector; Deputy Chief Inspector; Assistant Chief Inspector; [Principal Chief Inspector Grade I]; and Principal Chief Inspector Grade II.
 - (ii) All inspectors to be appointed under subsection (i) above must be learned in Islamic law; Provided that nothing in this provision shall preclude the Council of Ulama from screening the persons to be appointed inspectors to the appropriate body or authority before any appointment is made; Provided also that nothing in this section will preclude the Council from screening the persons to the appropriate authority for any disciplinary action to be taken against an Inspector.

(2) From the Zamfara State Sharia Criminal Procedure Code Law 2000:¹⁷³

257. (1) When any convicted person: Affirmation of sentence of death, etc.
- (a) has been sentenced to death or *qisas* of the limbs or amputation by the Upper Sharia Court; and
 - (b) (i) has not appealed within the time prescribed by law; or (ii) has unsuccessfully appealed against the conviction; or (iii) having filed a notice of appeal has failed to prosecute such appeal,
- the Governor, after consultation with the Executive Council and the State Council of Ulama shall affirm the sentence.

(3) The Council of Ulama (Establishment) Law 2003:¹⁷⁴

In 2003 Zamfara State passed a separate new law establishing an “Ulama Consultative Council”. The new law does not explicitly repeal the provisions of the 1999 Sharia Courts Establishment Law relating to the Council of Ulama, but has presumably superseded it in practice.

¹⁷³ Zamfara State of Nigeria Gazette, Vol. 4 No. 1, 27th January 2000. The law was assented to by the Governor on 27th January 2000, the same day it came into force. For complete information about the Sharia Criminal Procedure Codes of Zamfara and other states see Chapter 5.

¹⁷⁴ Zamfara State of Nigeria Gazette, No. 3 Vol. 5, 10th October 2003, pp. A1-A5. The law was assented to by the Governor on 28 July 2003, the same day it came into force.

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A LAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL OF ULAMA IN THE STATE

Arrangement of sections:

- | | |
|---|--|
| 1. Citation and date of commencement. | 9. Functions of the Chairman. |
| 2. Interpretation. | 10. Functions of the Secretary. |
| 3. Establishment of Council of Ulama. | 11. Disqualification from membership. |
| 4. Council to screen Sharia Court alkalies. | 12. Tenure of members. |
| 5. Membership. | 13. Resignation of member. |
| 6. Meetings and quorum. | 14. Remuneration of members. |
| 7. Appointment of Secretary to the Council. | 15. Independence of the Council. |
| 8. Functions of the Council. | 16. Council to receive information on Sharia implementation or judgment. |

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

1. This Law may be cited as the Council of Ulama (Establishment) Law 2003 and shall come into force on the 28th day of July, 2003.
2. In this Law unless the context otherwise requires:
 - “State Council” means Zamfara State Ulama Consultative Council established under this Law.
 - “functions” includes powers.
 - “Governor” means the Governor of the State.
 - “State” means Zamfara State of Nigeria.
 - “gross Misconduct” includes immoral acts prohibited by Sharia, soliciting for favours or contacts of any kind from an officer of the Government of the State.
 - “an officer” means political or public officer of the Government of the State.
 - “appropriate authority” means the Governor of the State or where a decision involves an act or omission of a judicial staff, alkali or any judicial officer means the Chairman Judicial Service Commission.
3. For the purpose of this Law there shall be established a Council to be known as the Ulama Consultative Council.
4. The Council shall be responsible for the screening, recommendation and advising the qualification, competence and fitness of any person, both in character and learning to be appointed as a Sharia Court alkali under the Sharia Court Establishment Law 1999.
5.
 - (1) The Council shall comprise of not less than 17 members and not more than 31 knowledgeable in Islamic law and jurisprudence and must be of proven integrity, with adequate exposure on contemporary issues.
 - (2) The composition of the membership of the Council and the conduct of its affairs shall reflect the various Muslim groups in the State.
 - (3) Not less than 10 members of the Council shall be appointed from the State and not more than 5 members may be appointed from outside the State.
 - (4) The Chairman shall be appointed by the Governor on the advice of the Council.
 - (5) The Council shall make rules and regulations for the conduct of its affairs.
 - (6) The Council may co-opt any person it requires to attend its meetings whose advise or opinion is required.
6.
 - (1) The Council shall meet at least once in every month or as occasions and circumstances demand.

