

## REPORT OF THE TASK FORCE ON SHARIA IMPLEMENTATION BAUCHI STATE OF NIGERIA

Submitted to the Executive Governor of Bauchi State  
His Excellency Alhaji (Dr.) Ahmadu Adamu Mu'azu (Mutawallen Bauchi)  
14<sup>th</sup> August, 2001

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ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**1. Letter from Secretary to State Government to Alh. Muhammad Dan Madami,  
Appointing him as Task Force Chairman**

**BAUCHI STATE OF NIGERIA**

**Telex Fax: 077-542429**

**Tel: 077-542238, 542822, 542234**

**Office of the Secretary to the Government  
Governor's Office,  
P. M. B. 0060, Bauchi.**

**Your Ref:**

**Our Ref: GO/SS/REL/1/S.1/T/24**

**27<sup>TH</sup> February 2001**

Alhaji Muhammad Dan Madami,  
(Sa'in Katagum)  
Katagum Emirate Council,  
Emir's Palace  
Azare.

**APPOINTMENT AS CHAIRMAN/MEMBER TASK FORCE ON THE  
TAKE-OFF OF SHARIA LEGAL SYSTEM IN BAUCHI STATE**

I am directed to inform you that, His Excellency, Alhaji Ahmadu Adamu Mu'azu, the Executive Governor has approved your appointment as the Chairman/Member of the above Committee whose full membership include:

ii	Dr. Ibrahim Tahir (Talban Bauchi)	Member
iii	Dr. Hadi Sheikh Dahiru	Member
iv	Barrister Lawal Ibrahim	Member
v	Barrister Al-Mustapha Suleiman Hassan	Member
vi	Representative of Chief Judge	Member
vii	Rep. of Hon. Grand- Kadi	Member
viii	Rep., of Bauchi Emirate Council	Member
ix	Rep., of Katagum Emirate Council	Member
x	Habibu Idris Shail Esq.	Secretary

- The main term of reference of the Task Force is to co-ordinate the take-off of the Sharia Legal System. In doing so the Task Force should liaise with the State Government, the Judicial Service Commission and the Office of the State Grand Kadi on the establishment of the State Sharia Commission and the Sharia consultative council as well as the appointment of new judges and inspectors of the Sharia Courts.
- I am also to add that, the Task Force should ensure that all necessary groundwork for the take-off of the Sharia Legal System in the State is put in place before 31<sup>st</sup> March 2001.
- The task Force can co-opt any other person(s) it deems appropriate to facilitate its onerous work. Please.

**ABDU ALIYU ILELAH**

**for: SECRETARY TO THE STATE GOVERNMENT**

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**2. Letter from Task Force Chairman to the Director, Judicial Service Commission, re Appointment of Judges of Sharia Courts**

**TASK FORCE ON SHARIA IMPLEMENTATION  
BAUCHI STATE OF NIGERIA**

**ADMINISTRATIVE SECRETARIAT;**

Gombe Road (Adjacent Local Government Audit) Bauchi Ph: 077-642259  
Our Ref: TFSI/BS/ADM/Vol.I/75 Your Ref:----- Date: 15<sup>th</sup> May 2001

The Director,  
Judicial Service Commission,  
Bauchi State Judiciary,  
Bauchi.

**RECOMMENDATIONS FOR APPOINTMENT OF SHARIA COURT  
JUDGES**

1. One of the terms of reference of the Task Force on Sharia Implementation, which was inaugurated by the Executive Governor on 27<sup>th</sup> February 2001 is appointment of judges and inspectors of Sharia Courts in liaison with the State Government, the Judicial Service Commission and the Office of the Grand Kadi of the State (see [Annex I](#) attached).
2. The first requirement of the exercise is to ascertain the optimum number of Sharia and Upper Sharia Courts for the first phase, which is the take-off phase as well as the number that will be required in the subsequent or second phase. It is envisaged that the take-off phase will commence 1<sup>st</sup> June 2001 and should be completed by December 2001. The second phase is to commence as from 1<sup>st</sup> January 2002 and be completed including buildings by 31<sup>st</sup> December 2002.
3. The Second requirement is to ascertain the number of judges that will be required to man these established courts under the two phases.
4. The third requirement is to ascertain the realistic number of inspectors, registrars, clerks and other staff that will be required to support these courts.
5. At paragraph 3.1.4 of the White Paper, the State Government has approved, for the take-off phase, the establishment of at least one (1) Sharia Court in each administrative district area and one (1) Upper Sharia Court in each Local Government Area of the State.

**PHASE I: TAKE-OFF 1<sup>ST</sup> JUNE 2001 – 31<sup>ST</sup> AUGUST 2001**

**A. SHARIA COURTS**

6. As is the case at present, there is at least one Area Court in each administrative district of the State. These will now be re-designated Sharia Courts and the total number should be as follows:

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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	Local Govt.	Administrative Districts		District Hqtrs Town
1.	Alkaleri	Pali	1.	Alkaleri
		Duguri-Gwana	2.	Duguri
			3.	Futuk
2.	Bauchi	Bauchi Town	4.	Kobi
			5.	Tashar Babiye
		Galambi	6.	Kangere
		Zungur	7.	L/Katagum
3.	Dambam	Dambam	8.	Dambam
		Dagauda	9.	Dagauda
		Jalam	10.	Jalam
4.	Darazo	Darazo	11.	Darazo
		Sade	12.	Sade
5.	Dass	Dass	13.	Dass
6.	Gamawa	Gwamawa	14.	Gamawa
		Udubo	15.	Udubo
7.	Ganjuwa	Ganjuwa	16.	Kafin Madaki
8.	Giade	Giade	17.	Giade
9.	Itas/Gadau	Itas	18.	Itas
		Gadau	19.	Gadau
10.	Jama'are	Jama'are	20.	Jama'are
		Dogonjeji	21.	Dogonjeji
		Jurara	22.	Jurara
		Hanafari	23.	Hanafari
11.	Katagum	Azare	24.	Azare I
			25.	Azare II
		Madara	26.	Madara
		Chinade	27.	Chinade
12.	Kirfi	Kirfi	28.	Kirfi
13.	Misau	Yerima	29.	Misau
		Hardawa	30.	Hardawa
14.	Ningi	Ningi	31.	Ningi
		Burra	32.	Burra
15.	Shira	Shira	33.	Shira/Yana
		Disina	34.	Disina
16.	Tafawa Balewa	Lere	35.	T/Balewa
		Bula	36.	Bununu
17.	Toro	Toro	37.	Toro
		Lame	38.	Gumau
		Jama'a	39.	Nabordo
18.	Warji	Warji	40.	Katangan Warji
19.	Zaki	Katagum	41.	Katagum
		Sakwa	42.	Sakwa
20.	Bogoro	Bogoro	43.	Bogoro

There will thus be 43 Sharia Courts to be established in the 41 administrative districts of the State for the take-off phase.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**B. UPPER SHARIA COURTS**

7. There are two (2) Upper Sharia Courts in Bauchi Metropolis as at now, there should thus be 21 Upper Sharia Courts going by the Government White Paper since there are 21 Local Governments in the State. However, Bogoro Local Government, being a predominantly non-Muslim area, will have only one Sharia Court. There will not be enough cases for the Upper Sharia Court as an appellate and first instance court. No Upper Sharia Court will therefore be established in Bogoro Local Government to be heard by Upper Sharia Court will be referred to Tafawa Balewa Upper Sharia Court. There will thus be 20 Upper Sharia Courts for the State to be established as follows:

	<b>Local Govt.</b>	<b>Location of Upper Sharia Court</b>
1.	Alkaleri	Alkaleri
2	Bauchi	Bauchi
3	Bauchi	Bauchi
4	Dambam	Dambam
5	Darazo	Darazo
6	Dass	Dass
7	Gamawa	Gamawa
8	Ganjuwa	Kafin Madaki
9	Giade	Giade
10	Jama'are	Jama'are
11	Itas/Gadau	Itas
12	Katagum	Azare
13	Kirfi	Kirfi
14	Misau	Misau
15	Ningi	Ningi
16	Shira	Yana
17	Tafawa Balewa	Tafawa Balewa
18	Toro	Toro
19	Warji	Katangan Warji
20	Zaki	Katagum

**C. APPOINTMENT OF SHARIA COURT JUDGES**

8. As can be seen from the above calculations. 43 Sharia Court and 20 Upper Sharia Court judges will need to be appointed to man the courts scheduled to take off under phase 1 by 1<sup>st</sup> June 2001.

A total number of 89 judges already in the service have been interviewed and 99 new applicants sat for written tests out of whom 56 have been interviewed (see [Annex II](#) and [III](#) attached for the overall results).

**(i) EXISTING SHARIA COURT JUDGES**

In the opinion of the Task Force, the following existing judges are qualified by good service record, education and experience, for re-designation as Sharia Court judges and to be deployed as follows:

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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S/No	Name	Designation	Salary Grade	Posting
[1-36]	[omitted]	[SC] to HSC], SSC]II, SSC] I, PSC] II]	[GL 08 to GL 12]	[to all but seven of the forty- three District Headquarters Towns listed in ¶ 6 above]

Going by the above posting, it could be observed that Duguri, Kangere, Jalam, Sade, Jurara, Hanafari and Bogoro Sharia Courts have not been posted Sharia judges on the list above. Seven out of the new judges proposed for direct appointment are however recommended to fill these vacant positions and the details were provided under item vi (paragraph 13) of this letter.

(ii) **EXISTING UPPER SHARIA COURT JUDGES AND THOSE TO BE PROMOTED**

9. Out of the eight (8) existing Upper Area Court judges, three have not been recommended for appointment as Upper Sharia Court judges either because they are overdue for retirement due to age or length of service or because of pending petitions against them for alleged wrong doing fifteen vacancies are therefore available to be filled by appointments as follows:

S/No	Name	Present Status	Salary Grade	Recommendation	Posting
[1-20]	[omitted]	[HAC] to SAC] II, SAC], PAC] II, PAC] I, UAC] I, UAC]I]	[GL 09 to GL 15]	[all to be re- designated or appointed Upper Sharia Court judges, all on GL 14 or 15]	[the 20 locations of Upper Sharia Courts listed in ¶ 7 above]

(iii) **NORMAL RETIREMENT**

10. The under listed are recommended for normal retirement because of age or length of service.

S/No	Name	Status	Salary Grade	Date of Birth	Date of First Appointment
[1-3]	[omitted]	[PAC] II (2) and UAC] II]	[GL 12 (2) and GL 14]	[all 1940]	[1969, 1972, 1974]

(iv) **UNSUITABILITY TO SERVE AS SHARIA COURT JUDGES**

11. The Task Force is unable to recommend the following for appointment as Sharia Court judges either because of sub-standard performance at the interviews which indicates incompetence on their parts or because of pending petitions and complaints alleging wrong doings against them which are yet to be resolved. It will be better for the Commission to deal with their cases as deemed appropriate.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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S/No	Name	Status	Salary grade	Interview score	Remarks
[1-16]	[omitted]	[ACJ to HACJ, SACJ II, SACJ I, PACJ I, PACJ, UACJ II]	[GL 08 to GL 14]	[21% to 49%]	[“Below Standard”, “Questionable Conduct”, “Pending Petitions”, or two of the above]

(v) **PENDING PETITIONS AND COMPLAINTS**

12. The Task Force is also unable to make any recommendation in respect of the following judges because of the pending petitions and complaints against them. (See [Annex IV](#) for the summary of allegations labeled against them). The Commission is in a better position to deal with their cases appropriately.

S/No	Name	Status	Salary grade	Interview score	Remarks
[1-14]	[omitted]	[HACJ to SACJ II, SACJ I, PACJ II, PACJ, UACJ]	[GL 09 to GL 15]	[51% to 73%]	[all: “Pending Petitions”]

**PHASE II: 1<sup>ST</sup> SEPTEMBER 2001 – 31<sup>ST</sup> DECEMBER 2001**

**D. SHARIA COURTS IN MAJOR VILLAGES**

13. Even at present, there are Area Courts in nearly all-major villages throughout the State. These will be phased out with the coming into force of the Sharia Courts Commencement (Administration of Justice and Cain consequential changes) Law, 2000. As shown in the proceeding paragraphs, only 43 Sharia Courts and 20 Upper Sharia Courts will operate during the take-off or first phase of the Sharia implementation exercise as from 1<sup>st</sup> June 2001. The Task force is however, proposing that after the initial take-off, consideration should be given as the need arises for the establishment of more courts especially in major villages as follows:

S/No	Local Govt.	Administrative District		Major Villages Sharia Court Location
1.	Alkaleri		1.	Digare
			2.	Yashi
2.	Bauchi		3.	Doya
			4.	Tudun Alkali
			5.	Juwara
			6.	Tudun Gambo
			7.	Bayara
3.	Dambam		8.	Yame
4.	Darazo		9.	Lanzai
			10.	Konkiyel
			11.	Papa
5.	Dass		12.	Dass
			13.	Bazali
6.	Gamawa		14.	Gololo



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			15.	Gadiya
7.	Ganjuwa		16.	Soro
			17.	Miya
			18.	Nasarawa
			19.	Zalanga
8.	Giade		20.	Zabi
			21.	Isawa
9.	Itas/Gadau		22.	Magarya
10.	Jama'are		-	-
11.	Katagum		23.	Bulkachuwa
12.	Kirfi		24.	Bara
			25.	Dewu
13.	Misau		26.	Akuyam
			27.	Zadawa
14.	Ningi		28.	Nasaru
			29.	Gadar Maiwa
			30.	Agwar Maji
			31.	Yada Gungume
15	Shira		32.	Faggo
16.	Tafawa Balewa		33.	Dull
			34.	Dajin
			35.	Bolo
			36.	Lere
17	Toro		37.	Tulu
			38.	Rishi
			39.	Nahuta
			40.	Rimin Zayam
			41.	Tilden Fulani
			42.	Tulai
18	Warji		43.	Baima
			44.	Tudun Wada
19.	Zaki		45.	Lodiyo
			46.	Kafin Larabawa
20	Bogoro		-	-

(vi) **NEW APPLICANTS**

14. The following new applicants are recommended for immediate appointment as Sharia Court judges on appropriate grades for commencement of service<sup>3</sup> from 1<sup>st</sup> June 2001 under the first phase of the Sharia implementation.

S/No	Name	LGA	Educational Qualification	Date of Birth	Test Score	Posting
[1-7]	[omitted]	[4 Bauchi 1 Darazo 2 Katagum]	[1 Diploma in Arabic and Hausa 1 Diploma in Hausa, Arabic and Islamic Studies 1 Diploma in Sharia and Common Law]	[1960 to 1976]	[69% to 79.5%]	[various]

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			1 B.A. in Arabic 2 B.A. in Arabic and Islamic Studies 1 B.Ed. in Hausa and Islamic Studies]			
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15. The following new applicants are also recommended for direct appointment as Sharia Court judges on appropriate grades for commencement of service from 1<sup>st</sup> September 2001 under the second phase of the Sharia implementation. They should however be immediately appointed and attached to the older judges for a period of three months (i.e. from 1<sup>st</sup> June to 31<sup>st</sup> August 2001) after which they may be posted to the various stations indicated against their names during which the Area Courts system will be completely phased out. They are as follows:

S/No	Name	LGA	Educational Qualification	Date of Birth	Test Score	Posting
[1-32]	[omitted]	1 Alkaleri 10 Bauchi 1 Dambam 2 Darazo 1 Dass 1 Giade 4 Ganjuwa 2 Katagum 5 Tafawa Balewa 4 Toro 1 Zamfara State	[1 Qur'anic School 2 NCE Arabic 8 Diploma in Arabic and Hausa 4 Diploma in Hausa, Arabic and Islamic Studies 7 Diploma in Sharia and Common Law 1 Advanced Diploma in Arabic 1 B.A. in Arabic 1 B.A. in Sharia 2 B.A. in Islamic Studies 2 B.A. in Arabic and Islamic Studies 1 B.A. in Hadith and Islamic Studies 1 M.A. in Arabic 1 M.A. in Arabic and Islamic Studies]	[1954 to 1972]	[55% to 68%]	[various]

16. For the 46 Sharia Courts recommended for the second phase of the Sharia implementation, only the 32 new judges listed above are hereby recommended for direct appointment. The Task Force is unable to conduct recruitment interviews in Katagum Senatorial District because of the time factor. In view of that, it is strongly recommended that you should employ from Katagum Senatorial District the balance of 14 new judges required and post them along with the 32 recommended above immediately to Yame, Nasarawa, Zabi, Isawa, Magarya, Bulkachuwa, Akuyam, Zadawa, Agwarmaji, Yada-Gungume, Dajin, Nahuta, Tudun Wada and Lodiyo Sharia Courts for the second phase of the Sharia implementation.

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E. **APPOINTMENT OF INSPECTORS, REGISTRARS AND OTHER SUPPORTING STAFF**

17. Recommended in respect of these category of staff will be forwarded later.

**SUMMARY**

**[Courts]**

**Phase I [1/6/2001 – 31/8/2001]**

Upper Sharia Courts	20
Sharia Courts	<u>43</u>
	63

**Phase II [1/9/2001 – 31/12/2001]**

Sharia Courts	<u>46</u>
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**Total** 109

**Judges**

**Phase I [1/6/2001 – 31/8/2001]**

From existing judges	20	Upper Sharia Court judges
From existing judges	36	Sharia Court judges
From new applicants	<u>7</u>	Sharia Court judges (Training)
	<b>63</b>	

**Phase II [1/9/2001 – 31/12/2001]**

From New applicants	<u>46</u>	New judges in training
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**[Total]** 109

They should be appointed now and placed on training but to be deployed w.e.f 1/9/2001.

Thank you

**ALH. MUHAMMADU DANMADAMI, CFR, NP'M, mni**

(Sa'in Katagum)

Chairman

Copy to:

The Secretary to the State Government

Governor's Office

Bauchi.

Above is submitted for His Excellency's information. In order to boost the morale of the Sharia judges and curtail the tendency of their being corrupt, it is strongly recommended that the following scale of allowances be approved for them to be paid

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monthly along with their Salaries. You will recall that the State Government has recently approved similar allowances for Magistrates and State Counsel Officials. To this end, the Task Force recommendation is as follows:

**IMPROVED FRINGE BENEFITS TO SHARIA JUDGES**

<b>Sharia &amp; Upper Sharia Judges</b>	<b>Domestic Staff Allowance</b>	<b>Inducement Allowance</b>	<b>Total Package</b>
GL. 08	5, 000.00	3, 500.00	N8, 500.00
GL. 09	5, 000.00	4, 000.00	9, 000.00
GL. 10	6, 000.00	5, 000.00	11, 000.00
GL. 12	7, 000.00	6, 000.00	12, 000.00
GL. 13	8, 000.00	6, 000.00	14, 000.00
GL. 14	9, 000.00	6, 500.00	15, 500.00
GL. 15	10, 000.00	7, 000.00	17, 000.00

2. In addition to the above, it is also recommended that the State Government should consider the possibility of giving special loans to the Sharia judges to enable them purchase vehicles in order to ease their transportation problems as well as raise their status in the community, please.

**ALH. MUHAMMADU DANMADAMI, CFR, NP'M, mni**  
(Sa'in Katagum)  
Chairman

\*\*\*\*\*

**ANNEX 1**  
**TERMS OF REFERENCE**  
**BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION**

1. To co-ordinate the take-off of the Sharia Legal System. In doing so, the Task Force should liaise with the State Government, the Judicial Service Commission and the Office of the State Grand Kadi on the establishment of the State Sharia Commission and the Sharia Consultative Council as well as the appointment of new judges and inspectors of Sharia Courts
2. To ensure that all-necessary groundwork for the take-off of the Sharia Legal System in the State is put in place before 31<sup>st</sup> May 2001.
3. The Task Force<sup>3</sup> can co-opt any other person(s)m it deems appropriate to facilitate its onerous work.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION: DETAILS AND DOCUMENTATION

**ANNEX II**

MASTER LIST No. 1

BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION

Details of interviews for prospective Sharia and Upper Sharia Courts judges

S/No	Names of Judges	Date of Birth	L.G. of Origin	Highest Qualification	Present Post	Present Station	Sal. GL	Date of First Appt.	Date of Present Appt.	Marks	Grade
[1-89]	[omitted]	[1940 to 1970]	2 Alkaleri 18 Bauchi 1 Dambam 1 Darazo 5 Dass 9 Gamawa 2 Ganjuwa 1 Giade 2 Itas/Gadau 3 Jama'are 12 Katagum 2 Kirfi 6 Misau 4 Ningi 5 Shira 6 Tafawa Balewa 7 Toro 1 Warji 2 Zaki	2 Advanced Judicial Course 1 Islamic Studies Certificate 8 Higher Islamic Studies Certificate 18 Diploma in Hausa, Arabic and Islamic Studies 49 Diploma in Sharia and Civil Law 2 Advanced Diploma in Legal Studies 1 Advanced Diploma in Public Administration 3 B.A. in Islamic Studies 4 LL.B. 1 LL.B. and B.L.	[AC] to UACJ]	[various]	[08 to 15]	[1968 to 1996]	[1991 to 1999]	[21% to 85%]	3 A 39 B 44 C 3 F

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**ANNEX III**

MASTER LIST NO. II

BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION

Result of written test of 30<sup>th</sup> April and interview of 8<sup>th</sup> May 2001 for new applicants for the post of Sharia Courts judges

S/No	Names	Qualifications	LG of Origin	Date of Birth	Years of Service	Written Test Score	Interview Score	Total Scores	Remarks
[1-56]	[omitted]	2 Qur'anic School 1 Junior Islamic Studies Cert. 1 SSCE Cert. 2 NCE Arabic 2 Diploma Arabic Studies 9 Diploma Arabic & Hausa 5 Diploma Hausa, Arabic & Islamic Studies 13 Diploma Sharia & Civil Law 3 Diploma ?? 1 Advanced Diploma Arabic 1 Advanced Diploma ?? 2 B.A. Arabic 4 B.A. Arabic & Islamic Studies 2 B.A. Sharia 1 B.A. Islamic Studies 1 B.A. Hadith & Islamic Studies 1 B.Ed. Islamic Relig. Knowledge 2 B.Ed. Hausa & Islamic Studies 1 M.A. Arabic 2 M.A. Arabic & Islamic Studies	2 Alkaleri 21 Bauchi 5 Darazo 1 Dass 1 Gamawa 4 Ganjuwa 2 Giade 4 Katagum 1 Misau 1 Ningi 7 Tafawa Balewa 6 Toro 1 Zamfara State	[1942-1979]	[3-30, with 16 "???" ]	[45-70.5]	[4.5-10]	[47.5-79.5]	39 recommended 1 disqualified 16 not recommended

ANNEX IV

**POSITION OF THE TASK FORCE ON SOME AREA AND UPPER JUDGES PETITIONED AGAINST FOR CORRUPT PRACTISES AND OTHERS WHOSE OUTWARD CONDUCTS AND DISPOSITIONS WITHIN THEIR AREAS OF JURISDICTIONS ARE MANIFESTLY INJURIOUS TO THE IMPLEMENTATION OF SHARIA LEGAL SYSTEM IN BAUCHI STATE**

1. **[Name omitted]** Upper Area Court Judge II GL. 14 – Scores 48%
  - (a) He was petitioned for non issuance of receipts after making payment [particulars omitted].
  - (b) He was petitioned by [name omitted] on land matters.
  - (c) [Name omitted] petitioned requesting the indulgence of the Chief Judge for the refund of N53, 000 collected by the judge.
  - (d) [Name omitted] petitioned requesting the Chief Judge to compel the judge to refund N20, 000 to him
  - (e) He was also petitioned by [name omitted], a judgment creditor who was awarded N150, 000 but was only given N20, 000 by the judge.