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- (2) (i) The quorum for any meeting of the Council shall be two third majority of members of the Council.
- (ii) Decision on any matter shall be by simple majority of members present.
- (iii) All decisions and recommendations reached by the Council shall be submitted to the appropriate authority for implementation.
- 7. There shall be a Secretary to the Council, to be appointed by the Governor.
- 8. The Council shall have power to carry out the following functions:
 - (i) meeting in accordance with the provisions of section 6(1) of this Law to discuss on issues, matters or questions that may be referred to it by any person, group of persons or authority or the Sharia Courts in respect of questions or issues in Islamic law and jurisprudence generally.
 - (ii) monitoring and assessing progress in the implementation of Islamic law in the State and where necessary giving advice on measures to attain the required result.
 - (iii) receiving research findings relating to recent developments emanating from technological advancement and other contemporary social issues.
 - (iv) advising the Governor on the conformity or otherwise of any bill about to pass to the principles of Sharia.
 - (v) any other function that may be necessary for the due discharge of the functions of the Council.
- 9. The Chairman shall perform the following functions:
 - (a) to preside over the meetings of the Council and in his absence the Deputy Chairman shall preside. In the absence of the Chairman and the Deputy Chairman, the Council may elect a member from amongst them to preside over the meeting.
 - (b) to speak, represent, issue press releases and make statements on behalf of the Council.
- 10. (1) The Secretary shall be responsible to the Chairman in the day-to-day activities of the Council and shall keep records of the Council, call for the meetings, take minutes of the meetings and keep all correspondences with the Council.
- (2) The Secretary shall be an officer and not a member of the Council and shall be the accounting officer of the Council.
- 11. A member of the Council shall be disqualified for the following reasons:
 - (i) unsoundness of mind;
 - (ii) gross misconduct;
 - (iii) absenting from the meetings of the Council of three consecutive meetings; and
 - (iv) failure to perform the duties assigned to him by the Council.
- 12. A member appointed under this law may hold office for a period of four years and may be eligible for reappointment for another term of four years
- 13. A member of the Council may resign his appointment by giving notice in writing of his resignation to the Chairman of the Council.
- 14. The members of the Council shall be entitled to payment of such remuneration and/or allowances as sitting or monthly allowances as may from time to time be determined by the Governor.
- 15. In the discharge of its functions and responsibilities, the Council shall be independent of any person or authority and shall not be subjected to the direction or control of any other person or authority.

16. The Council shall receive any information from any of the Sharia implementation agencies, for the non-execution of any judgment passed by any Sharia Court, or any recommendation made by any of the Sharia agencies.

(4) From the Qur'anic Recitation and Memorization Board Law 2005:

The Zamfara State Qur'anic Recitation and Memorization Board Law 2005 (see n. ???) gives a "representative of the State Council of Ulama" a seat on the Qur'anic Recitation and Memorization Board, see §7(vi).

(5) From an interview with Dr. Ibrahim Ahmad Aliyu, the Deputy Chairman of the Ulama Consultative Council of Zamfara State:

[The following is M.S. Umar's account of his interview with Dr. Aliyu on 18th and 19th September, 2006, in Zaria.]

Dr. Ibrahim Ahmad Aliyu lectures in the Faculty of Law of Ahmadu Bello University and is also a staff of the related Centre for Islamic Legal Studies. He has been a member of the Zamfara State Council of Ulama, or Ulama Consultative Council (hereafter: UCC) since its inception in 2000. Besides kindly granting me three and a half hours of his time over two sessions, he also generously provided a number of documents on UCC activities, discussed in what follows.

The Chairman of UCC is Malam Isa Talata Mafara, and the Executive Secretary is Mal. Kabiru Balarabe (*Sardaunan Dan Isa*). The Executive Secretary is not an Islamic scholar but a career civil servant who also serves as the Personal Assistant to the Governor of Zamfara State. The UCC is quite large: about thirty members, none of whom are women.

Subcommittees

The UCC carries on its work via the following seven subcommittees on:

1. *Ilm* (Islamic Religious Knowledge) responsible for issuing learned opinions in *fatwa*, articles and books, and public enlightenment, etc.
2. *Sharia* providing advice on Islamic law to the State House of Assembly, *qadis* (alkalai/judges of Sharia Courts), reviewing decisions of Sharia Courts, and liaison with the Sharia Research and Development Commission, etc.
3. *Zakat* (alms/charity) responsible for liaison with Zakat Board, research and advice on all *zakat* matters, etc.
4. *Hisbah* responsible for liaison with Hisbah Commission, research and advice on *hisbah* matters, and receiving and reviewing public complaints on *hisbah* matters, etc.
5. *Public Complaints* responsible for liaison with Public Complaint Commission and anti-corruption agencies, research and Islamic guidance including written submissions on Islamic positions for these agencies, and receiving and investigating public complaints, etc.
6. *Preaching* responsible for liaison with the Ministry of Religious Affairs and the Preaching Board, and giving advice on how best to improve preaching, etc.

7. *Pilgrimage* responsible for liaison with Pilgrims Welfare Board, advice on *hajj* affairs including written guidance on how to perform *hajj*, assisting intending pilgrims with the necessary paperwork, etc.

Through the above subcommittees, UCC interacts with various agencies of the State Government, principally through the Governor who holds monthly meetings with members of UCC—though the Governor’s schedule does not always permit the monthly meeting to take place. UCC renders advisory opinion/suggestions to the Governor, who then may direct the government agency concerned for action.

Publications and public presentations

Dr. Ibrahim gave me copies of the following document reflecting activities of the UCC:

1. *Fatwa* on divorce:

- *I’dad Majlis al-Shura Li’l-Ulama’ l-Wilayat Zamfara fi Masaa’il al-Talaq Umuuman wa fi Masaa’il al-Ta’liiq al-Talaq (sic) Khusuusan*, (dated Rajab 9, 1427 a.h., August 3, 2006), 9 pp. This Arabic document is a *fatwa* on divorce issued by UCC and it has been translated into Hausa (next entry).
- *Takaitaccen Bayani na Fatawa Subcommittee UCC Dangane da Saki da Lafuzgansa da Abinda Anka Rataya Saki Kansa Bisa Ka’idar Shari’ar Musulunci Ran 27/3/2006*. This is Hausa translation of the above Arabic *fatwa* on divorce.

2. Research on land ownership in Islamic law:

- *Hukm Iktisaa al-Arad wa malakiyyatiba fi al-Islam*. Arabic document reporting the research on Islamic rulings on land ownership prepared by Mohammed Bello Kano, member of the *fatwa* subcommittee of UCC, dated Jumada al-Aakhir, 1426 a.h., July 2005, 9 pp.; translated into Hausa (next entry).
- *Hukuncin Mallakar Fili a Musulunci* (Binciken Majalisar Malamai ta Shawara Jihar Zamfara, Shekara 1426/2005). This is Hausa version of the research on land ownership, 10 pp.

3. Three television programmes:

- *Majalisar Shawara ta Malamai Jihar Zamfara, Gusau: Tsarin Shirye-Shirye Mai Suna “Sharia Rahama” Wanda Majalisa Za Ta Gabatar a NTA Gusau*. Hausa transcript of television presentation on the theme of “Sharia and Belief” with Dr. Ibrahim Ahmad and Mal Abubakar Tureta as discussant/host, aired on the programme “Sharia is Mercy” on Thursday May 5, 2005 at 10:00 am, on the Nigerian Television Authority station in Gusau, 6 pp.
- *Majalisar Shawara ta Malamai Jihar Zamfara, Gusau: Tsarin Shirin “Sharia Rahama” Wanda Majalisa Ke Gabatarwa a NTA Gusau*. Hausa transcript of television presentation on the theme of “Sharia Position on *Hisbah*” with Hon. Abdu-Nasir Alhassan Mafara and Mal. Abubakar Aliyu Fari as discussant/host, aired on the programme “Sharia is Mercy” on Thursday July 28, 2005 at 11-12:00 am, on the Nigerian Television Authority (NTA) station in Gusau, 7 pp.

- *Majalisar Shawara ta Malamai Jihar Zamfara: Tsarin Shirin "Sharia Rabama" N.T.A. Gusau da Majalisa Ke Gabatarwa.* Hausa transcript of television presentation on the theme of "Sharia and Commerce" with Dr. Ibrahim Ahmad and Mal. Ahmad Umar Kanoma as discussant/host, aired on the programme "Sharia is Mercy", no date given, on the Nigerian Television Authority station in Gusau, 8 pp.