In almost all the cases, the judge was requested to say his own side of the story but he is yet to respond to any. Ministry of Justice has once written the Director of JSC and the matter is being investigated.

2. **[Name omitted]**, SACJ GL. 09 scores 48%
  - (a) He was petitioned in 1999 by one [name omitted] for misappropriating his judgment creditor money.
  - (b) A petition was sent in jointly by six persons from [place-name and date omitted] alleging that the judge after conducting a trial without giving them fair hearing. At last he convicted them an imposed fines convict and fines as well as comprises [sic]. They alleged that the fines were without receipts. It needs to be verified and investigated whether something was done in that direction. The Director of Area Court or the petitioner can be contacted to ascertain the final position of things.
3. **[Name omitted]**, SACJ II Scores – 55%

He was petitioned by one [name and LGA omitted] for not handing over the sum of N33, 750 being share of an estate to the petitioner's wife. According to him, he should have handed over the money to the judge in [name omitted] while proceeding on transfer. There was a directives by the Chief Judge that the matter be investigated and he reported back to him. There is nothing in the file to show that the matter is concluded.
4. **[Name omitted]**, SACJ I GL. 10 Scores 38%

In a letter dated [date omitted], the [title omitted] informed the [title omitted] that the judge and his registrar [name of registrar and name of court omitted] connived with some criminals in the Area in collaboration with one [name omitted], a person who claims under a cover of charge and bail. The [title omitted] has endorsed the

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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letter to the Chief Judge who also directed the Director of Area Court to proceed and investigate the matter and report back. However there is nowhere in the file to show that something of that direction was done. The judges and the registrars were only transferred.

5. **[Name omitted]**, HACJ GL.09 – Scores 68%  
Like his counterpart above he was reported by the [title omitted] for conniving with criminals in the Area to intimidate innocent citizens. His registrar [name omitted] is also indicted.
6. **[Name omitted]**, PACJ II GL. 12 Scores 56%
  - (a) There was a petition by one [name omitted] against the judge while he was a judge at the [name of court omitted] sometimes in [date omitted]. According to the petition, the judge demanded the sum of N10, 000 on the pretext that he will give judgment in his favour against one [name omitted]. According to the petitioner since judgment was not done in his favour he therefore demanded his money back. The Chief Registrar directed that the judge should put forward his comments but to no avail.
  - (b) There were complaints against the judge for befriending women litigants and some reports had it that he married so many women litigants before his court. Reference could be made to [names of courts] for details as the petition reads.
7. **[Name omitted]**, HACJ GL. 09, Scores 50%
  - (a) There was a petition sent in by one [name omitted] against the judge when he was at [name of court omitted]. He said at [name of court omitted] the judge fixed Kull'l for N20,250 and his daughter paid the amount to the court, unfortunately the money was not given to the former husband who therefore did not allow them to collect her belongings. He went on to say that the former husband appealed to Upper Area Court II [place-name omitted]. The appellate court after hearing the case dismissed the appeal. The petitioner was shocked stressing that instead for the former husband to appeal again he went to headquarters and complained where it was directed that the case be retried at the [name of court omitted]. He said after that was done, the [name of court omitted] arrived at yet another judgment where his daughter was made to pay another Kull'l amounting to N17,500. His appeal to the Chief Judge was to compel the judge to refund the N20,250 which his daughter paid as Kull'l when the judge was sitting at [place-name omitted].
  - (b) Another petition was also sent in [date omitted] from one [name omitted] alleging that the judge has misappropriated Kull'l money amounting to sixty thousand naira (N60,000) while he was the Area Court judge at [place-name omitted].
8. **[Name omitted]**, HACJ, GL. 09 Scores 72%  
The Area Court judge had series of petitions against him almost all on misappropriation of judgment creditors money. A petition was received on [date



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omitted] alleging that he misappropriated the sum of forty-five thousand naira (N45,000) being Kull'l money when he was a judge at [name of court omitted].

9. **[Name omitted]**, UACJ, Alkaleri, Score 60%

Some petitions were levelled against the judge for misappropriating various sums of money for litigants as follows:

- (a) A petition dated [date omitted] signed by one [name of person and his town omitted] alleged that the judge demanded the sum of seventeen thousand naira (N17,000) to assist him in granting judgment in his favour over a land matter in [place-name omitted] when he was the Upper Area Court judge [place-name omitted]. The issue was not settled, as there was no evidence to show that the matter was concluded. The Chief judge advised the petitioner to take legal action to recover his money back.
- (b) There was yet another petition from [name of person and his town omitted] dated [date omitted], alleging that at various times during the substance of a case at the [place-name omitted] Upper Area Court the judge illegally collected the sum of twenty-eight thousand naira (N28,000). The Chief Judge directed that it should be investigated and if confirmed the judge should refund same. After the Chief Judge's intervention, the judge agreed to refund only fifteen thousand naira (15,000) as against twenty-eight thousand naira (N28,000). Out of the fifteen thousand naira he admitted to have collected, he refunded only three thousand five hundred naira (N3,500) from all indications it is the failure of the judge to refund the remaining sum that motivated him to send a reminder. The Chief Judge therefore gave the judge an ultimatum dated [date omitted] by 12.00 within when to refund the sum of eleven thousand five hundred naira (N11,500). There is no record to show that the matter was concluded.

10. **[Name omitted]**, PACJ GL. 12 Scores 73%

- (a) The Divisional Inspector of Area Courts, [place-name omitted] Division [name omitted] is reporting the judge to the Director of Area Courts over the judge's continued disrespect to lawful orders given to the judge. He cited an instance when a litigant sought his assistance over a case, the judge brought his personnel from the court including the court orderly and arrested and molested the litigant, he said the same disturbed every body including the people sitting around the Emir's Palace [place-name omitted]. He said if he had not restrained himself it would have been a serious scandal to the judiciary.
- (b) The Divisional Inspector cited some instances when the judge misappropriated some judgment creditor money. He said in the case of [case-name omitted] decided by the judge, the Divisional Inspector went on to say that the defendant in that case confirmed to him that he made payment of over forty-thousand naira of the judgment debt to the court, but the plaintiff after making several attempts to collect the amount was given only five thousand naira (N5,000)
- (c) Similarly, the Divisional Inspector made a reference to a case involving one [name omitted] where the judge misappropriated Kull'l money and was asked to refund the money. The case was still not over

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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- (d) A petition dated [date omitted] was addressed to the Chief Judge alleging among other things that the judge misappropriated a Kull'l money amounting to fifteen thousand naira (N15,000). Similarly in the same case he demanded the sum of seven thousand naira (N7,000) and was given without refunding it to the petitioner.

It is certain from the directives of the Chief Judge, the judge has admitted misappropriating the money, where he was directed that the Director of Area Courts should collect all the money and refund same to the petitioner. It was not stated in the file if the order was complied with or not at all.

11. **[Name omitted], SACJ GL. 09 Scores 39 %**

There was a petition from [name of person and his village omitted] where the petitioner is alleging that one [name omitted] trespassed into his farm; he therefore sought the intervention of the Maiunguwa so that the matter is settled at their level. He said, when the matter was being settled, the trespasser took the matter to court. The judge without finding the true position of things remanded him in prison custody. The judge demanded the sum of two thousand naira before he was granted bail. When the case came for trial the judge also demanded the sum of ten thousand naira (N10,000) so that he could give him back his farm. The petitioner pleaded with the judge to reduce the sum, and yielded and reduced it to six thousand five hundred naira (N6,500) and was collected by the judge without refund.

At the conclusion of the case, the judge did not give the petitioner the farm in question. The petitioner's prayer is that the Chief Judge should retrieve the sum of thirteen thousand naira (N13,000) being his money from the judge and be refunded back to him. The petitioner said he gave the money in the presence of the Maiunguwar [place-name omitted].

12. **[Name omitted], PACJ II GL. 12 Scores 53%**

- (a) In [date omitted], he was interdicted by the judicial service commission for delving himself into the affairs of [name of court omitted] and also for receiving gratification to the tune of three thousand naira (N3,000) from one [name omitted], later he was cleared.
- (b) The [name of organisation omitted] also petitioned against the judge alleging that the judge has misappropriated the sum of thirty eight thousand eight hundred naira being bail deposit of one of their members named [name omitted] when he was the judge at [name of court omitted] in [date omitted]. He was queried on why he should not be disciplined for so doing. In his reply to the query, he said the sum in question was not bail deposit, but compensations for three different judgments all involving [name omitted] a member of [name of organisation omitted]. The commission on the other hand invited the petitioner to hear his own version but before the due date the petitioner sent in a letter informing the commission that he has withdrawn his petition against the judge and he gave so many reasons that he could not be reached for anything in connection with the petition.

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13. **[Name omitted]**, SACJ I GL.10, Scores 56%

He was interdicted and later reverted from the judge's cadre to that of registrar in [date omitted] for demanding and receiving gratification from one [name omitted] when he was a judge at [name of court omitted]. In [date omitted] the reversion order was lifted and he was once again reinstated as a judge.

A petition was lodged against the judge by one [name omitted] alleging among other things that the judge failed to refund bail deposit for himself and four others amounting to seven thousand naira (N7,000). The Chief Judge has directed a formal letter be written to the judge to that effect but there is no response from him.

14. **[Name omitted]**

A petition dated [date omitted] was addressed to the Chief Judge by one [name of person and his town omitted] alleging that the judge has collected the sum of sixteen thousand naira (N16,000) from the petitioner through one [name omitted] over a loss and found cow when he was a judge at [name of court omitted].

In another petition dated [date omitted] signed by [name of person and his town omitted] alleged that the judge collected the sum of fourteen thousand naira (N14,000) through his registrar [name omitted] as follows:

The petitioner alleged that the case was that of [name omitted], the judge collected ten thousand naira (N10,000) and one hundred tubers of yam through [name omitted] his registrar.

The registrar of the [name of court and of person omitted] also collected the sum of four thousand naira (N4,000) as part of his own share to pave way for the petitioner to get judgment in his favour.

Another petition dated [date omitted] by [name of organisation omitted] alleged that the judge while at [name of court omitted], the judge heard a case which was finally determined by the [name of court omitted] and when record of proceeding were brought from the [second court] the judge ignored them and confer title on [name omitted].

15. **[Name omitted]**, HACJ I GL 09 Scores 44%

(a) This is a joint petition by people numbering fifteen from [name of town omitted] dated [date omitted] alleging among other things:

- (i) That when he was sharing the estate of the wife of one [name of person and town omitted], he made away with one goat and money.
- (ii) That he received the sum of four thousand naira (N4,000) as bail deposit from one [name omitted] without refunding it back at the end of the case.
- (iii) The following people [names omitted] are requesting the Chief Judge to compel the judge to refund the sum of nine thousand eight hundred naira (N9,800) being money collected by the judge at various cases before the judge.

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- (iv) That the judge could not control his carnal desire with women litigants, a mention was made of one [name omitted], a litigant who the petitioners alleged had immoral dealings with her.
  - (v) That the judge collected between N500 to N700 from twenty-five people who were alleged to have put a mentally deluded woman in a family way. The amount collected, was said to be used for catering for the alleged pregnant woman up to the delivery period, they further alleged that up till this time around, the woman has not delivered and if at all she delivers they want the child if not they want their money back.
  - (b) A petition dated [date omitted] signed by three people namely [names omitted] alleged that the judge had a questionable character that does not qualify him to serve as a Sharia judge. They cited as an example that the judge has a habit of involving himself in love affairs with women litigants and also misappropriates litigants' money.
16. **[Name omitted]**, SACJ I GL.10 Scores 53%
- (a) There was a petition addressed to the Divisional Inspector of Area Courts of [name of zone omitted] signed by one [name omitted] dated [date omitted] alleging among other things tampering with the accounts of children of late [name omitted] with the [name of bank omitted]. The petition further alleged that the heirs of the estate of [name omitted] are minors, namely [names omitted] whose estate is entrusted with the court presided by the judge. According to the petitioner, it came to their notice also that it was only the account of [one of the children] that was opened while that of [the other child] was never opened. The petitioner, further alleged that even the account of [the first child] which was opened, it came to their notice also that the sum of fifteen thousand naira (N15,000) was withdrawn without the consent of the account's holder. At the end the petitioner threatened to institute legal action if the judge fails to refund the amount allegedly withdrawn.
  - (b) The judge was said to have played a great role in disposing of two plots of land near Government Lodge [name of town omitted] belonging to the wife of [name of person omitted]. The case is right now before [another court]. It was further alleged that it was this episode that led to the dismissal of one [name omitted] a staff of the [name or organisation omitted] attached to the Area Office [name of town omitted].
  - (c) He was petitioned on [date omitted] by one [name of person and his town omitted] alleging that the judge misappropriates the petitioner's money amounting to N30,000 and also re-opened bank account of a heir and even withdrawn some money without the heir's consent.
17. **[Name omitted]**, HACJ GL. 09 Scores 63%
- Reports have it that, the judge's most disheartening conduct is having love affairs with women litigants. It was alleged that the judge cannot resist the temptation of any woman that comes his way as litigant. It was further alleged that it was this shameful act that caused his transfer from [name of town omitted] to the [Area Court in another town]. Some specific instances may be relevant as follows:

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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- (a) A petition dated [date omitted] revealed that when he was at [name of town omitted], he fell in love with a litigant and when he was returning her to base they had accident along the way and the woman burnt her thigh from the machines silencer.
  - (b) That while the judge was at [name of Area Court omitted], he fell in love with a police man's wife named [name omitted] the case is right now before the Chief Inspector of Area Court [name of district omitted].
  - (c) That at a certain time the judge unilaterally transferred the court sittings from [one town to another] for a field day.
18. **[Name omitted]**, HACJ GL. 09 Scores 48%  
He was petitioned that his main problem was demanding and receiving gratification from litigants that is why he is all over nicknamed 'hokkan shede' meaning bring money. It was also alleged that he remands litigants at will and with the slightest provocation.
19. **[Name omitted]**, PACJ I GL. 13 Scores 40%  
He is said to be a drunkard, this is to the knowledge of everybody and staggers around to the disappointment of everybody.
20. **[Name omitted]**, SACJI GL. 10 Scores 50 %
  - (a) His file shows that in [date omitted] he was reverted from the judge's cadre to the registrar's cadre that is from [being a judge] to [being a registrar]. He made appeal to the judicial service commission in [date omitted] and the reversion order was lifted and he was once again re-posted as an area judge.
  - (b) A petition dated [date omitted] signed by one [name omitted] stated that at one time he impregnated one [name omitted] and she gave birth out of wedlock. Similarly, the petition alleged that he for the second time impregnated the wife of one [name omitted] who has a matter before him. The petition showed that he befriends the wife of [name omitted]. It further alleged that while at [name of court omitted], he impregnated a woman and that had even caused him to be downgraded in 1994.
  - (c) He is also said to be a drunkard.
21. **[Name omitted]**, PACJ I GL 13 Scores 48%  
A petition dated [date omitted] was forwarded against him by the Sharia Committee of [name of district omitted] alleging that he has a questionable conduct. They alleged that the judge plays card and moves freely with women to notice of all persons. The petition also alleged that the judge has never brought his wife to [name of town omitted] but moves with women freely in the town.
22. **[Name omitted]**, ACJ I GL. 08 Scores 52%  
His conduct as judge is quite unethical. He said to be a gambler he comes in love with woman litigant and also a drunkard.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**Observation:**

The submissions on individual judges were made possibly [sic: possible] through the petitions sent in writing, verbal complaints and to some extent the conducts of the judges which were so constant and habitual to an extent they amount to evidence of general repute and common knowledge to every person. Failure to take into account such misconduct will be tantamount to a disservice to the implementation of the Sharia legal system in the State. And will in no small measure jeopardise the implementation of same.

The Task Force is of the view that academic qualifications per se is not enough to qualify one as a judge, his character and person must be beyond reproach. These are the considerations which guided the Task Force in arriving at its decisions.

The Task Force is aware that the petitions enumerated above are not exhaustive as there are many against Upper and Area Courts judges, but due to the poor record keeping at the Judiciary, those petitions could not be found. It is however the view of the Task Force that individual judges mentioned in this exercise could be invited to hear their side of the story, then on investigation, the JSC is at liberty to decide their fate. Inspectorate divisions of Area Courts need to be contacted to get to the root of the matter.

**3. Letter from Task Force Chairman to the Director, Judicial Service Commission, re Appointment of Inspectors of Sharia Courts**

**TASK FORCE ON SHARIA IMPLEMENTATION  
BAUCHI STATE OF NIGERIA**

**ADMINISTRATIVE SECRETARIAT;**

Gombe Road (Adjacent Local Government Audit) Bauchi Ph. 077-642259

Our Ref: \_\_\_\_\_ Your Ref: \_\_\_\_\_ Date: \_\_\_\_\_

TFSI/BS/ADM/Vol.I/90

30<sup>th</sup> May, 2001

The Director,  
Judicial Service Commission,  
Bauchi State Judiciary,  
Bauchi.

**APPOINTMENT OF INSPECTORS OF SHARIA COURTS**

According to its terms of reference, the Task Force is to liaise with the State Government, the Judicial Service Commission and the office of the Grand Kadi in respect of the appointment of Sharia Court judges and inspectors. The Task Force has already dealt with the appointment of Sharia Court judges vide letter No. TFSI/BS/ADM/Vol.I/75 dated 15<sup>th</sup> May 2001.

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2. Section 31 of the Sharia Courts (Administration of Justice and Certain Consequential changes) Law, 2001 provides that a Chief Inspector and any such number of inspectors may be appointed for the Sharia Courts.

At present, there are eight inspectors headed by a Director of Area Courts deployed as follows:

Headquarters	-	2 (including the Director)
Bauchi Inspectorate Office	-	2
Katagum Inspectorate Office	-	3
Misau Inspectorate Office	-	1
Ningi Inspectorate Office	-	1

3. As can be seen from the provision of section 31 of the Sharia Court Law 2001, the office of Director of Area Courts is abolished and replaced by the office of Chief Inspector of Sharia Courts under the new dispensation. For the purpose of proper and effective control, it is thus recommended that one chief inspector and one deputy chief inspector of Sharia Courts be appointed for the Sharia Court Inspectorate Headquarters under the office of the Grand Kadi in Bauchi.

4. It is also recommended that two assistant chief inspectors should be appointed one each for Bauchi and Katagum zones. They should be assisted by 2 inspectors each making a total of eight as follows:

1 Chief Inspector	-	Headquarters
1 Deputy Chief Inspector	-	Headquarters
1 Assistant Chief Inspector	-	Bauchi Zonal office
1 Assistant Chief Inspector	-	Katagum Zonal office
2 Inspectors	-	Bauchi Zonal office
2 Inspectors	-	Katagum Zonal office

5. In order to find suitable candidates to recommend to the JSC for appointment to fill the above mentioned posts, the Task Force interviewed 20 candidates made up of serving inspectors and other court personnel and new applicants. The following that have been found suitable are recommended for appointment:

- (i) **[Name omitted]**: Born in [date and place omitted]. He holds a BA degree in Islamic Studies and a Postgraduate Diploma in Educational Psychology. He is already an employee of the Judiciary holding substantive post of [name of post omitted] as well as [name of post omitted] on GL.15/3. He is well qualified by educational qualification and experience for the post of Chief Inspector of Sharia Courts and is accordingly recommended
- (ii) **[Name omitted]**: Born on [date and place omitted]. He holds an LL.B, BL degree. He has a good knowledge of Islamic Law and is presently a [position omitted] on GL. 12/1. He is recommended for appointment as Deputy Chief Inspector on GL. 14.
- (iii) **[Name omitted]**: Born in [date and place omitted]. He holds a Diploma in Sharia and Civil Law. He retired as Upper Area Court Judge II on GL. 14. Honest candidate with good knowledge of Islamic Law and practice and

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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considerable practical experience. He can still give some more years of useful service to the Sharia judicial service even though retired from the service. Strongly recommended for appointment on contract as Assistant Chief Inspector of Sharia Courts on GL. 14.