Work with the Judicial Service Commission and the Sharia Courts

The Judicial Service Commission (JSC) and the newly established Sharia Courts are the two agencies that have the most contacts with UCC, whose enabling law calls for close interactions with both JSC and Sharia Courts, including supervision of Sharia Court *alkalis*, review of Sharia Court decisions/judgments, and receiving and investigating public complaints against *alkalis* and recommending disciplinary action if necessary.

UCC is also charged by its enabling law with responsibility of reviewing candidates for appointment as *alkalis* of Sharia Courts. UCC has developed detailed criteria for vetting and recommending candidates, including questions for written examination and interview, both aimed at:

- ascertaining candidates' knowledge of the Qur'an (written exam), Hadith (written exam), *Fiqh* (written exam), Sharia procedure (written exam), and upholding/defending the dignity/sanctity of Sharia (written exam);
- obtaining both oral testimonies and written recommendations from people who could evaluate the character of candidates;
- evaluating candidates' academic qualifications (minimum of Higher Islamic Studies Certificate);
- taking cognizance of their age (but no explicitly age limit apparently).

In one instance, UCC graded written exams by approximately ninety candidates: only forty-seven candidates passed the exam, and only twenty-nine of them passed the subsequent interview.

UCC has advised against implementing some judgments of Sharia Courts for not conforming to Sharia requirements, particularly where there are *shubha* (ambiguity or doubt) and lack of full compliance with strict rules of Sharia procedure, e.g. UCC advised against execution of the following:

- a judgment for amputation for theft in which the value of the stolen item was not indicated;
- a judgment in which Sharia rules on recanting of testimony were not observed;
- a judgment not observing the Sharia requirement of eye-witness for conviction;
- a judgment against one of two accused persons mentioned in the case where the fate of the other accused person was not indicated.

Conflicts between UCC and other agencies of Government

Given the roles of UCC in reviewing decisions of Sharia Courts and in appointing *alkalis* including supervision and recommending disciplinary action (e.g. dismissal of an *alkali* found by UCC to be of bad character), JSC has sometime disagreed with the decisions of UCC, e.g. by appointing *alkalis* against the advice of UCC. Controversy arose when JSC disregarded UCC advice. Then UCC contacted the State House of Assembly to ascertain whether or not the law-makers' intent was for the advice of UCC to be binding in the matter of appointment of *alkalis* or not. After the consultations going back-and-forth, and also because of fear of public reaction, the JSC accepted the advice of UCC by withdrawing appointment offers from those candidates that UCC had advised against. Some *alkalis* are also not too happy with some of the UCC advice against their rendered judgments.

Sometimes, even the State Government does accept the advice of the UCC. For instance, advice for stronger action against high government officials who embezzled public funds and were only given three-months suspensions as punishment. Editorial comment in *New Nigerian* newspaper also calling for stronger action did not go well with the State Government, which asked UCC to prepare a rejoinder indicating that embezzlement of public funds does not meet Sharia requirements for offence of theft punishable with *hadd*. UCC declined to issue the rejoinder.

Cooperation between UCC and other agencies of Government

Despite these clear cases of conflict and controversy between UCC and some agencies of the Zamfara State Government, there are many more cases of acceptance of UCC's advice. Notable examples are:

- establishment of Zamfara State Hajj Information Centre in Saudi Arabia to provide practical assistance and guidance for pilgrims not only from Zamfara State but from all over the country as well;
- the House of Assembly accepted UCC advice to reject the Child Rights Bill for its inconsistency with Islamic norms, or alternatively exempt Muslims from the jurisdiction of the Child Rights Law as enacted by the Federal Government;
- the Governor accepted UCC advice not to enact a law against frequent divorce/abuses of marriage;
- acceptance of several *fatwas* and learned opinions issued by the UCC as well as public enlightenment over the NTA television station in Gusau on how Sharia applies to diverse aspects of everyday life of Muslims (see materials on "Sharia is Mercy" under list of documents below);
- organisation by UCC of seminars/workshops to educate different sectors of society (e.g. merchants and judges) on Sharia rules applicable to their respective domains;
- the Government has accepted UCC advice on how to solve complainants from members of the general public on everyday problems, e.g. water shortage in Gusau, etc.

Developments re enabling law

Section 8 of the Council of Ulama (Establishment) Law of 2003 spells out the functions of the Council. Subsections (i) and (ii) charge the Council with the functions of:

- (i) Meeting...to discuss on issues, matters or questions that may be referred to it by any person, group of persons or authority or the Sharia Courts in respect of questions or issues in Islamic law and jurisprudence generally.
- (ii) Monitoring and assessing progress in the implementation of Islamic law in the State and where necessary giving advice on measures to attain the required result.

These subsections seem to be the basis for UCC to conduct the researches it has done and publicizing its findings in *fatwas* and research papers (see list below). But according to subsection 8(iii), the Council is charged with the function of:

- (iii) Receiving research findings relating to recent developments emanating from technological advancement and other contemporary social issues.

This sub-section implies that UCC is not charged with responsibility of conducting research on how Sharia may apply to recent developments but simply with receiving the findings of such research, the responsibility for which is placed on the Sharia Research and Development Commission (SRDC) as established by Zamfara State Law No. 18 of 2003 [subsection c(2) below]. SRDC has published the maiden edition of its own journal titled *Shari'ah Research Journal* containing eight articles on various subjects [see subsection c(3) below]. The SRDC Secretary's forward to the maiden edition of the *Shari'ah Research Journal* indicates that besides the subjects of these articles, the SRDC has also conducted researches on "Islamic Standpoint on Songs and Celebrations", "Rejoinder to an Open Letter to the State Governor by the *Shi'ite* Group", and "Land Ownership in Islam".

It is worth noting that there has been some criticism against the Zamfara State Governor using musicians to entertain audiences during some of his campaign rallies; The SRDC's work on songs and celebrations and the rejoinder to the *Shi'ite* group seem to suggest that these researches may have been requested by the Zamfara State Governor. This would be consistent with the observation that the UCC delves into purely theoretical discussions, but only attempts to find solutions to questions arising from practical problems that have been brought to its attention.

Sharia Court of Appeal jurisdiction

As with other Sharia states, the Zamfara State House of Assembly enacted a law expanding the jurisdiction of the State Sharia Court of Appeal to include more than the items on Islamic law of personal status listed in section 277(2) of the Federal Constitution of 1999, by invoking Section 277(1) apparently allowing any State to pass laws extending Sharia Court of Appeal jurisdiction to other matters. But since the Borno State High Court decision nullifying a similar law in that State, Zamfara UCC has picked interest in the issue, and from informal discussions with High Court judges, it seems that a similar fate of nullification awaits the Zamfara State law expanding the jurisdiction of its Sharia Court of Appeal beyond matters of Islamic personal law.

In which courts Muslims may be prosecuted in Zamfara State

There has been a recent enactment mandating that no Muslim may be prosecuted in Zamfara State in the Magistrate Courts: every case involving a Muslim must go to the Sharia Courts, or the High Court.

Other Interesting Points

Membership of UCC comprises both traditional malams and modern malams with formal educational backgrounds, including university degrees up to PhD. Representatives of various Islamic groups (Tijanis, Izala, Kadiris etc.) are included in the membership of UCC—as required by the enabling law.

Members of UCC are compensated by Zamfara State Government for their services in the forms of allowances (perhaps also in salaries): but the exact amount of monetary compensation is not clear. Members have also been regularly sponsored by Zamfara State Government to perform *hajj* in Saudi Arabia. Each member has been given an official car, but two members did not accept the cars.

A delegation of UCC members were sponsored on a research trip to Al-Azhar University in Cairo to study recent thinking of Muslim scholars in Egypt on family planning.

d. Zamfara State Sharia Research and Development Board: 2003-present

(1) The Board was first a Department of the Ministry of Religious Affairs:

This Board began as the Sharia Department of the Ministry of Religious Affairs, see subsection **a** above. As is documented in subsection **a**, its role at that time was described by the then-Permanent Secretary of the Ministry as follows: “The Sharia Department . . . listens to the reports of the public against corrupt practices of the judges. The department investigates such cases and reports to the Ministry for onward transmission to the Grand Kadi. They also look into issues that affect Sharia”.