- (iv) **[Name omitted]**: Born in [date and place omitted]. Holds a Diploma in Sharia and Civil Law. Has fair knowledge of Islamic law. Recommended for appointment as inspector of Sharia Courts.
- (v) **[Name omitted]**: Born on [date and place omitted]. Holds a Diploma in Sharia and Civil Law. Presently employed as [position omitted] on GL. 07/7 and posted to [name of posting omitted]. Qualified for appointment as inspector and is recommended.
- (vi) **[Name omitted]**: Born in [date and place omitted]. Holds Higher Islamic Studies Certificate. Presently employed as a teacher at name of school omitted] on GL. 04/1. Recommended for appointment as inspector after induction training.
- (vii) **[Name omitted]**: Born in [date and place omitted]. Holds Diploma in Sharia and Civil Law. Although quite intelligent, has little practical experience. He is qualified for the post of inspector and is recommended for appointment after induction course.
- (viii) **[Name omitted]**: Born on [date and place omitted]. Holds LL.B – BL Civil law and presently employed in [position omitted] on GL. 08/9. Recommended for appointment as inspector of Sharia Courts on GL.09.

6. The following existing Area Court inspectors who have not been found suitable for the posts under the new dispensation may be re-deployed to other duties or otherwise dealt with as appropriate:

[names of seven persons omitted].

**[Name omitted]**: Did not attend the interview. The Task Force is therefore unable to make any recommendation on him.

7. Copies of the interview reports in respect of the Candidates are attached hereto.

**Alh. Muhammad Danmadami CFR, NPM, mni**

(Sa'in Katagum)

Chairman

Copy to:

The Secretary to the State Government,

Governor's Office.

Bauchi

Above is for your information, please.

**Alh. Muhammad Danmadami CFR, NPM, mni**

(Sa'in Katagum)

Chairman



ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION: DETAILS AND DOCUMENTATION

**MASTER LIST NO. III**  
**BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION**  
**DETAILS OF INTERVIEWS FOR PROSPECTIVE INSPECTORS OF SHARIA COURTS**

S/No	Names	Date of Birth	LG of Origin	Highest Qualification	Present Post	Present Station	Sal. Grade Level	Marks Obt'd	Grade	Remarks
[1-21]	[omitted]	[1939-1971]	[3 Bauchi 1 Darazo 1 Dass 5 Katagum 3 Misau 1 Ningi 3 Tafawa Balewa 3 Toro 1 Warji]	[1 Basic Judic. Cert. 1 Grade II Cert. 1 A.E.O. (Gen) 1 Diploma Law & Personnel Mgmt 1 Diploma Public Admin. & Auditing 1 Advanced Diploma Public Admin. 1 Diploma Hausa, Arabic & Islamic Studies 8 Diploma Sharia & Civil Law 1 Higher Islamic Cert. 3 LL.B. 1 LL.B., B.L. 1 Post-graduate Diploma Educ. Psychology]	[9 Area Courts Inspectorate 2 Area Court judges 1 Ag. Director Area Courts 3 High Court Registry 1 Ministry of Justice 2 Teachers 1 Adult Edu. Admin. 2 None]	[various]	[02 to 15]	[20% to 80%]	1 A 9 B 3 C 7 F  1 did not attend in- terview	[8 recommended for appointment to various positions in Sharia Courts Inspectorate.  12 others not recommended for various reasons: "could not read the Holy Qur'an well which is a fundamental shortcoming for a Sharia Court Inspector"; "failed the interview"; "suffers from diabetes and could not write with his hands"; "has a pending petition against him"; "too young for the post".]

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION: DETAILS AND DOCUMENTATION

4. Letter from Task Force Chairman to the Director, Judicial Service Commission, re Screening of Sharia Court Registrars, Court Clerks, Messengers, Bailies, Cleaners and Watchmen

**TASK FORCE ON SHARIA IMPLEMENTATION  
BAUCHI STATE OF NIGERIA**

**ADMINISTRATIVE SECRETARIAT**

Gombe Road (Adjacent Local Government Audit) Bauchi Ph. 077-642259

Our Ref: \_\_\_\_\_ Your Ref: \_\_\_\_\_ Date: \_\_\_\_\_

TFSI/BS/ADM/Vol.I/112

9<sup>th</sup> August 2001

The Director,  
Judicial Service Commission,  
Bauchi State Judiciary,  
Bauchi.

**SCREENING OF SHARIA COURT REGISTRARS, COURT CLERKS,  
MESSENGERS, BAILIES, CLEANERS AND WATCHMEN**

Please refer to paragraph 17 of my letter No. TFSI/BS/ADM/Vol.1/75 dated 15<sup>th</sup> May 2001. Appended hereunder for your appropriate action are lists of the above mentioned supporting staff of Sharia/Upper Sharia Courts and Sharia Courts Inspectorate offices and recommendations made on them by the Task force in line with the requirements of the Sharia Courts judicial system.

**1. REGISTRARS**

As a result of interview and staff audit carried out on these categories of staff, it was discovered that some Area Courts in urban centres have between eight and ten registrars. Similarly, it was also observed that even Area Courts in rural areas have between three and five registrars making a total of 206 registrars in the Area Courts in Bauchi zone and 78 in Katagum zone, which, when added together, make a total of 284 registrars for the whole State.

This is far in excess of what is actually required under the Sharia dispensation. In accordance with the requirements of the Sharia judicial system in the State, there will be 66 and 43 courts in Bauchi and Katagum zones respectively plus one Zonal Inspectorate office in Bauchi, one in Azare and a State Inspectorate Headquarters in Bauchi making a total of 112. In order to restore sanity to the system therefore, it is recommended that no Sharia Court/Inspectorate office should have more than two registrars except in exceptional cases. If each court/inspectorate office employs two registrars, there will thus be 224. There will therefore be excess of registrars to be re-deployed to other duties.

In order to establish and maintain high standards, only holders of Diploma in Sharia and Civil Law or its equivalent and above should be appointed to the office of Sharia Court registrars. The following, which have been selected from the existing registrars, are qualified for re-deployment to Sharia Courts or inspectorate offices indicated hereunder.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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(i) **BAUCHI ZONE**

- (a) There will be a Zonal Inspectorate office and a State Inspectorate Headquarters plus 66 courts including Upper Sharia Courts in this zone to which 136 registrars are to be deployed. The under listed are found suitable and recommended for deployment as follows:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-108]	[omitted]	[2 Alkaleri 1 Bogoro 27 Bauchi 1 Dambam 7 Darazo 13 Dass 4 Ganjuwa 1 Kirfi 2 Misau 9 Ningi 18 T/Balewa 13 Toro 9 Warji 1 Zaki]	[1942-1974]	[1968-1993]	[25 Basic Judic. Cert.. 12 Adv. Judic. Cert. 69 Diploma Sharia & Civil Law 1 Diploma Civil Law 1 Diploma Islamic Studies & English]	[variously Registrar or Assistant, Higher, or Senior Registrar]	[06-10]

Station	New Posting
[various Area Courts]	[various Sharia Courts]

- (b) The Task Force observed that there are quite a number of Diploma holders who are presently serving as court clerks. Such personnel, having possessed the requisite qualifications (i.e. Diploma in Sharia and Civil Law) are recommended for up grading to the post of assistant registrars. From Bauchi zone we have the following:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-7]	[omitted]	[3 Bauchi 1 Darazo 1 Dass 1 Shira 1 Warji]	[1968-1972]	[1990-1992]	[7 Diploma Sharia & Civil Law]	[5 Clerical Assistant 2 Snr. Ct. Clerk]	[03-05]

Station	New Posting
[various Area Courts]	[various Sharia Courts]

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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- (c) The under-listed are recommended for posting to State Inspectorate Headquarters, Bauchi:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-4]	[omitted]	[1 Alkaleri 1 Misau 1 Ningi 1 T/Balewa]	[1952-1964]	[1983-1989]	[1 Secretarial Studies Cert. 2 Typists 1 Stores Asst.]	[5 Clerical Assistant 2 Snr. Ct. Clerk]	[06-08]

Station	New Posting
[various Area Courts]	[Inspectorate Headquarters]

- (d) The following have not been found suitable for appointment as registrars. They should therefore be re-deployed to other duties:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-92]	[omitted]	[3 Alkaleri 36 Bauchi 9 Bogoro 2 Dambam 1 Darazo 12 Dass 2 Ganjuwa 1 Katagum 2 Misau 2 Ningi 12 T/Balewa 5 Toro 2 Warji 3 out of state]	[1946-1974]	[1968-1993]	[wide variety ranging from Primary School Cert. up to one degree-holder (B.Sc. Pub. Admin.)]	[variously Registrar or Assistant, Higher, or Senior Registrar; 2 "E.O", 1 Court Clerk]	[04-10]

Station
[mostly various Area Courts; 4 Inspectorate Offices]

(ii) **KATAGUM ZONE**

- (a) There will be a Zonal Inspectorate Office and 43 courts including Upper Sharia Courts in this zone to which 53 registrars are recommended for deployment as follows:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-53]	[omitted]	[3 Dambam 4 Gamawa 7 Giade]	[1944-1974]	[1968-1999]	[15 Basic Judic. Cert. 2 Adv. Judic.]	[variously Registrar or]	[06-14]

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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		1 Itas/Gadau 2 Jama'are 14 Katagum 16 Misau 3 Shira 3 Zaki]			Cert. 1 Cert. in Law 1 Diploma Islamic Stud. 33 Diploma Sharia & Civil Law 1 LL.B.]	Assistant, Higher, or Senior Registrar]	
--	--	--	--	--	--	--	--

Station	New Posting
[various Area Courts; 3 from Inspectorate Offices]	[various Sharia Courts; 3 to Inspectorate Offices]

- (b) As recommended under 1(c) above in respect of Bauchi Zone, in Katagum zone too, 3 court clerks have been found suitable for up grading to the substantive posts of assistant registrars having possessed Diplomas in Sharia and Civil Law. The officers recommended for such up-grading are as follows:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-3]	[omitted]	[Gamawa, Giade, Katagum ]	[1965, 1970, 1974]	[1986, 1992, 1993]	[all: Diploma Sharia & Civil Law]	[2 Clerical Asst. 1 Clerical Officer]	[03-04]

Station	New Posting
[various Area Courts]	[various Sharia Courts]

- (c) One **[name omitted]** Confidential Secretary Grade IV attached to [name of town omitted] Inspectorate Office should remain at the Zonal Inspectorate Office [same town] as Confidential Secretary.
- (d) The following have not been found suitable for appointment as registrars. They should therefore be re-deployed to other duties:

S/No	Names	LG of Origin	Date of Birth	Date of 1 <sup>st</sup> Appt.	Highest Qualification	Designation	Sal. GL
[1-23]	[omitted]	[1 Dambam 3 Giade 3 Jama'are 11 Katagum 4 Misau 1 Shira]	[1942-1974]	[1968-1993]	[wide variety ranging from Primary School Cert. up to two Diploma-holders]	[variously Registrar or Assistant, Higher, or Senior Registrar; 1 A.E.O]	[05-09]

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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<b>Station</b>
[mostly various Area Courts; 2 Inspectorate Offices ]

## 2. COURT CLERKS

In relation to this category of staff, the Task Force observes that many courts have clerks in excess of their requirements. For example, there were 8 court clerks in addition to 5 other Secretarial staff in Upper Sharia Court 1 Bauchi alone and 6 court clerks in addition to other Secretarial staff in Liman Katagum Area Court which is considered to be a rural court.

The Task Force therefore recommends that except in very exceptional cases, Sharia Courts should be limited to a maximum of two clerks each and the minimum qualification for a court clerk should not be less than SSCE or GCE. The following deployments are thus recommended based on the above mentioned criteria.

### (i) **BAUCHI ZONE**

- (a) Court clerks for this zone are recommended for deployment as follows:

[We omit even a summary version of the table. A total of 176 people were recommended for deployment as clerks, coming from 14 of 20 of Bauchi State's Local Government Areas. Except for one or two coming from Inspectorate Offices, all were redeployed from Area Courts to Sharia Courts. Their highest qualifications ranged from O-level certificates up to Diplomas.]

- (b) The following do not possess the minimum educational qualification for court clerks or are otherwise not suitable and should be re-deployed to other duties as considered appropriate:

[Table giving names and particulars of 79 people omitted.]

### (ii) **KATAGUM ZONE**

- (a) Court clerks for this zone are recommended for deployment as follows:

[Table giving names and particulars of 82 people omitted.]

- (b) The under-listed, by virtue of their qualifications, are not found suitable for appointment as court clerks. They should be deployed to other duties. They are as follows:

[Table giving names and particulars of 9 people omitted.]

## 3. COURT MESSENGERS/BAILIFFS

As in the case of other staff discussed above, there are also too many messengers far in excess of the requirements of the courts. For instance there are 10 messengers/bailiffs deployed in Upper Area Court I, Bauchi and 6 in Liman Katagum Area court, 10 in

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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Bayara Area court, 8 in Galambi Area Court, 8 in Kobi Area court and 15 in Bauchi Civil Area Court.

The Task Force is therefore recommending that each Sharia Court should be limited to 2 messengers/bailiffs in order to restore sanity and probity in the system.

The following deployments are thus recommended:

(i) **BAUCHI ZONE**

[(a): Recommended for deployment:]

[Table giving names and particulars of 143 people omitted.]

(b) The under listed court messengers/bailiffs are recommended for deployment to other duties. They are as follows:

[Table giving names and particulars of 130 people omitted.]

(ii) **KATAGUM ZONE**

(a) Messengers/bailiffs in this zone are recommended for deployment as follows:

[Table giving names and particulars of 88 people omitted.]

(b) The under listed are recommended for deployment to other duties. They are:

[Table giving names and particulars of 46 people omitted.]

4. **NIGHT WATCHMEN/CLEANERS**

The Task Force observes that only very few courts have employed more than two watchmen and one cleaner, and thus recommends that each court should be allowed a maximum of two watchmen and one cleaner. The following deployment is therefore recommended:

(i) **BAUCHI ZONE**

In this zone, 136 watchmen and 68 cleaners are therefore required for the 66 Sharia Courts, one Inspectorate Headquarters and one Zonal Inspectorate Office of the Sharia Courts. From the available watchmen and messengers, the under listed deployments are recommended as follows:

[Table giving names and particulars of 85 people omitted.]

(ii) **KATAGUM ZONE**

In this zone, 88 watchmen and 44 cleaners are required for the 43 Sharia Courts and Zonal Inspectorate Office of the Sharia Courts. From the available watchmen and cleaners, the under listed deployments are recommended as follows:

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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[Table giving names and particulars of 56 people omitted.]

5. **GENERAL RECOMMENDATIONS**

- (i) The Task Force recommends direct employment of 46 watchmen and cleaners in Bauchi Zone to fill the vacancies in the following stations:
  - (a) Zonal Inspectorate Office Bauchi
  - (b) Darazo, Dass, Kirfi and Ningi Upper Sharia Court.
  - (c) Tashar Babiye, Gumau, Katangan Warji, Yashi, Doya, Tudun Alkali, Tudun Gambo, Lanzai, Papa, Soro, Zalanga. Dewu, Gadar Maiwa, Agwarmaji, Yada Gunfume, Dajin, Lere, Tulu, Nahutan Taba, Rimin Zayam, Tulai, Baima and Tudun Wada Sharia Courts.
- (ii) The Task Force also recommends direct employment of 58 watchmen and cleaners in Katagum zone to fill vacancies in the following stations:
  - (a) Dambam, Gamawa, Itas/Gadau, Jama'are and Katagum (Zaki) Upper Sharia Courts.
  - (b) Dambam, Dagauda, Jalam, Gamawa, Udubo, Giade, Itas, Jama'are, Dogon-Jeji, Jurara, Hanafari, Azare I, Azare II, Madara, Chinade, Hardawa, Shira/Yana, Disina, Katagum (Zaki), Sakwa, Yame, Gololo, Gadiya, Zabi, Isawa, Magarya, Akuyam, Zadawa, Faggo and Lodiyo Sharia Courts.
- (iii) The Task Force finally wishes to state that court personnel whose names have not appeared in this letter (if any) should be dealt with as deemed most appropriate by the Judicial Service Commission or delegated authority.

**Alh. Muhammad Danmadami CFR, NPM, mni**

(Sa'in Katagum)  
Chairman

Copy to:

The Secretary to the State Government,  
Governor's Office,  
Bauchi.

The Head of Civil Service,  
Abubakar Umar Secretariat,  
Bauchi,  
Bauchi State.

Above is for your information, please.

**Alh. Muhammad Danmadami CFR, NPM, mni**

(Sa'in Katagum)  
Chairman



ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**5. Letter from Task Force Chairman to the Secretary to the State Government re  
Establishment of Hisbah Organisation**

**TASK FORCE ON SHARIA IMPLEMENTATION  
BAUCHI STATE OF NIGERIA**

**ADMINISTRATIVE SECRETARIAT**

Gombe Road (Adjacent Local Government Audit) Bauchi Ph. 077-642259

Our Ref: \_\_\_\_\_ Your Ref: \_\_\_\_\_ Date: \_\_\_\_\_

TFSI/BS/ADM/Vol.I/85

16<sup>th</sup> May 2001

Secretary to the State Government,  
Government House,  
Bauchi.

**ESTABLISHMENT OF HISBAH ORGANIZATION**

The main term of reference of the Task Force is the co-ordination of activities appertaining to the take-off of the Sharia Legal System. One of these activities is the formation of a *hisbah* organisation. *Hisbah* is an Arabic word, which literally means “reckoning, counting or investigation”. In the context of Sharia and Islamic law however, it means a group or party of persons working for a good common purpose within a community such as enjoining what is good or right and shunning or forbidding what is wrong or evil with a view to ensuring peace and public order.

The *hisbah* organisation therefore comprises groups or bands or parties of good Samaritans carrying out their civic duties regarding maintenance of public order assisting law enforcement organisations as reckons by giving useful information on crime and criminal leading to their arrests.

2. Formation of *hisbah* is therefore a binding duty on all Muslims as shown in the following Qur’anic induction:

*There must be a party from amongst you who call upon others to do good work and who enjoin what is right and shun or forbid what is wrong and evil (Surar Ali Imiran).*

3. **Functions of Hisbah**

- (1) Assisting law enforcement organisations in the prevention and investigation of crime by giving useful information
- (2) Guidance on Sharia do’s and don’ts.
- (3) Making peace among communities and correcting misunderstandings between them.
- (4) Preventing the circulation of pornographic or obscene books, pictures, radio and videocassettes.
- (5) Prevention or minimising unnecessary and un-Islamic intermingling of men and women in public places.
- (6) Exhortation of all Muslim to be of good behaviour, honest and law abiding and to mutually respect one another.
- (7) Exhortation of all Muslims to constantly keep the five compulsory daily prayers in Jama’a and to do all that the Messenger of Allah (SAW) has directed them to

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do and avoid or shun all that he has forbidden them to do; such as adultery, fornication, drinking of alcohol, gambling, backbiting, false accusation, corruption, slander, hoarding, dishonesty in any form of transactions, playing cards (Karta) and the likes.

4. **Organisation**

Following a discussion between members of the Task Force and representatives of Muslim organisations in the State, it was agreed that the *hisbah* organisation should comprise the following committees at State, Local Government District, and ward/village levels:

(i) **Committee on Tabliq and Guidance**

The functions of this committee include:

- (a) Delivery of religious sermons using the electronic media – NTA, B.R.C. and BATV.
- (b) Visit to Mosques and other appropriate places for Tabliq
- (c) Periodic Tabliq visits to public and private schools
- (d) Tabliq visits to prisons, Market places, Motor parks and other places of public resort.
- (e) Tabliq visits to Local Governments, Districts and village areas
- (f) Organisation of seminar for all categories of Government employees.

(ii) **Hisbah Intelligence Committee (*Uyunul Hisbah*)**

The function of this committee is largely procurement of information on the various aspects of Sharia implementation programme to help sustain the system.

(iii) **Hisbah Joint Aid groups Committee**

Of the 16 Muslim organisations in the State, only eight have established aid groups: These are uniformed private aid groups engaged on humanitarian work to help members of the community. They have all agreed to work in the *hisbah* organisation using their various uniforms but all aid groups working in the *hisbah* will be identified by red bands worn on their right shoulders. ID cards will also be made for all *hisbah* aid groups.

They are to be organised at State, Local Government, District and ward/village levels, with secretariat at each Local Government capital. (See [Annex I](#) for detailed information).

5. The *hisbah* organisation will come under the purview of the Sharia Commission when it is established. Meanwhile, the provision of the following infrastructural facilities is recommended to enable the *hisbah* organisation to be in place before the take-off of Sharia on 1<sup>st</sup> June 2001:

- (i) Suitable office accommodation in Bauchi to be used as the State Secretariat of the organisation. To be provided by the State Government
- (ii) Assignment of Director and Secretary to head the *hisbah* organisation before the take-off of Sharia. To be provided by the State Government.
- (iii) Suitable office accommodation in Local Government capitals to be used as Divisional or Local Government offices. To be provided by each Local Government.