(2) The Sharia Research and Development Board Law:

In 2003 the Sharia Department was reconstituted as the Sharia Research and Development **Commission**, under the Zamfara State Sharia Research and Development Commission Law 2003.¹⁷⁵ That law was amended in 2004 by the Sharia Research and Development **Board** Establishment (Amendment) Law 2004.¹⁷⁶ As this change of title suggests, the principal purpose of the amending law was to change the Commission into a Board. To this end the amending law says: “3. Throughout the [principal] law for the word ‘Commission’ substitute the word ‘Board’ ”, and “4. Throughout the [principal] law for the word ‘Permanent Commissioner’ substitute ‘Permanent Member’ ”. We have made those substitutions in the principal law as reproduced below. The amending law also implicitly adds a new definition to §2: “

¹⁷⁵ See Zamfara State of Nigeria Gazette, No. 3 Vol. 5, 10th October 2003, pp. A1-A5.

¹⁷⁶ Signed by Governor Sani on 2nd August, 2004; no gazetted copy of the amending law was obtained, but a copy as signed by the Governor is in the possession of the editor.

SHARIA IMPLEMENTATION IN NORTHERN NIGERIA 1999-2006: A SOURCEBOOK
CHAPTER 8: COUNCILS OF ULAMA AND RELATED BODIES

‘Commissioner’ means Commissioner charged with the responsibility of the Ministry for Religious Affairs in the State”, and explicitly adds §5a, for which see below.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE SHARIA RESEARCH AND
DEVELOPMENT BOARD IN THE STATE AND MATTERS INCIDENTAL THERETO

Arrangement of sections:

- | | |
|---|--|
| 1. Citation and date of commencement. | 9. Votes. |
| 2. Interpretation. | 10. Committees. |
| 3. Establishment of the Board. | 11. Power to make regulations. |
| 4. Membership and qualifications | 12. Remuneration of members. |
| 5. Powers of the Board. | 13. Removal of members. |
| 5a. The Commissioner may give direction to the Board. | 14. Resignation of a member. |
| 6. Functions of the permanent members. | 15. Limitation of liability against members. |
| 7. Functions of the part-time members. | 16. Duties of the Secretary. |
| 8. Meetings and quorum. | |

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

1. This Law may be cited as the Zamfara State Sharia Research and Development Board Law and shall come into operation on the 28th day of July, 2003.
2. In this Law unless the context otherwise requires:
 - “member” for the purpose of quorum includes the Chairman and Permanent Members.
 - “permanent member” means a member appointed under section 4(1)(b) of this Law.
 - “part-time member” means a member appointed pursuant to section 4(1)(d) of this Law.
 - “Ulama” means Council of Ulama established by the State.
 - “powers” includes functions.
 - “Commissioner” means Commissioner charged with the responsibility of the Ministry for Religious Affairs in the State.¹⁷⁷[definitions of “Board”, “Chairman”, “Department”, “Governor”, “Local Government”, “State” omitted.]
3. (1) There shall be established in the State a Board to be known as Zamfara State Sharia Research and Development Board.
- (2) The Board shall:
 - (a) be a body corporate with perpetual succession and a common seal having right to sue and be sued and may acquire, hold and dispose of property, movable or immovable.
 - (b) have power to hold and dispose of any property whether movable or immovable.

¹⁷⁷ This definition implicitly added by the 2004 amending law, which gives the definition without instructing that it be inserted into the principal law, but then uses the term defined in the new §5a which is inserted into the principal law.

4. (1) The Board shall consist of the following members to be appointed by the Governor:
 - (a) a Chairman
 - (b) five permanent members.
 - (c) a Secretary; and
 - (d) other 40 part-time members.
- (2) Persons to be appointed as members shall be persons of proven integrity, and very versed in Islamic knowledge and skilful in research.
- (3) A person who is a member of this Board shall remain a member thereof:
 - (a) in case of the Chairman and a permanent member for a period of four years from the date of his appointment and may be eligible for re-appointment.
 - (b) In case of part-time member, for a period of four years.
5. Subject to the provisions of this Law and any other enactment, the Board shall have power:
 - (1) to carry out research in new developments emanating from technological advancement and other contemporary social issues;
 - (2) to liaise with all the Sharia implementation agencies and all other relevant agencies where necessary with a view to collecting data for purpose of the Board's research;
 - (3) to forward its research findings to the relevant agencies for necessary action with a view to recommending appropriate policies to the State Government for implementation;
 - (4) to pass information of the research findings to the Council of Ulama for the pronouncement of informed opinion on Islamic law (*fatwa*) to the State Government or public;
 - (5) to publish research findings and other information relevant to the development of Sharia in the State;
 - (6) to organize workshops, symposiums and seminars from time to time designed to enlighten people on new developments and current trends in Islamic law;
 - (7) to maintain a well equipped library and to acquire research materials from and cooperate with similar research institutions worldwide;
 - (8) to consider, advise and do any other thing on any other issue for the achievement of the objectives of the Board.
- 5a. The Commissioner may give direction to the Board of general or specific nature and the Board shall give effect to such directions.¹⁷⁸
6. Apart from the general functions or powers of the Board under section 5 of this Law, the permanent members shall exclusively perform the following functions:
 - (a) to lay down the administrative policy necessary for the day to day running of the Board;
 - (b) to organize and coordinate the activities of the part-time members;
 - (c) to arrange in order of priority the area(s), subjects, topics and units for which detailed research shall be undertaken;
 - (d) to come up with necessary requirements appropriate for conducting a particular research for the approval of the Governor.

¹⁷⁸ This section added by the 2004 amending law.

7. The part-time members shall attend the meetings of the Board and in particular:
 - (a) assist the Board in data collection, especially in their respective domains;
 - (b) critically examine any knowledge or ideas, either individually or in group with a view to bringing same to the notice of the Board for further confirmation, rejection or verification.
 - (c) do any other thing necessary for achieving any or all of the functions of the Board.
8.
 - (1) Special meetings can be called by the Chairman or [at] the instance of any two or more of the permanent members.
 - (2) The quorum for every meeting of the Board shall be one third of the members of the Board.
 - (3) The Chairman shall preside over all the meetings of the Board at which he is present and in his absence the members present may select any of the member in attendance to chair the meeting.
9. Questions for determination shall be decided by a majority of the votes of members present and voting. In the event that the votes are equal the Chairman shall have a casting vote.
10. The Board may appoint one or more committees either standing or ad hoc to carry out on behalf of the Board such functions as the Board may determine.
11. Subject to the provisions of this Law, the Chairman may make such rules and standing orders to regulate the proceedings of the Board.
12. The Chairman and all other members of the Board shall be paid such remuneration, whether by way of salary or allowances, as the Governor may determine.
13. A member of the Board appointed under section 4(1) of this Law shall only be removed from office by the Governor for inability to discharge the functions of his office arising from the unsoundness of mind, body or for misconduct.
14. A member of the Board may resign his appointment by giving notice of resignation in writing to the Chairman. And any vacancy created shall be filled in by appointment of another person in accordance with the provisions of this Law.
15. A member of the Board shall not be personally liable for any act done or omission made in good faith while engaged in the due exercise of the Board's functions.
16.
 - (1) The Secretary of the Board shall be responsible to the Chairman and shall perform such other duties as may be assigned to him under the provisions of this law or any other written law made from time to time. He shall be responsible for keeping the records.
 - (2) The Secretary shall be an officer and not a member of the Board and he shall be the accounting officer of the Chairman [sic: Board].

- (3) From the first issue of the *Shari'ah Research Journal*, published by the Sharia Research and Development Board.¹⁷⁹

The first issue of this journal contains eight articles. The first five are in Arabic, the sixth is in Hausa, and the seventh and eighth are in English. The titles, here all given in English, are as follows:¹⁸⁰

¹⁷⁹ *Shari'ah Research Journal*, Vol. 1, No. 1, June, 2005/1426

- *Hukm Isti'mal al-Adwiyya al-Kiimaawiyya li-'Izalat al-Hashaa'ish fi Maaqabir al-Muslimiin*, essay in Arabic on permissibility in Islamic law of applying herbicide to remove grass in a Muslim cemetery (pp. 1-13)
- *Hukm al-Raadiyyat (sic) al-Badaniyyat wa al-Ruqusaat al-Sha'biyyat wa al-Furuusiyat fi al-Sharia al-Islamiyya*, essay in Arabic on Islamic legality of physical sports (e.g. wrestling, boxing, etc), dance and other popular cultural entertainments (pp. 14-25)
- *Al-Zawaj wa al-Talaq fi Sharia al-Islamiyya*, essay in Arabic on Islamic law of marriage and divorce (pp. 26-39)
- *Maa Yushtarar li'l-Zawj qabla Ta'addudi al-Zanjaat fi Islam*, essay in Arabic on conditions in Islamic law for husband to fulfill before he may take additional wives (pp. 40-52)
- *Al-Miiqaat wa al-Ibraam inda A'mal al-Hajj wa al-Umra*, essay in Arabic on the exact location for commencing the Islamic rituals of both major and minor pilgrimage (pp. 53-70)
- *Ciwon Kanjamau (AIDS): Illolinsa da Rigakafinsa*, essay in Hausa on AIDS: its negative consequences and the precaution against it (pp. 71-77)
- *Peaceful Co-Existence, Pluralism and Nation Building*, self-explanatory title of essay in English (pp. 78-90)
- *Pre-Marital Blood Screening against HIV and Other Blood Related Diseases: The Islamic Standpoint*, self-explanatory title of essay in English (pp. 91-104).