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- (iv) Vehicles – Two cars for State Secretariat and one each for Local Government offices, two motorcycle for the State Secretariat and one for each Local Government office. To be provided by the Local Governments. The two cars and two motorcycles for the State Secretariat to be provided by the State Government.
  - (v) Loud Speakers to be fitted to at least one vehicle at State and Local Government offices. To be provided by the Local Governments. Video Cameras and Projectors for State Secretariat to be provided by the State Government.
  - (vi) *Hisbah* pamphlets on Sharia to be produced by the Sharia Commission.
  - (vii) Launching of *hisbah* organisation at least one week before the take-off of Sharia i.e. 25<sup>th</sup> May 2001.
  - (viii) A workshop for all members of the *hisbah* organisation to educate them on their Sharia implementation role.
  - (ix) See [Annex II](#) for estimated cost of items (iv) – (viii).
  - (x) See [Annex III](#) for the estimate of the requirements of the women wing of *hisbah*,
6. It would be appreciated if these facilities could be made available before the take-off of Sharia on 1<sup>st</sup> June 2001.

**Alh. Muhammad Danmadami CFR, NPM, mni**  
(Sa'in Katagum)  
Chairman

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**ANNEX I**

**REPORTS OF MEN'S AND WOMEN'S WINGS OF HISBAH**

**ANNEX IA: REPORT OF THE MEN WING OF HISBAH**

[In Hausa in the Task Force Report; translated by Sama'ila Abdullahi Mohammed.]

**REPORT OF THE REPRESENTATIVES OF ISLAMIC GROUPS ON THE  
PLANNING AND IMPLEMENTATION OF HISBAH UNDER SHARIA IN  
BAUCHI STATE**

**PRESENTED TO**

**TASK FORCE ON SHARIA IMPLEMENTATION  
7<sup>TH</sup> SAFAR, 1422 A. H. / 30<sup>TH</sup> APRIL 2001 A. D.**

To: The Task Force on Sharia Implementation, Bauchi State

Assalamu Alaikum wa Rahamatullahi Ta'ala Wa Barkatuhu.

We greet you as prescribed in Islam.

Praise is to Allah (SWT) for giving us the opportunity to present this report of ours in good time. Alhamudu lillah.

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As a result of our meeting with you on Friday April 20, 2001, in your Secretariat and your comments regarding the planning for the implementation of *hisbah* under the Sharia in this State, we have utilized the opportunity given to us in this very important assignment to recommend as follows:

1. We, representing all the sixteen Islamic associations in this State, have agreed to establish *hisbah*; and the *hisbah* is to be composed of our representatives.
2. We have also agreed that the envisaged *hisbah* should have the following sub-committees:
  - a. Preachers and Counselors
  - b. Intelligence and Monitoring Unit
  - c. Uniformed First Aid Group

Our recommendations, including other recommendations, are organised around these three sub-committees.

3. We advise the Task Force Committee to get a chairman and a secretary for *hisbah* under which the above three sub-committees can commence work immediately, even before the Task Force Committee completes its assignment.
4. We also advise that a secretariat be put in place to enable these three sub-committees begin work even before the Task Force Committee completes its assignment.
5. Further, we advise that special training programme be organised for members of the three *hisbah* sub-committees so that they can commence work with the Task Force Committee even before it submits its Report to the Sharia Commission.

Finally, we are hereby handing over the work plan for the three *hisbah* sub-committees for your study and implementation.

We pray Allah (SWT) to show us the right path and the strength to abide by it and to show us the false path and give us the moral courage to avoid it.

Wassalamu alaikum wa rahmatullahi Ta'ala wabarkatuhu.

Chairman  
Alhaji Umaru Bara'u

Secretary  
Ahmed Tijjani Sa'id

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### **HISBAH: ITS PLAN AND IMPLEMENTATION**

#### **MEANING OF HISBAH**

- (a) *Hisbah* is a derived Arabic phrase, for example, *Hasaba* (he has counted); *Yabasibu* (he is counting); *Hasib* (count).
- (b) But, in Sharia, it means those who advise, implore and counsel Muslims to perform virtuous acts and caution Muslims against prohibited acts with the aim of upholding good morals and the worship of Allah (SWT).

#### **STATUS OF HISBAH**

The establishment of *hisbah* is an obligatory act of worship in an Islamic community as Allah states in the Holy Qur'an:

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It is necessary for a community from among you to commit itself to call Muslims to virtuous acts and to caution against wrongful, prohibited acts. That community (of *hisbah*) will be bountifully rewarded.

IMPORTANCE OF HISBAH

The importance of *hisbah* are many. The following are some of them:

- (a) Imploring Muslims to worship Allah according to the procedure prescribed by Him.
- (b) Counseling Muslims to conduct relationships (economic, social, etc.) as prescribed by Sharia.
- (c) Amicable settlement of disputes and improving the living condition of Muslims by providing efficient and adequate means of living.

LEGAL POWER OF HISBAH

- (a) The *hisbah* shall have power to arbitrate and to counsel
- (b) The *hisbah* shall have power to arrest suspected criminals and hand them over to the Police.

ACTIVITIES OF HISBAH

- (a) Counsel the doing of all activities that Sharia approves and to caution against all activities disapproved by Sharia.
- (b) Counseling disciplined behaviour by Muslim juveniles and adults.
- (c) Arbitral settlement of disputes and counseling.
- (d) Enforcing censorship laws in respect of pornographic magazines and films
- (e) Enforcing the separation of males and females during celebrations and similar activities.

In addition, the *hisbah* shall have the right to counsel virtuous norms and counsel against deviant behaviour and activities. For example, the *hisbah* shall counsel leaders and their followers on the following:

- (a) The performance of the five obligatory daily prayers promptly and the performance of the weekly Friday prayers in congregation. The *hisbah* shall counsel Muslims on the virtue of speaking the truth at all times and of keeping the trust and mutual respect.
- (b) To counsel against prohibited vices such as lies, deception and complicity.
- (c) To counsel against tampering with scales and measures in trading transactions.
- (d) The *hisbah* shall have the power to prohibit all vices that the Prophet (SAW) prohibited such as charging interest, usury, gambling, fraud, indulging in trades prohibited by Sharia such as speculative transactions, temporarily diverting goods meant for the market, hoarding and all activities directed at harming Muslims and Islam.

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PREACHING SUB-COMMITTEE: PLAN OF ACTIVITIES

The Council of Ulama in charge of preaching has met three times in which three representatives each from the sixteen Islamic Associations attended and formed *hisbah*.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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After necessary discussions and debates, the sub-committee has arrived at the firm conclusion that this sub-committee should be structured as follows:

PREACHING COMMITTEE

This committee comprises three learned Islamic teachers each from sixteen Islamic Associations, making a total of forty-eight confirmed members. They are responsible for planning and implementing *hisbah* activities in Bauchi State.

Every association is to contribute ten malams each to ward's preaching and counseling activities of the *hisbah* in Bauchi State.

STRUCTURE OF PREACHING AND GUIDANCE

- (a) The committee shall visit electronic broadcast media in the State such as N.T.A., B.R.C., B.A.T.V. for preaching.
- (b) The committee shall conduct preaching and guidance activities in all mosques.
- (c) The committee shall conduct preaching and guidance sessions in all schools, whether public or private, in the State.
- (d) The committee shall conduct preaching guidance sessions at prisons, motor parks, markets, industries and in public places.
- (e) The committee shall plan preaching in Local Government Areas, districts and wards.
- (f) The committee shall conduct tours of counseling and guidance in places such as markets, motor parks, industries, government offices, hospitals and vocational workshops including conducting seminars for workers.

LEADERSHIP, OFFICE AND LOGISTICS REQUIREMENTS

- (a) LEADERSHIP: Government should provide a Director who is to lead this section. He should be learned in Islamic religion and in western education. In addition, he should be virtuous and be capable of promoting and defending the Islamic religion.
- (b) OFFICE SPACE AND OFFICE EQUIPMENT: The following items are required: adequate office accommodation in a suitable location, motor vehicles, motorcycles, amplifier, loud speakers, generators, video projectors, video camera, printing press capable of producing Arabic and English characters, Islamic books, dedicated conference room, photocopiers, computers and typewriters.

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COMMITTEE CHAIRMAN  
MALAM SA'IDU YALWA

---

COMMITTEE SECRETARY  
MALAM MAHMOOD SANI KOBİ

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**NAMES OF ASSOCIATIONS AND THEIR REPRESENTATIVES  
IN THE PREACHING AND GUIDANCE SUB-COMMITTEE**

[We give only the names of the associations; the names of their representatives, given in the original, are omitted here.]

1. (JIBWIS) Bauchi State
2. (JAMA'ATU NASRIL ISLAM) Bauchi State

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3. (JAMA'ATU TAJDIDIL ISLAM) Bauchi State
4. (JAMA'ATU RIYADIL ISLAM) Bauchi State
5. (JAMA'ATUL NAHDATIL ISLAM) Bauchi State
6. (FITTYANUL ISLAM OF NIGERIA) Bauchi State
7. (JIBWIS A KARKASHIN SHEIKH ISMA'IL IDRIS ) Bauchi State
8. (JAMA'ATUL SHABABIL ISLAM) Bauchi State
9. (MUSLIM STUDENT SOCIETY )Bauchi State
10. (MUSLIM UMMA) Bauchi State
11. (MUNAZZAMTU FITTYANIL ISLAM) Bauchi State
12. (WAKILIN COUNCIL OF ULEMA) Bauchi State
13. IMAN
14. IHSAN
15. ANSARUDDEEN
16. NACOMYO
17. FOMWAN

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**REPORT OF THE HISBAH INTELLIGENCE SUB-COMMITTEE**  
**(UYUNUL HISBAH)**

Three members each representing eleven out of the sixteen associations in the State and one member from the Council of Ulama met under this sub-committee.

Members, representing Islamic associations, have made important contributions. These contributions, in the final analysis, included useful ideas as to successful formation of this sub-committee and the implementation of Sharia in the State as follows:

1. All the associations that participated in the sittings have agreed to unite under *hisbah* for the purpose of successful implementation of *hisbah* in the State and to be the Hisbah Intelligence Group (*Uyunul Hisbah*).
2. Members have agreed that the appropriate name for this sub-committee should be
  - a. in Arabic: *Uyunul Hisbah*
  - b. in Hausa: *Wakilin Hisbah*
  - c. in English: Hisbah Intelligence Group
3. Members of this sub-committee have agreed that persons to be appointed into the Hisbah Intelligence Group should have the following qualifications:
  - a. He should be practicing Muslim adult and possessing unimpeachable integrity.
  - b. He should be literate in English and Arabic and be competent in Islam.
  - c. He should be humble, trustworthy, courageous, patient and forbearing.
  - d. He should be gainfully employed.
4. This Sub-committee has agreed that the Hisbah Intelligence Group will have committees at the State, Local Government Area, and District levels. It was further agreed that all the sixteen associations should contribute three members each at the State level; three members each at the Local Government Area level and three members each at the District level.
5. Members have further agreed that the above representative of sixteen Islamic associations will be the persons charged with the responsibility of carrying out of the

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- duties of Hisbah Intelligence Group either at the State Level, Local Government Area Level or District Level, as the case may be.
6. Members have unanimously agreed that the duties to be entrusted to Hisbah Intelligence Group are as follows:
    - (1) Enjoining Muslims to practice all that Allah (SWT) has commanded Muslims to do.
    - (2) Enjoining Muslims to avoid all that Allah(SWT) has commanded Muslims to avoid.
    - (3) Providing a report on any Muslim who violates the command of Allah(SWT) or any Sharia law, to any of the following:
      - a. By way of intimating the alleged offender or violator as to the nature of the offence under Sharia.
      - b. By way of reporting the offence to the higher officials of H. I. G., if the nature of the alleged offence is one such that only the higher officials have the power to command the doing or the avoidance of it.
      - c. By way of reporting the alleged offence/offender to the *hisbah* committee on preaching if the alleged offence is one that only the committee on preaching can preach for it or against it.
      - d. By way of presenting to *hisbah* aid group if the offence must be reported to the higher officials of Hisbah Intelligence Group.
      - e. Providing general advice to other *hisbah* sub-committee as a way of preventing the occurrence of similar offence among Muslims.
  7. Members have agreed that Sharia Commission should equip H.I.G. with:
    - a. H.I.G. Identification cards
    - b. Necessary equipment to discharge their duties any time the need arises
  8. Members have agreed that the following committees that initially formed *hisbah* preaching sub-committee—Aid Group Sub-Committee and Hisbah Intelligence Committee—should be given autonomy but to operate under the State *hisbah*.
  9. The members are recommending that these three sub-committees should be relating directly with Government as other committees, in the following manner:
    - a. By making a law establishing them.
    - b. By providing them with operational autonomy but operating under the State Sharia committee.

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Mal. Muhammad Bello Abubakar  
Chairman

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Ahmad Tijjani said  
Secretary

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**NAMES OF ASSOCIATIONS AND THEIR REPRESENTATIVES  
IN THE HISBAH INTELLIGENCE SUB-COMMITTEE**

[Names of representatives, given in the original, are omitted here.]

- (1) (JIBWIS) Bauchi State
- (2) (JAMA'ATU NASRIL ISLAM) Bauchi State
- (3) JAMA'ATU TAJDIDIL ISLAM, Bauchi State



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- (4) (JAMA'ATU RUYADIL ISLAM) Bauchi State
- (5) (JAMA'ATU NAHDATIL ISLAM) Bauchi State
- (6) (FITTYANUL ISLAM OF NIGERIA) Bauchi State
- (7) (JIBWIS A KARKASHIN SHEIKH ISMA'ILA IDRIS) Bauchi State
- (8) (JAMA'ATUL SHABABIL ISLAM) Bauchi State
- (9) (MUSLIM STUDENT SOCIETY) Bauchi State
- (10) (MUSLIM UMMA) Bauchi State
- (11) (MUNAZZAMATU FITTYANIL ISLAM) Bauchi State
- (12) (*WAKILIN* COUNCIL OF ULEMA) Bauchi State
- (13) IMAN
- (14) IHSAN
- (15) ANSARUDDEEN
- (16) NACOMYO
- (17) FOMWAN

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**PLAN OF AID GROUP ORGANIZATIONS UNDER HISBAH  
IN BAUCHI STATE**

This plan relates only to the aid groups and their organization under *hisbah*.

- 1a. UNITY: In answer to this clarion call, out of the sixteen associations in Bauchi State, eight associations that wear uniforms have agreed to unite under the Sharia.
- 1b. We have further agreed that the name of this sub-committee should be as follows:
  - i. In Arabic: *Isafatul Hisbah*
  - ii. In Hausa: *Dakarun Hisbah*
  - iii. In English: Hisbah Aid Group
2. UNIFORM: We have agreed to retain our different associations' aid group uniforms without the need to appear in a single uniform. But all persons deployed into the Hisbah Aid Group should wear a red shoulder band to identify them with *hisbah*.
3. STATE OFFICE STRUCTURE:
  - a. State      b. Division      c. District      d. Ward
  - a. STATE: Hisbah Aid Group is to have a State branch which co-ordinates all the *hisbah* activities at the Local Government Area level.
  - b. DIVISION/LOCAL GOVERNMENT: Hisbah Aid Group at this level is to co-ordinate in each of the Local Government Area level branches
  - c. DETACHMENT/DISTRICT: Hisbah Aid Group at this level is to co-ordinate activities at the ward level in each district.
  - d. UNIT/WARD: This is the Hisbah Aid Group at each ward level. It will conduct its activities at the ward level and report to the Hisbah Aid Group at the district level.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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4. SECRETARIAT: It is recommended that Sharia Commission provides administration secretariat at the State, Local Government Area, district and ward levels.
5. INITIAL APPOINTMENT OF OFFICIALS: Hisbah Aid Group recommends that the following officials should be appointed initially. In due course other officials are to follow.
  - a. Commandant
  - b. Secretary
  - c. District Officer
  - d. Welfare Officer
  - e. Intelligence Officer
  - f. Training Officer
6. REPRESENTATION FROM ASSOCIATIONS: Hisbah Aid Group, in order that its activities are conducted appropriately, has agreed to allow for five representatives from each of the 16 aid groups in the State to be organized as follow:
  - a. STATE:
    - i. Director
    - ii. Secretary
    - iii. Three other officials.
  - b. LOCAL GOVERNMENT LEVEL:
    - i. Divisional Leader
    - ii. Divisional Secretary
    - iii. Organizing Secretary
    - iv. Discipline Officer
    - v. One other official
  - c. DETACHMENT/DISTRICT: This is to be organized as in the Local Government Area Level.
7. IDENTIFICATION CARD: Hisbah Aid Group has agreed and is recommending that every member should have an I. D. Card in order to protect the integrity of this work.
8. ACTIVITIES:
  - a. All associations under *hisbah* have agreed that they will carry out activities, provided that such activities conform and sharia.
  - b. *Hisbah* will relate with all trades and vocations, especially their leaders, with the aim of improving and sanitizing trading and vocational activities.
  - c. Hisbah A. G. has agreed to co-operate in its activities of controlling against commitment of offence and arresting offenders with the following *hisbah* sub-committees.
    - i. Preaching sub-committee
    - ii. Hisbah Intelligence sub-committee

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9. NAMES OF REPS FROM THE ASSOCIATIONS: [Names of representatives, given in the original, are omitted here.]
- a. FIRST AID GROUP OF JIBWIS GWALLAGA
  - b. NIGERIA AID GROUP OF J. N. I.
  - c. FIRST AID GROUP OF JIBWIS B/KURA
  - d. FIRST AID GROUP FITTYANIL ISLAM
  - e. FIRST AID GROUP OF MUNAZZAMATUL FITYANUL ISLAM
  - f. FIRST AID GROUP OF JAMAATU TAJDDUL ISLAM
  - g. FIRST AID GROUP OF ANNAHDATUL ISLAMIYA
  - h. FIRST AID GROUP OF SHABABUL ISLAM

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Alh. Umar Barau  
Chairman

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AbdurRahaman A. Ghani  
Secretary

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**ANNEX IB: REPORT OF THE WOMEN WING OF HISBAH**

[In Hausa in the Task Force Report; translated by Sama'ila Abdullahi Mohammed.]

**REPORT OF THE WOMEN HISBAH UNDER  
THE BAUCHI STATE SHARIA COMMITTEE**

**PRESENTED TO**

**TASK FORCE ON SHARIA IMPLEMENTATION  
21<sup>ST</sup> SAFAR 1422 A. H., 14<sup>TH</sup> MAY 2001**

**REPORT OF THE BAUCHI STATE WOMEN HISBAH COMMITTEE**

Bismillahi Rahamanir Rahim.

Following the invitation which the Sharia Commission extended to FOMWAN and M.S.O. and subsequent deliberation arising from this invitation, the two associations met and deliberated on April 27<sup>th</sup> 4 Safar 1422 A. H. on how to plan Bauchi State *hisbah* women wing. Immediately, a central working committee which comprised eleven persons under the leadership of Aisha Awah Bint Musa, President, Suwaiba Salihu, Vice President, and Halima Ibrahim, Secretary.

During this meeting, the *hisbah* president explained that the work of *hisbah* should essentially be to counsel the doing of right things and caution against the doing of unlawful things, that is *Amri bil ma'aruf wa yanba anil munkar*. Because of the significance of this work, we suggest that work in Bauchi Town be organized on the basis of wards.

Bauchi town is divided into twenty six wards. Other Local Government Areas (LGAs) were discussed later. A woman leader and deputy were appointed for each of the 26 wards in Bauchi town LGA. The ward leader and her deputy were to appoint other

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suitably-qualified ward officials, subject to a minimum number of seven and a maximum of eleven.

This limit should be violated subject only to a very strong consideration. These ward committees are executive committees of the wards.

A second meeting of the *hisbah* women wing met again on 29<sup>th</sup> April 6 Safar 1422 A. H. to plan the meeting with all the elected wards representatives.

On 30<sup>th</sup> April 7<sup>th</sup> Safar 1422 A. H. the appointed ward committees met with the State *hisbah* women wing. The State *hisbah* women wing leader read the welcome address in which she explained the purpose of the meeting and the nature of *hisbah* work. After this, she called upon each of the ward executive committee to come forward and explain the success and the challenges they faced in selecting their ward representatives. They also submitted their individual list.

Final comments were made in which the *hisbah* women committee implored the ward committee representatives to brace up as to how to plan execution of their responsibility. They were also asked to plan their mode of reporting to the main committee and how they should obtain clearance.

The next meeting was scheduled for Sunday, 6 May /13 Safar at 4:30 pm at the Women Centre Kofar Gombe.

The next meeting for the State women *hisbah* committee is fixed for Wednesday 2<sup>nd</sup> May/9<sup>th</sup> Safar in the State leader's residence.

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**REPORT OF THE COMMITTEE OF REPRESENTATIVES OF  
ASSOCIATIONS (WOMEN WING) ON PLANNING AND EXECUTION OF  
HISBAH UNDER SHARIA IN BAUCHI STATE**

Consequent upon the invitation which the Sharia Commission extended to the major women associations in Bauchi State, that is, FOMWAN and M.S.O., and arising from the deliberations which took place, these two associations invited other Muslim women for discussions.