Here also is the Foreword to the first issue of the journal, and the introductory remarks of the Editor-in-Chief, both in English in the original:

FOREWORD

In the name of Allah the Most Gracious, the Most Merciful. Peace and Blessings of Allah be upon his Messenger Prophet Muhammad (SAW), his Progenies and his Companions and may Allah bless the immediate followers of the Companions including righteous people right from Prophet Adam (AS) down to this generation.

Sharia Research and Development Commission [sic: evidently 'Commission' has stuck notwithstanding the statutory change of name] was established on the 28th of July, 2003 vide the law number 18 of 2003. The Commission was created out of the desire to dwell in research findings on matters affecting the general well-being of the Muslim *Ummah* with a view to coming up with solutions from Islamic point of view.

Among others, the Commission has the following as its functions: [giving items 1, 2, 3, 5 and 6 from the list of powers given in § 5 of the law].

¹⁸⁰ With thanks to M.S. Umar for transliterations and translations of the Arabic and Hausa titles.

From inception to date, this Commission has conducted researches on various aspects and came up with its position on them. For instance it conducted researches on:

1. Islamic standpoint on songs and celebrations.
2. Research work on other cultural activities in our midst such as *durba*, *dambe*, *kokawa*, *sharo*, *rawar yaba*, *wasan tauri* and *wasan makera*. The Commission was able to find their positions in Islam.
3. Permissibility or otherwise on applying herbicide liquid (anti-grass oil) in destroying grass in our cemetery.
4. Rejoinder to an open letter to the State Governor by the *Shiite* group.
5. Land ownership in Islam.

Apart from the above five areas mentioned, the Commission has conducted research works on several other areas.

Secretary

FROM THE TABLE OF THE EDITOR-IN-CHIEF¹⁸¹

It is with pleasure that I present the first issue of the *Shari'ah Research Journal* (SRJ) to the general public. The Journal, which is published twice a year (June and December) was initiated by the Sharia Research and Development Commission established by the Zamfara State Government in the year 2003. The aim of the Journal is to educate the general public in the Sharia Legal system and other important issues about Islam and also to add collection in the special library established by the Sharia Research and Development Commission of Zamfara State. This special library is expected to preserve, maintain and organize new research findings on Sharia and other important issues about Islam for easy retrieval by users and browsers.

There is certainly in the history of Islam no better institutions of learning than libraries, which for hundreds [of] years proved to be the most worthy and genuine repositories and stores for recorded Muslim thoughts. The Holy Qur'an compiled under the chairmanship of Zayd ibn Thabit had been enlisted as the first book in the history of Muslim library. Indeed, it is not exaggeration to say that Muslim world libraries in Cairo, Bagdad, Shiraz and the like have played a tremendous role in the development and advancement of knowledge.

The SRJ therefore, is the fulfilment of an ambition and dream by the Sharia and Research Development Commission of Zamfara State to produce and preserve written materials that would disseminate the results of the strivings and efforts of Muslims in contemporary complex global system.

The Journal, which contains eight scholarly articles, covers a wide range of topics that affect the Muslim *Ummah* in the current era of globalization and

¹⁸¹ The name of the Secretary to the Commission is not given; the Editor-in-Chief is Ustaz M.Y. Kaura.

DOCUMENTARY MATERIALS: ZAMFARA STATE

HIV/AIDS. There is no doubt that the contributing authors have done justice to the various areas of their papers. May Allah SWT reward with *Aljannah* all those who have, and will in the future contribute to the production of this and subsequent issues of this Journal.