They met and deliberated on 27<sup>th</sup> April 4 Safar 1422 A. H. The meeting deliberated on the desire to execute *hisbah* work in Bauchi State. Immediately, the State *hisbah* women wing committee was formed, which comprised eleven members, with Hajiya Aisha Awah Bint, State Leader; Hajiya Suwaiba Salihu, Deputy State Leader and Hajiya Halima Ibrahim as secretary.

1. The main State committee has agreed to form *hisbah* committees at the ward levels.
2. The main State committee has reported to have the following sub-committees:
  - (a) Women ward preaching committees
  - (b) Hisbah Aid Group Uniformed
  - (c) Women Committee Dispute Resolution Assembly

There will no Hisbah Intelligence sub-committee, that is uniformed, for the women.

We are submitting our report on the duties of the sub-committees accompanied with our recommendations.

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We, the *hisbab* women, are recommending to the Bauchi State Task force committee on Sharia implementation to provide an administrative secretariat for the eleven State EXCO members.

Ward leaders should have their offices alongside those of men so as to facilitate their work even before actual implementation of sharia in the State.

Furthermore, we would want to organize special training programs for the main committee and the ward leaders on all the important aspect involves in the work of *hisbab* in Bauchi State.

Finally, the *hisbab* women wing is submitting its plans of activities and the committees and the wards that will implement them. This is so that the Sharia Commission will study and implement our submission.

We pray to Allah to assist us to achieve our objective of implementing Sharia which the European colonial rulers destroyed two hundred years ago.

With peace and Allah's blessings to you all.

**Hajiya Aisha Awal Bent Musa**  
**Committee Leader**

**Hajiya Halima Ibrahim**  
**Committee Secretary**

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**MEMBERS OF THE STATE MAIN COMMITTEES**

- |                              |   |           |
|------------------------------|---|-----------|
| 1. Hajiya Aisha Bint Musa    | - | Leader    |
| 2. Suwaiba Salihu            | - | Naiba     |
| 3. Halima Ibrahim            | - | Secretary |
| 4. Hajiya Habiba Muda Lawal  | - | Member    |
| 5. Fatsuma Dan Bauchi        | - | “         |
| 6. Hajiya Dada (Fatima Abba) | - | “         |
| 7. M. Asama'u Muh'd          | - | “         |
| 8. Alwaiyyatu Aliyu Musa     | - | “         |
| 9. Fatima Dahuwa             | - | “         |
| 10. Kadija Adam Abdullahi    | - | “         |
| 11. Rukaiyyatu Tijjani       | - | “         |

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**MEMBERS OF THE WARD COMMITTEES**

[Names of members, given in the original, are omitted here.]

1. DOYA WARD
2. KOFAR GOMBE/ABUJAN KWATA
3. OLD G. R. A.
4. BORNO WARD
5. GWALLAGA/GWABBA
6. SHEKAL/ZANNUWA
7. BAKARO/KOFAR DUMI
8. NEW G. R. A.
9. ILELA WARD

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10. FEDERAL LOWCOST/ZANGO/GWALLAGA
11. NASARAWA/JAHUN II
12. STATE LOWCOST/Police Barrack
13. BAKIN KURA/RARIYA/IBO QUARTERS
14. YALWAN TUDU/LEBURA
15. KURMI/MAKERA/TASHAN BAIYE MABUGA WARD
16. GWALLAMEJI/FEDERAL POLY
17. KAROFI/SHAGARI/ALLURA/MAHAUKATA WARD
18. JAKI WARD
19. RAMADAN/BACAS/FADAMAN MADA
20. JAHUN 1/DUTSEN TANSHI
21. TAFAWA BALEWA ESTATE
22. IBRAHIM BAKO/FGGC/ADAMU JUMABA
23. RAILWAY
24. KOBI/JAKI/NUFAWA WARD
25. KOFAR FADA/TUJI/TURA
26. ALKALI/GWANGWANGWAN WARD

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Leader  
Hajiya Aisha Awak Bint Musa

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Secretary  
Hajiya Halima Ibrahim

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**PLAN OF ACTIVITIES OF HISBAH WOMEN'S WING ON COUNSELING  
THE LAWFUL AND CAUTIONING AGAINST THE UNLAWFUL**

*Alhamdu Lillabi Rabbil Alamin. Wassalatu wassalam ala asbrafil Mursalina.*

**INTRODUCTION**

We are pleased at the efforts being put in place to implement Sharia in Bauchi State. It is imperative to restate to ourselves that this task is squarely on us. If we fail to do it, nobody will do it for us. *Hisbah* work is a voluntary work, it is an act of worship and it is a means of assisting the religion of Allah. We are fully aware that Allah has promised to assist any person who assists His religion. We therefore need to be aware that *hisbah* work is not administration, it is not trading, it is not unskilled labouring and it is not contradicting; it is an act of worship. This is the understanding we require concerning *hisbah* work.

**ORIGIN OF HISBAH AND ITS IMPORTANCE**

We have embraced sharia and we have accepted it to be the torch that will lighten all aspects of our lives. The first thing to do in this respect, therefore, is to ensure that we protect this torch from any attack that may arise to extinguish it and further throw us into the darkness that we emerged from. God forbid. This protection comes from the activities of *hisbah*.

As a result of the meeting we held with the representatives of women associations, the meeting we held on Friday, April 20<sup>th</sup> 2001 at your secretariat and your addresses to

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us on implementation of *hisbah* in Bauchi State, under Sharia, we have utilized the opportunity to carry out this important assignment as follows:

PLAN OF THE CENTRAL HISBAH COMMITTEE

There is a need to form a sub-committee out of the central *hisbah* committee for the purpose of enlightening women regarding Sharia. There is also the need to appoint representatives of the central *hisbah* committee from the different sub-committees for the enlightenment of women in Bauchi State. In order to get effective representation, it is important to include women from all the various branches.

Organization of ward committees

Two subcommittees will be formed in every ward as follows:

- a. Women Enlightenment Committee
- b. Women Dispute Resolution Committee

The Women Enlightenment Committee is responsible for conducting continuous preaching in every nook and cranny of the ward. The committee is also responsible for identifying places where offences are committed and reporting upon them. This committee will also be formed taking into account the need for effective representation. The Women Dispute Resolution Committee is to comprise women representatives from different branches. It will assist the Enlightenment Committee in dispute resolution.

QUALIFICATION OF HISBAH MEMBERS

1. She should be God-fearing
2. She should ensure that her activities/deeds accord with her words.
3. She should be truthful in all circumstances
4. She should be a moderate and not an extremist
5. She should possess reasonable knowledge of Sharia.
6. She should emphasize cordiality, respect and networking.
7. She should forgive her transgressors
8. She should think for the good of the committee.
9. She should be generous even to the most niggardly.
10. Her words should always stress upon the positive development of the committee.
11. Her life should be focused on the principle of counseling the lawful and cautioning against the unlawful.

IMPORTANT CONSIDERATIONS IN HISBAH

Every *hisbah* member should realize that the following are the important guidelines in the work of *hisbah*:

1. Unity in the word of Allah and a single ideology
2. Unity on one purpose, which is Allah's acceptance
3. Fostering of love and acceptance among one another devoid of jealousy and enmity.
4. Counseling good behaviour and actions.
5. Preparing the minds to record the truth from wherever it originates.

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6. To avoid leadership-seeking actions, arrogance, display of knowledge or *hassada*.
7. To avoid arrogance and unilateral decision making in things that affect the public. To discuss with members of the community and build conscience. To encourage shared governance.
8. To State problems and the proposed solutions.
9. To ensure that there is an accredited representative in all the wards sub-committee.

ACTIVITIES OF THE HISBAH MEMBER

Briefly, the *bisbah* member can conduct her activities of counseling the lawful and cautioning against the unlawful in the following manner:

1. Performance of activities that have become unlawful under the Sharia (But not tradition)
2. Sharia must have explicitly counseled in favour or cautioned against that activity she intends to act upon.
3. She is to conduct her activity at the time the event is occurring or after the event has occurred in the community. These events include:
  - a. Harmful traditions that have turned the act of marriage into commerce.
  - b. Excessive materialism in all activities.
  - c. Ignoring excellent norms such as upholding trust, truthfulness and *dattaku*. (gentlemanly behaviour).
  - d. Lack of self respect which has given rise to begging and sycophancy.
  - e. Blind imitation of customs of Europeans and their abominable way of life.
  - f. Failure to perform the Salat at its appointed time.
  - g. Setting up others as partners to Allah, especially sorcerers.
  - h. Respecting the husband's trust.
  - i. Removing *hassada*, jealousy, enmity among colleagues (Co-wives).
  - j. To understand that wealth comes from Allah; it is not a creation of some person or an inheritance from the husband.
  - k. Doing away with lies, fraud, harm and fornication.
  - l. Understanding the essence of marriage and its importance.
  - m. Respecting and enhancing the discipline of children.
  - n. Creating conducive forum for the discipline.
  - o. Receiving or giving interest on loan.
  - p. Unity of Muslims and
  - q. Any other issue that affects the life of a Muslim or Islam.

PREFERRED NORMS OF HISBAH MEMBERS

1. She should be patient and receptive to her audience.
2. She should not be intrusive and invasive on people's activities. She should restrict her activities to verifiable things. She should not set traps for the unwary offender.
3. She should use wisdom and diplomacy in her activities.
4. She should be normally upright. She should avoid covetousness and gifts while performing her responsibilities.



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5. She should maintain confidentiality of her work and of the offenders she comes across.
6. She should avoid arrogance and high-handedness.
7. She should be patience and persevering.

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**PLAN OF ACTIVITIES OF WARD HISBAH PREACHING SUB-COMMITTEE AND HISBAH AID GROUP**

- a. The Committee will require special slots in the electronic media such as NTA, B.R.C. BATV for the purpose of preaching.
- b. We will require Government to produce identification card to identify the member either as *hisbah* member, preacher or a member of the First Aid Group.
- c. We will require a bus to routinely convey us to Local Government Areas.
- d. We will require writing equipments such as computer, photostating machines, writing books, amplifier, loudspeakers, camera, etc.
- e. We will require Islamic books as reference materials for guidance.
- f. We will require seminar and workshop rooms.
- g. Women *hisbah* will require an administrative office and other equipment such as electric generator, video and audio recording machines. We will require to be connected to the internet so as to increase our knowledge and to be conversant with the evil machinations of the Jews and how to protect ourselves from their plots
- h. We will require a dedicated meeting room where we can meet regularly to discuss and resolve challenges that confront us.
- i. The Government should create an avenue for dialogue between us so that our problems can be solved.
- j. The *hisbah* women wing will require that all facilities and equipment provided for men's wing be also provided for them, so as to facilitate them.
- k. We will require special protection (immunity?) both within and outside the State.

Finally, we wish to thank Allah for giving us the opportunity to present this report. May Allah give us the patience to implement this report fully. Our special thanks go to the Sharia Task Force. May Allah guide us all. Amin.

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Hajiya Aisha Awak Bint Musa  
Committee Leader

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Hajiya Halima Ibrahim  
Secretary

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ANNEX II

**MATERIAL ESTIMATE  
OF THE REQUIREMENT OF MEN WING OF HISBAH**

S/No	Description of Item	Quantity Required	Recommendations
1.	State Secretariat	One	To be provided by the State Government at the State Headquarters
2	Local Government Secretariat	20 Nos.	One each to be provided by each Local Government at its Headquarters
3.	Peugeot Wagon	2 Nos.	To be provided by the State Government for the State Secretariat of Hisbah Organisation
4	Bus	20 Nos.	One each to be provided by each Local Government to its Secretariat of Hisbah Organisation.
5	Motor-Cycles	2 Nos.	To be provided by the State Government to the State Secretariat of Hisbah Organisation.
6	Motor-Cycles	20 Nos.	To be provided by each Local Government to its Secretariat of Hisbah Organisation.
7	Loud Speakers	1 set	To be fitted by the State Government to one vehicle out of the 2 recommended for the State Secretariat of Hisbah Organisation
8	Loud Speakers	20 sets	One each to be fitted by each Local Government to the vehicle of its Secretariat of Hisbah Organisation.
9.	Video Camera	1 set	To be provided by the State Government to the State Secretariat of Hisbah Organisation.
10	Projector	1 set	To be provided by the State Government to the State Secretariat of Hisbah Organisation
11.	Pamphlets on Sharia	-	To be produced by the Sharia Commission.
12.	Generator Set	1 set	To be provided by the State Government to the State Secretariat of Hisbah Organisation.
13.	Computer	1 set	To be provided by the State Government to the State Secretariat of Hisbah Organisation
14.	Photocopier	1 No.	To be provided by the State Government to the State Secretariat of Hisbah Organisation.
15.	Typewriter	1 No.	To be provided by State Government to the State Secretariat of Hisbah Organisation.

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ANNEX III

**MATERIAL ESTIMATE  
OF THE REQUIREMENT OF WOMEN WING OF HISBAH**

S/No	Description of Item	Quantity Required	Recommendations
1.	State Secretariat	One	To be provided by the State Government at the State Headquarters
2	Bus	One	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
3.	Computer	1 set	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
4.	Photocopier	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
5.	Typewriter	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
6.	Loud Speakers	1 set	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
7.	Video Camera	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
8.	Still Camera	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
9.	Reference Material	-	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
10	Generator	1 set	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
11	Video Recorder	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
12	Audio Recorder	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
13	Television set	1 No.	To be provided by the State Government to the Secretariat of Women Wing of Hisbah
14.	Connection to Internet	-	To be effected by the State Government for the Women Wing of Hisbah.

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**6. Letter from Secretary to the State Government to Task Force Chairman re  
Islamic Preaching Session organised by Hisbah**

**BAUCHI STATE OF NIGERIA**

Telex Fax : 077-542429  
Tel: 077-542238, 542822, 542234

Office of the Secretary to the Government  
Governor's Office,  
P. M. B. 0060,  
Bauchi.

Your Ref:  
Our Ref: GO/SS/SIR/S/22

11<sup>th</sup> July 2001

The Chairman,  
Sharia Implementation Task Force,  
Task Force Secretariat,  
Women Centre Complex,  
Bauchi.

**RE: ISLAMIC PREACHING SESSION**

It has been observed that the preaching session held on 1/6/2001 at Emir's Palace drive Bauchi, organised by "HIBA" has been conducted in an orderly and peaceful manner. The preaching session was full of useful enlightenment, exhortations on proper conducts by Muslim faithful and peaceful co-existence with adherent of other faiths.

2. In the light of the foregoing, I am directed to request you to encourage such kind of preaching sessions in order to sensitise the public, especially Muslims about their responsibilities under the Sharia Legal System.

3. Thank you for the usual co-operation.

Y. M. KARAMBA  
for: SECRETARY TO THE STATE GOVERNMENT

**7. Press Release on the Take-off of Sharia Judicial System**

**TASK FORCE ON SHARIA IMPLEMENTATION  
BAUCHI STATE OF NIGERIA**

**ADMINISTRATIVE SECRETARIAT;**  
Gombe Road (Adjacent Local Government Audit) Bauchi Ph. 077-642259

Our Ref: \_\_\_\_\_ Your Ref: \_\_\_\_\_ Date: \_\_\_\_\_

**PRESS CONFERENCE ON THE  
TAKE-OFF OF SHARIA JUDICIAL SYSTEM**

**Bismillahir Rahmanir Rahim, Wassalatu Wassalamu ala Nabiyl Kareem**

**Gentlemen of the Media:**

Members of the public are already aware that on the 27<sup>th</sup> February 2001, His Excellency the Executive Governor Alhaji Ahmadu Adamu Mu'azu signed into law Sharia (Administration of Justice and Certain Consequential Changes) Bill and the Sharia Penal Code Bill 2001 and inaugurated the Task Force on the Implementation of Sharia in the State. The main term of reference of the Task Force is to co-ordinate the take-off of the Sharia judicial system liaising with the State Government, the Judicial Service Commission and the Office of the Grand Kadi on the establishment of the State Sharia Commission and the Sharia Consultative Council as well as the appointment of judges and inspectors of Sharia Courts. The Task Force was also to ensure that all the necessary groundwork for the take-off of Sharia was completed before 31<sup>st</sup> March 2001.

It was not, however, possible to keep this date line, as there were so many pre-requisites to be put in place before Sharia would be said to take off smoothly. Apart from the establishment of the Sharia Commission, the Sharia Consultative Council and the appointment of judges and inspectors, suitable and more befitting courthouses and residential accommodation for the judges ought to be provided as well as the improvement of their allowances and other fringe benefits such as vehicle advances and personal housing loans. It would not have been possible to do all these within a period of barely one-month.

It therefore became necessary for the Government to extend the date line to 31<sup>st</sup> May 2001 so that Sharia could take off without hitch in all parts of the State on 1<sup>st</sup> June 2001.

With the exception of permanent building accommodation almost all the stated pre-requisites have now been put in place for example 89 serving Area Court judges have been interviewed from whom 20 have been appointed by the JSC and already posted as Upper Sharia Court judges one per each Local Government and 43 as Sharia Court judges at least one per each administrative district as approved by the Government White Paper on Sharia Implementation. 39 new Sharia Court judges are also being appointed for posting to major villages throughout the State.

Consultations have been held with the State Government, the Judicial Service Commission the Chief Judge and the Grand Kadi on the readiness for the commencement of Sharia on June 1<sup>st</sup> 2001, which the Government has approved. The Task Force is thus using the occasion to renew its earlier warning to members of the public that all persons currently engaged in prostitution, gambling, sale and consumption of or in any-way dealing in alcoholic drinks and other vices which are not in conformity with Islamic teachings and practices should shun or abandoned such acts or conduct. Any persons who contravene the provisions of the Sharia Penal code law will be strictly dealt with in accordance with the law without fear or favour.

Other prohibited acts under the Sharia Penal Code include: praise singing (*roko*) street begging (*bara*), playing cards (*karta*), *wasan maciji*, *wasan da kura*; *wasan wuta*, *wasan da nuka* (*kufegere*), *wasan bori*, *yanchori* etc. Anyone committing such acts will be guilty of an

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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offence liable on conviction to imprisonment, which may extend to one year and fine of less than N5, 000 and shall also be liable to caning of twenty lashes

The Task Force wishes to also draw attention of members of the public to the new positions under the Sharia judicial dispensation as follows:

- (i) With the coming into effect of the Sharia (Administration of Justice and Certain Consequential changes) Law 2001, the Area Court Law Cap 12 Laws of Bauchi State 1991 is repealed.
- (ii) With the coming into effect of the Sharia Penal Code of Bauchi, the Penal Code of Bauchi State Cap 108 Laws of Bauchi State 1991 as amended will be applicable only to non-Muslims of the State only.
- (iii) All criminal, civil and personal cases involving Muslims under the Sharia Penal Code will only be heard in Sharia Courts.
- (iv) Appeals from Sharia Courts in respect of criminal offences involving Muslims will lie to Upper Sharia Courts and appeals from Upper Sharia Courts go to Sharia Court of Appeal. Copies of all relevant laws are being printed and gazetted and will be made available to public as soon as possible i.e. the Sharia Penal Code law 2001 and the Sharia Courts Law 2001.
- (v) A case between Muslims and non-Muslims will be tried in Magistrates Courts unless consented to in writing by the non-Muslim that such a case be tried in Sharia Court.

Members of the public are further informed that the State Government has duly mandated the Task Force on Sharia Implementation to perform the functions of the Sharia Consultative Council pending the time when the law establishing the Sharia Commission is promulgated and the Sharia Commission and the Sharia Consultative Council duly constituted.

Members of the public are therefore warned to desist from constituting themselves into law enforcement agencies or taking the law in to their hands to foment trouble in breach of the peace. The Government wishes to assure all citizens of their safety and the protection of their lives and property and will not hesitate to deal decisively with any person or a group of persons who deliberately cause a breach of the peace in the State. The Government, however, appreciates the importance of *hisbah* organisation under the Sharia judicial dispensation and has mandated the Sharia Commission when constituted to deal with the recruitment and control of *hisbah* organisations in the State. For the avoidance of doubt the main functions of *hisbah* under the Sharia are assisting law enforcement agencies in the prevention and investigation of crime by giving useful information; exhortation of the *ummah* to be of good behaviour, honest and law abiding and to shun or forbid what is wrong and enjoin what is right; making peace among communities and correcting misunderstandings between them and to promote mutual respect between them. Until the constitution of the Sharia Commission all voluntary *hisbah* workers are advised to restrict their activity to general preaching to educate members of the community on the dos and don'ts of the Sharia.,

Sharia is the collective wish of all Muslims who constitute more than 99% of the population of the State; a fundamental right entrenched in the constitution of the Federation.

Finally, the Task Force has been mandated by the Government to notify the good members of the public that Sharia Legal system will unfailingly *insha* Allah take off

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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tomorrow Friday the 1<sup>st</sup> day of June 2001 as scheduled. On behalf of the Government of the State therefore, we are calling on the all good people of the State to continue to be law abiding and peace loving in the spirit of Islam and to continue to pray for the success of Sharia not only in this State but also in the rest of the Federation. May the Almighty Allah continue to guide and protect us.

**Alh. Muhammad Danmadami CFR, NPM, mni**  
(Sa'in Katagum)  
Chairman  
31/5/2001

**8. Letter from Task Force Chairman to Secretary to the State Government re  
Office and Residential Accommodation for Sharia Court Judges**

**TASK FORCE ON SHARIA IMPLEMENTATION  
BAUCHI STATE OF NIGERIA**

**ADMINISTRATIVE SECRETARIAT;**

Gombe Road (Adjacent Local Government Audit) Bauchi Ph. 077-642259

Our Ref: \_\_\_\_\_ Your Ref: \_\_\_\_\_ Date: \_\_\_\_\_

TFSI/BS/ADM/VOL.I/89

16<sup>TH</sup> May 2001

The Secretary to the State Government  
Government House,  
Bauchi.

**OFFICE AND RESIDENTIAL ACCOMMODATION FOR  
SHARIA COURT JUDGES**

The position of court buildings and residential accommodation for Sharia Court judges in the State is far from being satisfactory. With the exception of only very few, most of the courts especially in rural areas are housed in inadequate dilapidated buildings. In one of the places the Task Force visited the court and observed it to be housed in one dilapidated mud *zauwa*, which was being used as the courtroom without dock or witness box and as office for the court clerks and other staff. The condition is so pitiful and demoralising that it becomes necessary for the Government to take immediate action to remedy the situation by providing permanent and befitting court buildings and residential accommodation for judges wherever they are if only to boost their morale and raise their dwindling status in the community. As earlier discussed with His Excellency the Executive Governor, the Task Force is thus making the following recommendations for serious consideration by the Government.

## **PHASE I**

### **(i) Construction of “Type B” Court Buildings**

According to the Sharia Implementation Government White Paper, at least one Upper Sharia Court should be established in each Local Government Area. This means that 20 such courts will be required. “Type A” court buildings are the traditional buildings for Upper Area Court (now Upper Sharia Courts). In order to reduce costs, the Task Force is recommending the construction of “Type B” courts in each Local Government capital to be used as Upper Sharia Courts. There are already 15 “Type B” buildings in 15 Local Government Area, which require renovation only 5 new “Type B” buildings will therefore be required. The cost implication is as follows:

- |   |                |
|---|----------------|
| (a) Renovation of 15 No “Type B”<br>court buildings @N639,980.00 =      | N9,599,700.00  |
| (b) Construction of 5 No. “Type B”<br>court buildings @ N3,091,093.50 = | N15,455,467.50 |

### **(ii) Construction of “Type C” Court Buildings**

The Government White Paper on Sharia implementation also provides that at least one Sharia Court is to be established initially in each administrative district in the State. In order to reduce costs, it is recommended that “Type C” court is constructed in all the districts that have no permanent courts buildings. There are 38 of such districts and the cost implications are as follows:

- |   |                 |
|---|-----------------|
| Construction of 38 Nos. “Type C”<br>court buildings @ N2,697,788.00 = | N102,515,944.00 |
|---|-----------------|

### **(iii) Renovation of “Type A” Court Buildings**

Traditionally, Upper Area Courts have been housed in Type A court buildings. These are much bigger buildings than Type B and are now found only at Bauchi, Azare, Misau, Jama’are and Ningi. The Task Force recommends that these types of building be retained for Emirate capitals and that any new building for Upper Sharia Courts should be “Type B”. There is however, the need to make some alterations to the buildings to make them conform to requirement of Sharia as well as to generally renovate them. The cost implications are as follows:

- |   |               |
|---|---------------|
| Renovation of 2Nos. “Type A”<br>court buildings @ N1,006,995.00 = | N1,013,990.00 |
|---|---------------|

### **(iv) Construction of 3 Bed-Room Judges’ quarters**

These quarters are to be constructed for Upper Sharia Court judges. At present, there are 14 such quarters already constructed in the various Local Government Areas of the State. Only 6 new ones will therefore be required. And the cost estimate is as follows:

- |                          |                |
|--------------------------|----------------|
| N3,395,694.50 x 6 Nos. = | N20,374,167.00 |
|--------------------------|----------------|



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**(v) Renovation of 3 Bed-Room Judges' quarters**

It is also observed that the 14 Nos. 3 bedrooms mentioned above are in dilapidated conditions. There is therefore the need to renovate them using a provisional sum of N1,200,000.00 for each making a total sum of N16,800,000.00.

**(vi) Construction of 2 Bed-Room Judges' quarters**

These are to be constructed for Sharia Court judges in the 42 District Headquarters of the State as follows:

Construction of 42 Nos. 2 Bed-Room  
Judges' Quarters @ N2,218,084.00 = N93,159,528.00

**PHASE II**

**(i) Construction of "Type C" Court Buildings**

For the second phase of the Sharia implementation, there is a great need to construct 46 "Type C" court buildings in the 46 major villages recommended to have Sharia Courts in the State. The cost estimate for the construction of such courts is as follows:

N2,697,788.00 x 46 Nos. = N124,098,248.00

**(ii) Construction of 2 Bedroom Judges' Quarters in Major Villages**

These are to be constructed for Sharia Court judges in major villages under Phase II Programme (1<sup>st</sup> September – 31<sup>st</sup> December 2001) as follows:

Construction of 46 Nos. 2 Bedroom  
Judges' Quarters @N2,218,084.00 = N102,031,864.00

**SUMMARY**

**PHASE I**

- 01 Renovation of "Type B" Court Buildings:**  
N639,980.00 x 15 Nos. = N8,599,700.00
- 02 Construction of "Type B" Court Buildings:**  
N3,091,093.50 x 5 Nos. = N15,455,467,50
- 03 Construction of "Type C" Court Buildings:**  
N2,697,788.00 x 38 Nos. = N102,515,944.00
- 04 Renovation of "Type A" Court Buildings:**  
N1,006,995.00 x 2 Nos. = N2,013,990.00
- 05 Construction of 3 Bedroom Judges' Quarters:**  
N3,395,694.50 x 6 Nos. = N20,374,167.00
- 06 Renovations of 3 Bedroom Judges' Quarters:**  
N1,200,000.00 x 14 Nos. = N16,800,000.00
- 07 Construction of 2 Bedrooms Judges' Quarters:**  
N2,218,084.00 x 42 Nos. = N93,159,528.00

**PHASE I TOTAL: N259,918,796.50**

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**PHASE II**

**01 Construction of “Type C” Court Buildings:**

N2,697,788.00 x 46 Nos. = N124,098,248.00

**02 Construction of 2 Bedrooms Judges’ Quarters:**

N2,218,084.00 x 46 Nos. = N102,031,864.00

**PHASE II TOTAL: N226, 130, 112.00**

**OVERALL SUMMARY**

Phase I Total = N259,918,796.50

Phase II Total = N226,130,112.00

Grand Total = N486, 048, 908.50

In view of the importance of these projects in strengthening and sustaining the Sharia legal system, it is recommended that serious attention be given to that matter. It is appreciated that the Government may be confronted with funding problem but the projects can be staggered or implemented in phases. For example, the Government may decide to provide 10 court buildings and 10 residential quarters this year etc.

It is also advised that Local Governments should be requested to contribute towards the funding as all of them are directly affected being beneficiaries of the projects.

All plans updated in respect of the above projects are with the State Ministry of works. However, for ease of reference, the under listed annexes are attached here to:

**[Annex I](#)**

Specification of locations for constructions/renovations of the Sharia Courts and residential quarters of the Sharia judges.

**[Annex II](#)**

The Bill of Quantities received from the State Ministry of Works in respect of the above.

**Alh. Muhammad Danmadami CFR, NPM, mni**

(Sa’in Katagum)

Chairman

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**ANNEX I**

**TASK FORCE ON SHARIA IMPLEMENTATION, BAUCHI STATE**

**SPECIFICATION OF LOCATIONS FOR  
CONSTRUCTIONS/RENOVATIONS OF SHARIA COURTS AND  
RESIDENTIAL QUARTERS OF THE SHARIA JUDGES**

**(A) PHASE I**

**01 RENOVATIONS OF “TYPE A” COURT BUILDINGS**

1. Misau

2. Azare

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**02. RENOVATIONS OF “TYPE B” COURT BUILDINGS**

- |             |              |                   |
|-------------|--------------|-------------------|
| 1. Bauchi   | 2. T/Balaewa | 3. Dass           |
| 4. Toro     | 5. Ningi     | 6. K/Madaki       |
| 7. Darazo   | 8. Alkaleri  | 9. Misau          |
| 10. Azare I | 11. Azare II | 12. Jama’are      |
| 13. Yana    | 14. Gamawa   | 15. Katagum(Zaki) |

**03 CONSTRUCTIONS OF “TYPE B” COURT BUILDINGS**

- |           |          |          |
|-----------|----------|----------|
| 1. Dambam | 2. Kirfi | 3. Giade |
| 4. Warji  | 5. Itas  |          |

**04 CONSTRUCTIONS OF “TYPE C” COURT BUILDINGS**

- |                |               |                         |
|----------------|---------------|-------------------------|
| 1. Yana        | 2. Disina     | 3. Madara               |
| 4. Itas        | 5. Gadau      | 6. Katagum (Zaki)       |
| 7. Sakwa       | 8. Gamawa     | 9. Udubo                |
| 10. Giade      | 11. Dambam    | 12. Dass                |
| 13. Dagauda    | 14. Jalam     | 15. Jama’are            |
| 16. Dogon-Jeji | 17. Jurara    | 18. Hanafari            |
| 19. Ningi      | 20. Burra     | 21. Warji               |
| 22. Kangere    | 23. L/Katagum | 24. Bauchi I            |
| 25. Bauchi II  | 26. K/Madaki  | 27. B/Dutse<br>(Duguri) |
| 28. Alkaleri   | 29. Futuk     | 30. Kirfi               |
| 31. Darazo     | 32. Sade      | 33. T/Balewa            |
| 34. Bununu     | 35. Boto      | 36. Toro                |
| 37. Gumau      | 38. Nabordo   |                         |

**05 RENOVATIONS OF JUDGES’ QUARTERS (3 BEDROOMS)**

- |              |                    |           |
|--------------|--------------------|-----------|
| 1. T/Balewa  | 2. Dass            | 3. Toro   |
| 4. Ningi     | 5. K/Madaki        | 6. Darazo |
| 7. Alkaleri  | 8. Hardawa         | 9. Azare  |
| 10. Jama’are | 11. Katagum (Zaki) | 12. Misau |
| 13. Gamawa   | 14. Yana           |           |

**06 CONSTRUCTION OF JUDGES’ QUARTERS (3 BEDROOMS)**

- |             |              |          |
|-------------|--------------|----------|
| 1. Bauchi I | 2. Bauchi II | 3. Kirfi |
| 4. Dambam   | 5. Giade     | 6. Warji |

**07 CONSTRUCTIONS OF JUDGES’ QUARTERS(2 BEDROOMS)**

- |             |              |                |
|-------------|--------------|----------------|
| 1. Duguri   | 2. Alkaleri  | 3. Futuk       |
| 4. Bogoro   | 5. Kobi      | 6. T/Babiye    |
| 7. Kangere  | 8. L/Katagum | 9. Dambam      |
| 10. Dagauda | 11. Jalam    | 12. Darazo     |
| 13. Sade    | 14. Dass     | 15. Gamawa     |
| 16. Udubo   | 17. K/Madaki | 18. Giade      |
| 19. Itas    | 20. Gadau    | 21. Dogon-Jeji |

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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22. Jama'are	23. Jurara	24. Hanafari
25. Azare I	26. Azare II	27. Madara
28. Chinade	29. Kirfi	30. Misau
31. Hardawa	32. Ningi	33. Burra
34. Yana	35. Disina	36. T/Balewa
37. Bununu	38. Toro	39. Gumau
40. Warji	41. Katagum(Zaki)	42. Sakwa

**(B) PHASE II**

**01 CONSTRUCTIONS OF "TYPE C" COURT BUILDINGS**

1. Digare	2. Yashi	3. Doya
4. Tudun Alkali	5. Juwara	6. Tudun Gambo
7. Bayara	8. Yame	9. Lanzai
10. Konkiyel	11. Papa	12. Dass
13. Bazali	14. Gololo	15. Gadiya
16. Soro	17. Miya	18. Nassarawa
19. Zalanga	20. Zabi	21. Isawa
22. Magarya	23. Bulkachuwa	24. Bara
25. Dewu	26. Akuyam	27. Zadawa
28. Nasaru	29. Gadar Maiwa	30. Agwamaji
31. Yada Gungume	32. Faggo	33. Dull
34. Dajin	35. Boto	36. Lere
37. Tulu	38. Rishi	39. Nahuta
40. Rimin Zayam	41. Tilde	42. Tulai
43. Baima	44. Tudun Wada	45. Lodiya
46. K/Larabawa	47	48

**02 CONSTRUCTIONS OF JUDGES' QUARTERS (2 BEDROOMS)**

1. Digare	2. Yashi	3. Doya
4. Tudun Alkali	5. Juwara	6. Tudun Gambo
7. Bayara	8. Yame	9. Lanzai
10. Konkiyel	11. Papa	12. Dass
13. Bazali	14. Gololo	15. Gadiya
16. Soro	17. Miya	18. Nassarawa
19. Zalanga	20. Zabi	21. Isawa
22. Magarya	23. Bulkachuwa	24. Bara
25. Dewu	26. Akuyam	27. Zadawa
28. Nasaru	29. Gadar Maiwa	30. Agwamaji
31. Yada Gungume	32. Faggo	33. Dull
34. Dajin	35. Boto	36. Lere
37. Tulu	38. Rishi	39. Nahuta
40. Rimin Zayam	41. Tilde	42. Tulai
43. Baima	44. Tudun Wada	45. Lodiya
46. K/Larabawa	47	48

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**ANNEX II**  
**BILL OF QUANTITIES PREPARED BY**  
**THE STATE MINISTRY OF WORKS**

**ESTIMATE FOR THE RENOVATION OF SHARIA COURTS**  
**“TYPE A” IN BAUCHI STATE A2<sup>[1]</sup>**

A.	Allow a provisional sum of N20,000.00 for checking and repair of all cracks, construction of female witness dock, and all works associated to masonry	Sum	20,000.00
	<b>To summary</b>		<b>N20,000.00</b>
B.	Allow a provisional sum of N150,000 for checking and repair of timber roof and felt work on concrete roof	Sum	150,000.00
	<b>To summary</b>		<b>N150,000.00</b>
	<u>Supply and fix the following solitary fittings including assembling of component parts and bedded in cement mortar and pointed to service and waste</u>		
C.	Low level W. C. suite complete (Royal)	2 No. N12,000.00	24,000.00
	<b><u>GLAZING</u></b>		
E.	450 X 100 mm plain louver glass	16 Pcs 250.00	4,000.00
F.	4mm thick clear sheet of glass fix to door and window frame using good quality putty	5 M2 1500.00	7,500.00
G.	4mm thick glass plain to aluminium sliding door	3 M2 1600.00	4,800.00
	<b>To summary</b>		<b>N58,300.00</b>
	<b><u>IRON MONGERY</u></b>		
H.	Crittall Hope lock complete	2 No. 3600.00	7,200.00
I.	Window handle	6 pairs 380.00	2,280.00
J.	Mortise lock set complete	5No 500.00	2,500.00
K.	Flush doors shutter 900 x 2100mm	5 No 6000.00	30,000.00
L.	Burglary proof of approve design	30 M2 1,600.00	48,000.00
	<b>To Summary</b>		<b>N89,980.00</b>
	<b><u>CEILING</u></b>		
A.	2400 x 1200 x 6mm hard board ceiling nailed to hardwood noggins at 600mm C/C	100 M2 380.00	38,000.00

<sup>1</sup> Text and numbers in this estimate as in the original. There are anomalies in the numbers.

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	<b>To Summary</b>	<b>N38,000.00</b>
	<b><u>PAINTING AND DECORATION</u></b>	
B.	Prepare and apply two coats of emulsion paint to block work and concrete surfaces (including conc. Decking) deluxe type	1277 M2 200.00      255,400.00
C.	Ditto gloss paint on timber and metal surfaces	45 M2 240.00      10,800.00
	<b>To summary</b>	<b>N266,200.00</b>
	<b><u>PLUMBING</u></b>	
D.	Allow a P.S. of N25,000.00 for checking and repair of plumbing pipe works	Sum      25,000.00
	<b>To Summary</b>	<b>N25,000.00</b>
E.	Allow a sum of N50,000.00 for repair of Car parks (3 No)	Sum      50,000.00
	<b>To Summary</b>	<b>N50,000.00</b>
	<b><u>ELECTRICAL</u></b>	
F.	Allow a sum of N120,000.00 for general checking and repairs of all electrical works including, pipe and fittings.	Sum      120,000.00
	<b>To Summary</b>	<b>N120,000.00</b>
	<b><u>DRAINAGE</u></b>	
G.	Allow a sum of N60,000.00 for drainage including soak-away, septic tank etc.	Sum      60,000.00
	<b>To summary</b>	<b>N60,000.00</b>
	<b>SUMMARY</b>	
	Masonry	N20,000.00
	Roof	N150,000.00
	Services	N58,300.00
	Glazing	N38,000.00
	Iron Mongery	N89,980.00
	Finishes	N38,000.00
	Painting and Decorations	N266,200.00
	Plumbing	N25,000.00
	Carpentry and Joinery	N50,000.00
	Electrical	N120,000.00
	Drainage	<u>N60,000.00</u>
		<b>N915,450.00</b>
	Add 5% Prelims	N45,772.50

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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Add 5% Contingency	<u>N45,772.50</u>
Add 5% Prelims	N313,586.25
<b>TOTAL</b>	<b>N1,006,995.00</b>

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[Estimates for:

- The renovation of Sharia Court “Type B” in Bauchi State
  - The construction of Sharia Court in Bauchi State Type B
  - The construction of Sharia Court in Bauchi State Type C
  - The construction of 3-bedroom for Sharia Court judges in Bauchi State
  - The construction of 2-bedroom for Sharia Court judges in Bauchi State
- are similar to the above and are omitted here.]

**9. Letter from Deputy Governor to Task Force Chairman re Commencement of Sharia Legal System in the State**

**BAUCHI STATE OF NIGERIA  
DEPUTY-GOVERNOR’S OFFICE**

P.M.B. 0059  
**BAUCHI**

Tel: No. 077 542592

GO/88/REL/1/S

Date: 30<sup>th</sup> May 2001

The Chairman  
Sharia Task Force Committee,  
Bauchi

**COMMENCEMENT OF SHARIA LEGAL SYSTEM IN THE STATE**

Since the Sharia Commission cannot be constituted until the bill establishing it, which has been passed to the House of Assembly only yesterday, it was promulgated into law. Government has decided to mandate the Task Force to perform the functions of the Consultative Council for the time being. This is to enable the take-off of the Sharia Legal System in the State on 1<sup>st</sup> June, 2001 as scheduled especially that as all judges have been appointed and posted. Both the Sharia Commission and the Sharia Consultative Council will be constituted as soon as the law establishing the Sharia Commission is promulgated.

2. You will please notify the public that Sharia Legal System takes off on 1<sup>st</sup> June 2001 as scheduled. However, individual members of the public should be warned against constituting themselves into law enforcement agencies to foment trouble in breach of

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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peace. The duty to arrest should be performed only by those so designated by the Sharia Law.

**ALHAJI ABDULMALIK MAHMOOD**  
DEPUTY GOVERNOR

**10. Letter from Secretary to the State Government to Task Force Chairman re  
Constitution of Bauchi State Sharia Commission**

**BAUCHI STATE OF NIGERIA**

Telex Fax : 077-542429  
Tel: 077-542238, 542822, 543234

Office of the Secretary to the Government  
Governor's Office,  
P. M. B. 0060,  
Bauchi.

Your Ref:  
Our Ref: GO/SS/REL/S/1

26 May, 2001

The Chairman  
Task Force on Sharia Implementation,  
Gombe Road,  
Bauchi.

**CONSTITUTION OF BAUCHI STATE SHARIA COMMISSION**

Sequel to the constitution of the Bauchi State Sharia Commission, I wish to inform you that the Task Force should prepare to hand over to the Commission. The process of handing over and final disengagement should however, be done over a period of two (2) weeks, up to 14<sup>th</sup> August, 2001.

2. On behalf of His Excellency and the Government of Bauchi State, I wish to express our sincere gratitude to you, the members and all staff of the Task Force on Sharia Implementation for the faithful manner in which you have carried out this onerous responsibility. May Allah (SWT) reward you for all you have been doing towards facilitating the successful implementation of Sharia Legal System in Bauchi State,

3. Thank you.

**MUHAMMAD NADADA UMAR**  
SECRETARY TO THE STATE GOVERNMENT



ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**11. Letter from Task Force Secretary to the Secretary to the State Government re Request for Approval of Transfer and/or Delegation of Powers on the Control and Supervision of Sharia Courts to the Office of the Grand Kadi of Bauchi State**

[Letter-heading not included on copy of letter in Task Force Report]

TFSI/BS/ADM/Vol.I/99

Date: 28<sup>th</sup> June 2001

The Secretary to the State Government,  
Governor's Office  
Bauchi.

**REQUEST FOR APPROVAL OF TRANSFER AND/OR DELEGATION OF POWERS ON THE CONTROL AND SUPERVISION OF SHARIA COURTS TO THE OFFICE OF THE GRAND KADI OF BAUCHI STATE**

I am directed to forward herewith the attached draft instrument for the formal approval, by His Excellency, of the transfer of control and supervision of Sharia and Upper Sharia Courts from the Office of the Hon. Chief Judge to the Office of the Hon. Grand Kadi of Bauchi State.

2. Thank you.

**ALI BABAYO GAMAWA**

For the Secretary

[No attachment included in Task Force Report, but see attachment to next item.]

**12. Letter from Task Force Chairman to Chief Judge Forwarding Approval for Transfer and/or Delegation of Powers on the Control and Supervision of Sharia Courts to the Office of the Grand Kadi of Bauchi State**

[Letter-heading not included on copy of letter in Task Force Report]

TFSI/BS/ADM/Vol.I/100

2<sup>nd</sup> July 2001

The Hon. Chief Judge and Chairman,  
Judicial Service Commission,  
Bauchi State.

**FORWARDING OF APPROVAL FOR THE TRANSFER AND/OR DELEGATION OF POWERS ON THE CONTROL AND SUPERVISION OF SHARIA COURTS TO THE OFFICE OF THE GRAND KADI OF BAUCHI STATE**

I have the honour to inform your Lordship that His Excellency, the Executive Governor has formally authorised the Judicial Service Commission as required under

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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section 12 sub section (1) and (2) of the Bauchi State Judicial Service Committee Law Cap. 75 to confer some of its powers and functions with respect to general supervision and control of Sharia and Upper Sharia Courts to the Office of the Grand Kadi. The Governor has already signed an instrument to that effect.

2. Original Copy of the Instrument is attached hereto for your further action with the Judicial Service Commission, please.

**ALH. MUHAMMADU DANMADAMI, CFR, NP'M, mni**  
(Sa'in Katagum)  
Chairman

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**APPROVAL FOR THE TRANSFER AND/OR DELEGATION OF POWERS  
ON THE CONTROL AND SUPERVISION OF SHARIA COURTS TO THE  
OFFICE OF THE GRAND KADI OF BAUCHI STATE**

**WHEREAS** section 6(c) part II of the third schedule to the 1999 Constitution of the Federal Republic of Nigeria vests powers to appoint, dismiss and exercise disciplinary control over staff of the Judiciary including, all other members of staff of the judicial service of the State not otherwise specified in the constitution, on the State Judicial Service Commission:

**AND WHEREAS** by section 12(1) of the Bauchi State Judicial Service Committee Law Cap 75 Laws of Bauchi State 1991, the Executive Governor of Bauchi State is vested with the power to approve the transfer and/or delegation of powers of the State Judicial Service Commission to any officer or authority for the purpose of discharging its functions;

**AND WHEREAS** by section 30(1) of the Sharia Courts (Administration of Justice and Certain Consequential Changes) law 2001, the general supervision and control of the Sharia and Upper Sharia Courts in the State have now been transferred to the office of the Grand Kadi;

**NOW THEREFORE, I ALHAJI AHMADU ADAMU MU'AZU, THE EXECUTIVE GOVERNOR OF BAUCHI STATE** in exercise of the powers conferred on me by Section 12(1) and (2) thereof, do hereby approve the transfer of the general supervision and control of the State's Sharia and Upper Sharia Courts from the office of the Chief Judge to the office of the Grand Kadi of Bauchi State.

**BY SO DOING** this shall be your warrant.

Dated this 28<sup>th</sup> day of June 2001

**ALH. (Dr.) AHMADU ADAMU MU'AZU,**  
(Mutawallen Bauchi)  
The Executive Governor of Bauchi State

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ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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**INSTRUMENT ON FORMAL TRANSFER OF CONTROL AND  
SUPERVISION OF BAUCHI STATE SHARIA COURTS FROM THE HON.  
CHIEF JUDGE OF BAUCHI STATE TO THE HON. GRAND KADI OF  
BAUCHI STATE**

WHEREAS section 6(c) of part II of the third schedule to the 1999 Constitution vests powers to appoint, dismiss and exercise supervision and disciplinary control over State judicial and other staff of Area or Sharia Courts in the State Judicial Service Commission.

AND WHEREAS the Judicial Service Commission with the approval of the Governor is vested with the power under section 12 subsections (1) and (2) of the Bauchi State Judicial Service Committee Law Cap 75 Laws of Bauchi State of Nigeria 1991 to confer or delegate some of its powers and functions on any of its officers for the purpose of discharging its functions.

AND WHEREAS by section 30 subsection (1) of Sharia Courts (Administration of Justice and Certain Consequential changes) Law Cap 1 Laws of Bauchi State of Nigeria 2001, the general supervision and control of Sharia and Upper Sharia Courts in the State are now vested in the office of the Grand Kadi.

AND WHEREAS the State Executive Governor's approval and/or consent has been sought and obtained in accordance with section 12(1)(c) of the Judicial Service Committee Laws Cap 75 Laws of Bauchi State.

NOW THEREFORE the Bauchi State Judicial Service Commission has from the 1<sup>st</sup> day of June 2001 hereby transferred and delegated all its powers for the control and supervision of the State Sharia Courts established under the Sharia Courts (Administration of Justice and Certain Consequential Changes) law 1991 on the Grand Kadi of Bauchi State, he being an ex-officio member of the Commission.

Accordingly, from the date herein before mentioned, the control and supervision of all the Sharia Courts of Bauchi State are hereby transferred from the office of the State Chief Judge to the office of the Grand Kadi of Bauchi State.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2001

**Hon. Justice S. S. Darazo**  
Chief Judge and Chairman  
Judicial Service Commission  
Bauchi State.

### 13. Draft Rules of Civil Procedure for the Sharia Courts

#### THE BAUCHI STATE SHARIA COURTS LAW – 2001 THE SHARIA COURTS (CIVIL PROCEDURE) RULES, 2001

Date of Commencement: 1<sup>st</sup> June 2001

In the exercise of powers conferred upon him by section 7(ii) of Sharia Courts Law 2001, the Grand Kadi has made the following rules:

#### ORDER 1. – CITATION, APPLICATION AND INTERPRETATION

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|--|--|
| Citation,<br>commencement<br>and application | 1. (1) These rules may be cited as the Sharia Courts (Civil Procedure) Rules 2001, and shall come into operation on the 1 <sup>st</sup> day of June 2001.  |
| Interpretation                               | (2) These rules shall apply to all Sharia Courts.<br>2. In these rules unless the context otherwise requires:<br>“Court” means an Upper Sharia Court or Sharia Court of any grade of Bauchi State.<br>“Registrar” means the registrar of court.<br>“ <i>Mudda’l</i> ” means plaintiff or complainant and includes and appellant.<br>“ <i>Mudda’a alaibi</i> ” means the defendant or respondent.<br>“ <i>Mudda’a fibi</i> ” means the subject matter in issue.<br>“ <i>Al-qadi</i> ” means the judge of the court.<br>“Judgment” includes any appealable order, decree, verdict or ruling whether interim or final.<br>“Process” includes any writ, summons, warrant, order, notice or other document issued by a court.<br>“Authorised agent” means an authorised <i>wakil</i> (agent) representing any litigant in accordance with Sharia and may include a legal practitioner.<br>“Service of process” means delivery of any court process by the court official to the affected person, who shall duly, endorse the reverse of the duplicate copy of the process by his signature name date and time of collection.<br>“Outside jurisdiction” means outside Bauchi State.<br>“The Law” means Sharia as defined in the Sharia.<br>“Legal practitioner” means the legal practitioner as defined in the Legal Practitioners Act 1975.<br>“Party” means <i>mudda’l</i> , <i>mudda’a alaibi</i> and their representatives and shall include any other person who by leave of court is joined either at trial level or on appeal.<br>“Proceedings” includes full hearing of a case from commencement of hearing to judgment and shall include hearing of appeals and any application.<br>“Property” includes both moveable and immovable, perishable and non-perishable item(s) in issue.<br>“Rules” means the Bauchi State Sharia Courts Civil Procedure Rules 2001 with all subsequent amendments thereto.<br>“ <i>Hadana</i> ” means all causes or matters relating to the right of |

ACTIVITIES OF THE BAUCHI STATE TASK FORCE ON SHARIA IMPLEMENTATION:  
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guardianship of a child from pregnancy to his puberty in accordance with the Sharia.

“*Adalah*” means trustworthiness of a witness within the context of the surrounding circumstances.

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| Inconsistency with primary sources | 3. | Where any provision of the rules is in contradiction with the Qur’an, the Sunnah of the Prophet and <i>Ijma</i> shall be void to the extent of its inconsistency. |
| Forms                              | 4. | The forms in the appendix shall be used where applicable with such variations as the circumstances of the particular case may require. <sup>2</sup>               |

**ORDER 2 – FORM AND COMMENCEMENT OF ACTION**

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|------------------------------------|----|--|
| Institution of Civil Complaint     | 1. | (a) Civil proceedings shall be instituted in the courts by oral or written complaint to the registrar within court working hours.<br>(b) No court shall entertain a cause or matter which it considers that it has no Jurisdiction or no sufficient powers to try, but shall transfer or obtain the transfer of the cause or matter to a court of appropriate and competent jurisdiction or powers.<br>(c) A court shall refuse to entertain a case or matter if the said cause or matter fails to disclose any cause of action, and any refusal under the provisions of the rules together with the grounds therefore shall be entered in the appropriate record:<br>Provided that the refusal to entertain a complaint under this rule shall not by reason only of such refusal preclude the plaintiff from presenting a fresh complaint in respect of the same cause of action. |
| Commencement of action             | 2. | The complaint may be lodged directly or by the authorised representative or agent of the person making the complaint.  |
| Content of a complaint             | 3. | The complaint shall contain sufficient detail to identify the cause of action, the parties involved and their addresses and the remedy sought.   |
| Fees                               | 4. | The complainant shall pay the fees as prescribed in Table A of the rules for the type of complaint and obtain a receipt photocopy of which must be kept in the judges file before commencement of hearing or where photocopy is not available, the production of the original by the claimant.   |
| Entries in relevant books          | 5. | The registrar shall keep proper records of all complaints lodged before his court and shall issue such reference number to the complain to distinguish it from other complaints before the court.  |
| Fixing a date and issue of summons | 6. | The registrar may in consultation with the judge fix any date appropriate for the commencement of hearing and notify all parties involved for attendance and the registrar shall issue writ of summons.  |
| Particulars of summons             | 7. | A writ of summons shall not be valid unless it contains the following particulars:<br>(a) suit number<br>(b) parties<br>(c) cause of action  |

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<sup>2</sup> Ed. note: none of the forms mentioned in the draft rules are given in our source document.

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- (d) date, time and venue of attendance
- (e) date of issue.

Form of summons Form 01 8. Every summons issued by a court under these rules shall be in writing, signed by the judge of such court and as in Form **Sh. 01**

**ORDER 3 – SERVICE OF PROCESS**

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|--|---|
| Service of Process                       | 1. Service of process shall be effected by any person authorised by law or employed for the court or assigned by the court to effect service.   |
| By legal practitioner                    | 2. Where both parties are represented by legal practitioners upon filing of any document, the legal practitioner may serve upon the other legal practitioner a copy of the document and obtain his endorsement thereof as evidence of such service.   |
| Method of service                        | 3. Save as otherwise prescribed by these rules, a process shall be served personally by delivering it to the person to be served and obtaining his endorsement at the reverse of a duplicate copy.  |
| Substituted service                      | 4. Where it appears to the court after an attempt at personal service that for any reason personal service cannot be conveniently effected, the court may order substituted service by any of the following means possible:   |
| By delivery to person in contact         | (a) By delivery thereof to his master, senior officer, village head, agent or any person in contact with him upon it being proved that there is reasonable probability that the document would in the ordinary course, through that agent, or person come to the knowledge of the person to be served.  |
| By leaving in house<br>By fixing on wall | (b) By delivery of the document on an adult living in the same house with the person to be served or any member of his family.  |
| By advertisement                         | (c) By notice or by affixing the document at the courthouse or other place of public resort or the usual or last known place of abode or business of the person to be served.   |
|  | (d) By advertisement in the Federal Gazette or in the State Gazette or in some newspapers circulating within the jurisdiction.  |
| Time of service                          | 5. A document may be served on any day between the hours of the day. [sic]  |
| Proof of service                         | 6. No court shall take any action, which is dependent upon a document being served upon any person unless service is admitted by such person or service upon him has been proved in accordance with these rules.  |
| Arrest of defendant Form Sh. 02          | 7. No court shall issue a warrant for the arrest of a defendant: Provided that a court may issue a warrant where it is satisfied that: <ul style="list-style-type: none"> <li>(a) the defendant has been served with summons and he does not appear at time and place appointed in such summons; and</li> <li>(b) the cause or matter cannot be disposed of under Islamic law without the appearance of the defendant. As in Form <b>Sh. 02</b>.</li> </ul> |

**ORDER 4 – SERVICE OUTSIDE JURISDICTION**

Service outside 1. The service and execution of any process or order of a Sharia Court

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- State within the State to any other person outside Jurisdiction shall be governed by the:
- (a) Sheriff and Civil Processes law in States that does not operate Sharia legal system or
  - (b) Principles of Islamic Law in all other States.

**ORDER 5 – TRIAL PROCEEDINGS (GENERAL)**

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|---|---|
| Time of proceedings                     | 1. The sitting of the court during hearing shall be open and accessible to the public and shall commence between the hours of 9.00 a.m. and terminate not later than 4.00 p.m. from Monday to Thursday and between 9.00 a.m. to 12.30 p.m. On Fridays except in cases of strong urgency on application by any party.  |
| Accessibility to the court              | 2. In the interest of the parties, public morality public peace, or where an under ages person is involved, the court may sit in chambers and be accessible only to the parties, their agents and relatives.  |
| Non-appearance of both parties          | 3. If on the day fixed for a cause or any adjourned date thereof to the notice of the parties and neither party nor an authorised agent appears, the court shall strike out the cause unless the court sees good reason to the contrary. Any such reason shall be recorded in the appropriate records.  |
| Non-appearance of plaintiff             | 4. If on such appointed day, only the defendant appears, the court may strike out the cause without prejudice and discharge the defendant with such cost as may cover his transportation home. Any such reason shall be recorded in the appropriate record.   |
| Counter claim                           | 5. Where a cause has been struck out under rule 4 above and the defendant has a counter claim the court may: <ol style="list-style-type: none"> <li>(a) on proof of service of the process on the plaintiff or</li> <li>(b) where it is considered that the plaintiff had due notice of the hearing. The court shall treat such a counter claim as a separate claim and apply the provisions of this rules relating to a claim <i>mutatis mutandis</i> to the counter claim.</li> </ol> |
| Issue of fresh notice                   | 6. If a cause is called on for hearing or at any adjourned date requiring a fresh service or notice of hearing, service of the process on the parties is not proved to the satisfaction of the court the court shall fix a new day before hearing and issue a fresh hearing notice on the party not in court.   |
| Joinder of parties                      | 7. <ol style="list-style-type: none"> <li>(a) A judge may for good reasons either suo motu or on the application of any party join any person as <i>mudda'l</i> or <i>mudda'a alaihi</i>.</li> <li>(b) A third party may also apply to be joined as a party to any proceedings before the court.</li> </ol>   |
| Relisting of cause or matter struck out | 8. Any cause or matter struck out may by leave of the court be re-listed on the cause list on such terms as the court may deem it fit.  |

**ORDER 6 – INTERLOCUTORY APPLICATIONS**

- |                            |   |
|----------------------------|---|
| Interlocutory applications | 1. Interlocutory applications may be made ex-parte in emergency cases or by motion on notice at any stage of the proceedings in a cause or matter and by any of the parties thereto or their authorised agents. |
|----------------------------|---|

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Form of motion	2.	Every motion may be made orally or in writing in open court or in chambers as the circumstances of the case may require. In either case, the party seeking the order shall state clearly the terms of the order sought.
Notice of motion	3.	Except for motions ex parte, motions shall only be heard after notice of motion has been served on all the parties likely to be affected.
Supporting evidence	4.	A motion need not be supported by affidavit but shall be supported by sufficient argument, explanations or evidence in favour of the grant thereof.
Objection	5.	A party against whom a motion is moved may oppose the application upon such explanation or evidence against the grant of the application.
Preserving the status quo	6.	The <i>al-qadi</i> shall not make up his mind on the substantive case at the interlocutory stage and shall avoid touching matters suitable for the substantive case at interlocutory stage, except for preserving the status quo.
Direction or refusal	7.	<i>Al-qadi</i> may direct a motion ex parte to be made on notice or a motion on notice to be taken at the substantive hearing, or refuse to grant the application sought.
Orders not to be made if applicant is absent	8.	Where any party has file a notice of motion and is not present at the subsequent hearing of motion the court shall not make and order in favour of such party.
Adjournment	9.	The hearing of any motion may from time to time be adjourned upon such terms as the court think fit.

**ORDER 7 – PROCEEDING AT HEARING**

Cause list	1.	The registrar shall prepare and make accessible to litigants cause list for every day of hearing containing the list of cases for the day duly signed by him. He shall also make and keep separate files or records for cause lists.
Calling of cases	2.	At the commencement of proceedings a clerk of the court shall call out loudly the names of the parties of a case coming up for determination on his own motion or on application may give priority to litigants who came from far places or as the court deem fit.
Record of attendance	3.	The <i>al-qadi</i> shall record attendance of the parties and/or their authorised agents.
Stating of claims	4.	The <i>al-qadi</i> shall thereafter call upon the <i>mudda'l</i> to state his case and claims and such a claim shall clearly state the subject matter, ( <i>mudda'a fih</i> ) the parties involved the relevant period and the remedy sought from the court.
Statement of defence	5.	When the <i>mudda'l</i> (plaintiff) concluded stating his case and such other or further explanation and clarifications he may wish to make, the <i>al-qadi</i> shall then call upon the <i>mudda'a alaihi</i> (here-after called <i>mudda'a</i> ) to reply to the plaintiff's case.
Admission of liability	6.	The <i>mudda'a</i> in his reply may admit liability in respect of the whole claim or part of the claim or may deny liability entirely. Where <i>mudda'a</i> clearly admits only a part of the claim, the <i>al-qadi</i> shall pass



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		judgment in respect of the admitted part and proceed to hearing in respect of the un-admitted part.
Denial of liability	7.	Where the <i>mudda'a</i> denies liability the <i>al-qadi</i> shall call upon the <i>mudda'l</i> to prove his case in accordance with Islamic rules of evidence.
Cross examination	8.	The court shall give an opportunity to the <i>mudda'a</i> to cross-examine the <i>mudda'l</i> and his witnesses and the <i>mudda'l</i> shall also be given opportunity to cross-examine the <i>mudda'a</i> and his witnesses if called.
Calling of witnesses	9.	If the <i>mudda'l</i> concludes and closes his case, the <i>al-qadi</i> shall give an opportunity in cases where <i>mudda'a</i> is permitted to call witnesses in Islamic law to open his defence and present his witnesses.
Address	10.	Parties shall be given opportunity either by themselves or their counsel to address the court on the position of the law in relation to the facts before the court.
Judgment	11.	(a) At the conclusion, the judge shall review the case and evidence adduced and addresses of the parties or legal practitioners as the case may be and deliver his judgment. No court shall deliver its judgment in the absence of the parties or their authorised agents. (b) The court shall deliver its judgment not later than three months from the date of address by the parties or their agents (c) Where the time enumerated in (b) above has elapsed, the court has to be addressed again.
Contents of a judgment	12.	(a) Every judgment of the court must contain the names of the parties, number of the case, date of delivery, the verdict of the court and must be signed by the judge and shall indicate the number of days available for appeal against the judgment (b) Notwithstanding the provision of rule 12(a) of this order the signature of a judge is hereby dispensed with if the registrar certifies a true copy of the judgment of the court proceedings. (c) Where a judgment has been entered in respect of the property either moveable or immovable, the court may issue certificate of title to the successful party(s) as in Sharia Form <b>Sh 06</b> .

### ORDER 8 – EVIDENCE AND JUDGMENT

Witness summons Form Sh 03	1.	(a) A court may of its own motion or on the application of either party summon any person subject to its jurisdiction to attend the court and to give evidence or produce any document or item in his possession as in Form <b>Sh 03</b> . (b) The court may order that before the issue of a summons to a witness, a deposit of money be made by the <i>mudda'l</i> in court to cover the expenses of such witness.
Default of appearance of a witness	2.	If a witness does not appear in answer to a summons after a reasonable sum has been tendered to him to cover his expenses of attending, a court may, upon proof or service of summons cause a bench warrant to issue for arrest and producing such witness before the court at such time and place as is convenient.
Admission of evidence	3.	Every evidence relevant and admissible in Islamic law shall be

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- admitted and where such evidence is physical or documentary it shall be appropriately marked.
- |                                    |     |  |
|------------------------------------|-----|--|
| Reviewing of evidence and judgment | 4.  | (a) The <i>al-qadi</i> shall while reviewing the evidence before him for purposes of writing his judgment allot such weight as is appropriate to every evidence considering the principles of Islamic law and the circumstance surrounding the evidence including the demeanour and dispositions of the witnesses such as test of their <i>adalab</i> .<br><br>(b) Where a cause or matter involves divorce and the court is disposed towards granting the divorce, a certificate of such divorce may be given as contained in Form <b>Sh 08</b> on the date of judgment or so soon thereafter, after paying all the necessary fees. |
| Visit to locus                     | 5.  | The court may visit for physical inspection any <i>mudda'a fibi</i> or may where moveable. Request the <i>mudda'a fibi</i> to be brought to or produced before the court.  |
| Ordering witnesses out of court    | 6.  | The court shall order witnesses of both parties to be kept out of court room and at a reasonable distance away from hearing the court proceedings except when they are actually giving evidence or have given evidence when they shall be required to remain in court.   |
| Parties are not witnesses          | 7.  | Parties shall not be treated as witnesses and may remain in court during proceedings.  |
| Recording of evidence and exhibits | 8.  | The <i>al-qadi</i> shall write in the appropriate record book the oral evidence given before the court and also the mark of any exhibit tendered.  |
| Disposal of perishable items       | 9.  | The <i>al-qadi</i> may take appropriate step for the preservation or disposal of any perishable item subject matter of dispute or admitted in evidence.  |
| Forwarding of records              | 10. | The court shall where there is an appeal forwarded to the appellate court, certified copies of the record of proceedings and all documents and or exhibit admitted or rejected in evidence during the proceedings.   |
| Release of exhibits                | 11. | The court shall release to the appropriate party any exhibit tendered by him upon his request after the expiration of the time specified for appeal.   |
| Marking of exhibits                | 12. | Any exhibit admitted or rejected by the court shall be marked as such.   |

**ORDER 9 – EXECUTION**

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|-----------------------------|----|--|
| Execution after 7 days      | 1. | Execution shall not normally be issued until seven days after the day of the date of final judgment except that the court may if is shall think fit in the interest of justice make a special order for immediate execution. |
| Application for enforcement | 2. | Where a party desires to enforce an order made in his favour, he shall apply to that court in writing as in Form <b>Sh 04</b> for execution.   |
| Execution on property       | 3. | Execution can be levied against the properties of a judgment debtor including a deceased judgment debtor.  |
| Joint and several           | 4. | Where an order has been made against two or more persons jointly   |

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executions		execution may be levied upon the property of each of them on pro-rata basis as adjudged by the court.
Order for payment	5.	A judgment or order of a court for the payment of money in a civil cause or matter may be enforced by the attachment and sale of the property of the judgment debtor.
Seizure of property and auction	6.	(a) A court staff executing a judgment may seize moveable properties in the actual possession of the judgment debtor including any money, bank notes, bills of exchange, promissory notes, bonds or securities for money belonging to that person and immediately deposit the property to the custody of the court for safe keeping any place directed by the <i>al-qadi</i> .
Form Sh 05		(b) Property seized may be sold by way of public auction after 7 days of such seizure and at least 3 days notice of intention to auction the properties must be served on the judgment debtor as in Form <b>Sh 05</b> .
		(c) Proceeds of auction shall be handled to the creditor and any balance returned to the debtor.
Tools of trade and immovable properties	7.	Tools of trade and immovable properties shall not be attached or seized without a specific order of the <i>al-qadi</i> to that effect and such order shall be issued only after the moveable properties could not satisfy the judgment debt.
Installmental payment	8.	The <i>al-qadi</i> may allow the settlement of a judgment debt by way of instalment payment if the court is satisfied, then such an application shall be granted.
Detention of debtor	9.	Subject to the provision of this rules, the <i>al-qadi</i> can order the detention of a judgment debtor for such period not exceeding six months if he has no property which execution can be levied on.
Detention not to satisfy debt	10.	The serving of a detention term by a judgment debtor does not discharge him from his obligation to pay the judgment debt.
Surety	11.	After serving a detention term, the judgment debtor shall be produced before the <i>al-qadi</i> and shall produce a surety who shall be an owner of a landed property within jurisdiction.
Monthly production	12.	The surety shall undertake to produce the judgment debtor to the court monthly and shall so produce him until the judgment debt is satisfied.
Garnishee	13.	In the execution of its judgment, the court may adopt other methods to see to the satisfaction of the judgment debt including garnishee proceedings and domiciliation proceedings.

**ORDER 10 – INTERPLEADER**

Oath in support of claim	1.	Where attachment is levied against any property and a third party claims that the property belongs to him and not the judgment debtor, such claimant shall be made to swear to the Holy Qur'an that the said property does not belong to the judgment debtor but to the claimant (or any other person). Provided that a claim must be made to the court at the earliest opportunity and if the attached property has been advertise for sale, the sale shall be postponed until the claim has been investigated.
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Administration of oath	2.	Where the value of the property amounts to or exceeds one quarter of a dinar, such an oath to be administered on the claimant shall be performed in any <i>juma'at</i> mosque as provided by Sharia.
Evidence after oath	3.	Upon the oath of the claimant the court shall allow such claimant and judgment creditor to lead evidence on the ownership of the property including cross-examination of witnesses.
Attachment of property	4.	The <i>al-qadi</i> shall affirm the attachment or release the property from attachment based on the evidence of ownership before the court.
Deliberate delay	5.	When it appears to the court that their has been a deliberate delay with a view to obstructing the aims of justice or when the sale has taken place before the claim was made, the interpleader proceedings, shall be dismissed.
Procedure where damages are claimed	6.	Where in any interpleader proceedings the claimant claims damages from the judgment creditor or from bailiff or messenger of the court in respect of any misfeasance occurring during the course of the attachment he shall, in the declaration under rule 1 of this order state the amount which he claims for damages and grounds upon which he claims such damages.
Payment into court where damages are claimed	7.	Where in the interpleader proceedings a claim for damages is made, a person from whom damages are claim may pay money into the court in satisfaction of that claim and the payment shall made in same manner and have same effect as if the proceedings were an action in that court and the person claiming damages were plaintiff and the person from whom damages are claimed were defendant.
Costs	8.	Costs in any interpleader proceedings may be ordered to be paid in such manner as shall appear to the court to be just.

**ORDER 11 – APPEALS**

Application of the rules	1.	The provision of this rules shall apply to an Upper Sharia Court <i>mutatis mutandis</i> while sitting in this original or appellate capacity except where it is otherwise provided in these rules.
Time of filing appeals	2.	An appeal shall be filed within 14 days in case of an interlocutory judgment and within 30 days in case of a final judgment by any aggrieved party.
Right to appeal	3.	Any person affected by the decision of any Sharia Court may appeal against such a decision.
Notice of appeal	4.	The appeal shall be filed by the appellant at the appeal court registry and the particulars of this appeal shall be as contained in Form <b>Sh. 06</b> .
Fees	5.	The registrar of the appellate court shall receive such fees from the appellant as prescribed in Table A of this rules and issue a receipt thereof a photocopy of which must be kept in the judges file.
Registering and service of appeal	6.	The registrar shall register the appeal and provide such number for the appeal and cause service of notice of the appeal to the respondent and the registrar of the lower court.
Record of proceedings	7.	The registrar shall serve along with the notice of appeal, to the registrar of the lower court a directive requesting for the transmission of record of proceedings of such court to the appellate

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| Expiration of time             | 8.  | <p>court within seven working days.</p> <p>Upon the expiration of the above limited time in rule 7 of this order, if no such record is transmitted to the court by the registrar of the lower court the appellate court shall summons the registrar of the lower court to show cause.</p>   |
| Cost of record and proceedings | 9.  | Every appellant shall bear the reasonable cost of the production of record of proceedings.  |
| Date for hearing               | 10. | Upon receipt of the record of proceedings the appeal registrar shall fix a date for hearing of the appeal and cause hearing notice and a copy of the record of proceedings to be served on all the affected parties.  |
| Hearing of appeal              | 11. | A court hearing an appeal shall call on the appellant to present his grounds and argument in support of his appeal and thereafter allow the respondent to reply accordingly.  |
| Delivering of judgment         | 12. | The court shall after reviewing the submission of the parties deliver its judgment.   |
| Powers of appellate court      | 13. | <p>Notwithstanding the provision of rule 12 above, the appellate court shall have power to:</p> <ul style="list-style-type: none"> <li>(a) Hear fresh evidence from any of the parties.</li> <li>(b) Vary, set aside, or affirm the decision of the lower court</li> <li>(c) Order for a retrial</li> <li>(d) Order a transfer of the case to a court of competent jurisdiction.</li> </ul>   |
| Technicalities                 | 14. | An appeal court shall have all the powers of a trial court and shall give priority to substantial justice between the parties without undue regard to technicalities.   |
| Stay of proceedings            | 15. | The appellate court may for good reason shown by any applicant order for stay of proceedings of any case pending before the lower court whether such an application is first made to the lower court or not.  |
| Stay of execution              | 16. | <p>An appellate court may stay execution of the judgment of the lower court on any of the following grounds shown by the applicant whether or not an application for stay of execution was first made at the lower court.</p> <ul style="list-style-type: none"> <li>(a) If the subject matter (<i>mudda'a fihi</i>) would be changed or destroyed.</li> <li>(b) If return to status quo would be difficult if execution is carried out and the appeal succeeds.</li> <li>(c) If the execution will render the applicants appeal nugatory or fruitless</li> <li>(d) If it is in the interest of justice so to do</li> <li>(e) If the grounds of appeal contains substantial and arguable issues of Islamic law</li> <li>(f) If the balance of convenience is in favour of the applicant and the stay of execution would not cause substantial hardship and injustice to the judgment creditor.</li> </ul> |

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**ORDER 12 – TIME AND COST OF PROCEEDINGS**

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| Abridging of time | 1. The court may for good reason shown by the applicant extend or abridge time for doing any act limited by time in this rules.   |
| Costs             | 2. At the conclusion of the case a successful party shall be entitled to costs at least all receipted filing fees of any matter he made for the prosecution of the case he succeed. |

**ORDER 13 – RECORDS**

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| Records to be kept by Sharia Court                          | 1. Each court shall cause the following records to be kept:<br>(a) a civil cause book<br>(b) a civil cause record book   |
| Form  | 2. All proceedings of a court, including final and interlocutory orders; order of adjournment and notes of evidence may be in English or in the vernacular.  |
| Recording of proceedings to be in English or the vernacular | 3. (1) The judge shall be responsible for the carrying out of the provisions of rule 2 and shall authenticate all records by signing the same.   |
| Maintenance and authentication of records                   | (2) All records and forms as prescribed in the First Schedule shall be authenticated by the signature of the judge of the court concerned with the exception of Form <b>Sh 06</b> .  |
| Copies of records   | 4. (1) A copy of any proceedings in any cause or matter shall upon application and payment of the prescribed fee be supplied by a court:<br>(a) to a party or person concerned in any such cause or matter;<br>(b) to a member of the immediate family or such party or person;<br>(c) to any administrative officer applying on behalf of such party or person, and<br>(d) with the consent of the court, to any other person.<br>(2) Any copy so supplied shall be certified by the signature of the judge as being a true copy. |
| Preservation of records                                     | 5. The record and forms prescribed by these rules and any other records or forms which may from time to time be prescribed by rules made under the edict shall be preserved by the registrar.  |

**ORDER 14 – ACCOUNTS**

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| Cash books and receipt books         | 1. Every court shall cause to be kept:<br>(a) a civil cause cash book,<br>(b) receipt book(s),<br>(c) cash deposit book<br>and such cash book and receipt books shall be in such form and patterns as may from time to time be approved by the Accountant-General in consultation with the Auditor-General. |
| Registrar responsible for all moneys | 2. All moneys received by a court and all moneys paid out by a court in the course of the business of the court shall be accounted for by the   |

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| Entering of deposits in books                        | 3. registrar of the court.<br>(1) All moneys received by a court whether revenue or deposits and all moneys paid out by a court in the course of the business of the court shall be entered in the cash book and the cash deposit book respectively by the registrar.<br>(2) Each entry shall show the date and the suit number of the appropriate record and whether payment was made by the plaintiff or defendant or whether payment was for fees, costs or deposit as the case may be. |
| Issue of receipts                                    | (3) The clerk shall from the receipt books required to be kept by paragraph (b) of rule 1 of this order issue a receipt to all persons paying money into court in the course of the business of a court. The receipt number shall be entered in the cash book as part of the particulars required by paragraph (1) of this rule.   |
| Sharia Court to comply with financial instructions   | 4. All money received by a court and all moneys paid out by a court in the course of the business of the court shall be ... .. and paid out in accordance with ... be retained, deposited and paid out in accordance with the provisions of such financial instructions as may from time to time be issued.  |
| Inspection and audit of cash books and receipt books | 5. All cash books and receipt books required to be kept by a court under the provisions of rule 1 shall be submitted for treasury inspection and audit at such time and in such manner as the Accountant-General or Auditor-General respectively may direct.   |

**ORDER 15 – ALTERATION OF PARTIES**

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| Order to carry on proceedings  | 1. Where after a cause or matter has been instituted any change or transmission of interest or liability occurs in relation to any party to the cause or matter, or any party dies or becomes incapable, or the cause or matter in any other way becomes defective or incapable of being carried on, any person interested may apply to the court for any order requisite for curing the defect, or enabling or compelling the proper parties to carry on the proceedings. |
| Application to discharge order | 2. Any person served with such an order may, within such time not exceeding fourteen days after services as the court directs, apply to the court to discharge the order.  |
| Misjoinder and non joinder     | 3. The court may at any stage strike out the names of any party or parties improperly or unnecessarily joined, and may, after due notice given to the party or parties affected, add the name(s) of party(ies) whose presence is essential to a just decision of the matter in dispute, and on proof of such notice the parties so served, whether they shall have appeared or not, shall be bound by the proceedings in the action.                                       |

**14. Draft Sharia Criminal Procedure Code**

**SHARIA CRIMINAL PROCEDURE CODE LAW**  
**CAP . . . . . LAWS OF BAUCHI STATE OF NIGERIA 2001**

Short title	1.	This law may be cited as the Sharia Criminal Procedure Code Law and shall come into force on the same day with the Sharia Penal Code Law Cap 2, 2001.
Establishment of the Sharia CPC	2.	The provisions contained in the schedule to this Law shall be the law of the State with respect to the several matters therein dealt with and the said schedule may be cited as, and is hereinafter called the Sharia Criminal Procedure Code.
Trail of offences under Sharia Penal Code and other laws	3.	(1) All offences under the Sharia Penal Code shall be investigated, inquired into and otherwise dealt with according to the provisions contained in the Sharia Criminal Procedure Code. (2) Where the Sharia Penal Code law is silent on any issue or criminal mater, the presiding judge is at liberty to resort to the primary sources of Islamic law and any other work recognised Islamic jurists and proceeds accordingly . (3) All offences against any other law but in which Muslims are directly involved shall be investigated and inquired into in accordance to the same provision of that law but tried and dealt with in accordance with Islamic law. (4) In any matter of criminal nature the Sharia Courts shall be bound by the provisions of this Sharia Criminal Procedure Code and exclusive of any other system not being Islamic law.
Delegation of powers of Attorney-General	4.	The State Attorney-General may delegate his powers of prosecution to any of his staff, private legal practitioners, private citizens or group as the case may be.

**SCHEDULE**

**PART I: PRELIMINARY**

Interpretation	1.	In this code unless where the context otherwise requires: “Accused person” includes an arrested person, a person the subject of a complaint, or a First Information Report, or a Police Report or Hisbah Report even though any such person may not be the subject of a formal charge. “Sharia Court” means a court established or deemed to have been established under the Sharia Courts (Administration of Justice and Certain Consequential Changes) Law 2001 and its any subsequent amendment. “Court” means Sharia Court. “Complaint” means the allegation made directly to the court by individual or group orally or in writing with a view to taking action under this Code that some person(s) whether known or unknown has/have committed an offence, but
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except where the context otherwise requires it does not include a Police Report.

“Code” means the Sharia Criminal Procedure Code established under this law.

“Inquiry” includes every inquiry other than court trial.

“Investigation” means and shall include all proceedings under Chapter XII of the Criminal Procedure Code law Cap 38 Laws of Bauchi State of Nigeria 1991 or section 149 thereof for the collection of evidence by the police but the trial proper must be conducted in accordance with Islamic law.

“Sharia Penal Code” means the Sharia Penal Code established by the Sharia Penal Code Law 2001 with subsequent amendments thereto.

“Hisbah” has the same meaning and functions as cited to it under the Sharia Commission law and includes all *bisbah* functions as may be conferred on it by the Sharia Commission from time to time.

“Police Division” includes any Police Station, not post within jurisdiction.

“Police Officer” means any member of the Nigeria Police Force.

“Superior Police Officer” shall have the same meaning as in section 2 of the Police Act.

“Take cognisance” with its grammatical variation means take notice in an official capacity.

“Complainant” includes prosecutor authorised by this Code as defined.

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| Illegal omissions  | 2. | Words which refer to acts done also extend to illegal omissions.  |
| Words to have the same meaning as in the Sharia Penal Code | 3. | All words and expressions used herein and defined in the Sharia Penal Code shall have the same [meaning as in such] Code. |

**PART 2**

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| Classes of criminal courts in the State | 4. | The classes of the criminal courts in the State under this Code are:<br>(a) Sharia Courts<br>(b) Upper Sharia Courts<br>(c) Sharia Court of Appeal<br>(d) State High Court   |
| Territorial jurisdiction                | 5. | The territorial jurisdiction of:<br>(a) Any Sharia and Upper Sharia Court of the State is limited to the Local Government in which the court is situate (both first instance and appellate).<br>(b) The Sharia Court of Appeal and the High Court is the entire State provided that such High Court shall conduct the trial of the accused persons, being Muslims, in accordance with Islamic law. |
| Appeal stays execution in               | 6. | (1) No payment of <i>diyab</i> or amputation of limb or stoning to   |

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- certain cases death under the Sharia Penal Code shall be carried out until after time for appeal lapses and the convict fails to appeal.
- (2) For the purposes of sub-section (1) of this section appeal includes an application for leave to appeal out of time.

**TRIAL GENERALLY**

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| Initiation of criminal proceeding  | 1. A person shall be tried by the Sharia Court if: <ul style="list-style-type: none"> <li>(a) a written complaint is made against him by the Attorney-General , or</li> <li>(b) upon the receipt of complaint of fact which constitutes an offence by a victim of crime or his representative if the court has reason to believe or suspect that an offence has been committed</li> <li>(c) Upon receiving Police First Information Report.</li> </ul>   |
| Every complaint shall disclose a cause of action   | 2. Every complaint shall disclose a cause of action; in this respect it is sufficient for a complaint to have a statement of the offence complained of with date and place and when material, the value of the property in respect of which the offence has been committed.  |
| Court to ascertain from the complaint details of the complaint Particulars of the offence to be read over to the accused | 3. Upon the receipt of a complaint the court shall ascertain the details thereof and if the court is satisfied that it discloses a course of action it shall ensure the attendance of the suspect.   |
| Court can convict on the confession of the accused   | 4. When a suspect/defendant appears or is brought before the court, the particulars/details of the offence of which he is being accused shall be read over to him by the court in a language he understands, and upon the courts satisfaction that the suspect/defendant understands the accusation against him shall be asked to make a plea.   |
| Court to hear evidence against the accused if he denies or if refuses to admit or deny                                   | 5. (1) If the accused confesses before the court to the commission of an offence which he is accused of his confession shall be recorded as nearly as possible in the words used by him, and the court may convict and sentence him accordingly; if the confession satisfies conditions laid down by Sharia provided that the court is satisfied that the accused has clearly understood the meaning of the accusation against him and the consequence of his confession.<br>(2) Notwithstanding the provision of sub section (1) of this section where an accused person retracts from his confession he shall not be convicted but the court shall proceed to hear the evidence as may be produced by the complainant/prosecution. |
|  | 6. If the accused denies the accusation against him, or if he refuses to admit or deny, the court shall proceed to hear the accusation against him and take all such evidence as may be produced in support of the accusation against him in accordance with Islamic law.  |

**BAIL**

7. (1) All defences under Sharia Penal Code not being offences

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- punishable by *hadd* or *qisas* are bailable.
- (2) Offences punishable by *hadd* lashing are bailable if the judge is satisfied that the accused satisfies the necessary conditions for bail.
- (3) A judge may grant bail of an accused person on *hadd* or *qisas* offence not being one involving intentional or unintentional killing if the complainant being the victim of the crime consent provided that consent shall not be unreasonably withheld.
- Consent to bail not to be unreasonably withheld
- When bail to be granted BASLN 1 of 1982
8. (1) When any person accused of an offence punishable with imprisonment whether with or without fine for a term not exceeding three years or with fine only is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a court and is prepared at any time while in the custody of that officer or before that court to give such security as may seem sufficient to the officer or court, such person shall be released on bail unless the officer or court for reasons to be recorded in writing considers that by reason of the granting of bail the proper investigation of the offence would be prejudiced or a serious risk of the accused escaping from justice be occasioned.
- (2) The officer or court referred to in subsection (1) if he or it thinks fit may instead of accepting security from such person discharge him on his executing a bond without surety(ies) for his appearance as provided in sections 345 and 346.<sup>3</sup>
- When bail may be taken in respect of non-bailable offence
9. (1) Persons accused of an offence punishable with death shall not be released on bail.
- (2) Persons accused of an offence punishable with imprisonment for a term exceeding three years shall not ordinarily be released on bail; nevertheless the court may upon application, release on bail a person accused as aforesaid if it considers:
- (a) that by reason of the granting of bail the proper investigation of the offence would not be prejudiced; and
- (b) that no serious risk of the accused escaping from justice would be occasioned, and
- (c) that no grounds exist for believing that the accused, if released, would commit an offence.
- Power of High Court to direct release on bail
10. (1) Where any person is accused of an offence a single judge may, subject to the provisions of section 341, direct that such person be admitted to bail.
- (2) When any person is convicted of an offence in a court and appeals from such court to the Upper Sharia Court or Sharia

<sup>3</sup> The references are to sections 345 and 346 of the Criminal Procedure Code, not included in this Sharia Criminal Procedure Code. Similar references to CPC sections not included here are made in subsequent sections on bail. Cf. §45(3) of this Code.

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Court of Appeal or any other court a single judge therefore may, subject to the provisions of section 341, direct that such person be admitted to bail.

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| Power to arrest person released on bail                                     | 11. | Any court may at any subsequent stage of any proceeding under this Code cause any person who has been released under section 8, 9, 10 to be arrested and may commit him to custody.   |
| Power of High Court to order reduction of bail bond of accused and sureties | 12. | A judge may in any case direct that the bail required by an officer in charge of a police station or any court is reduced.  |
|   | 13. | Before any person is released under section 340, 341 or 342 he shall execute a bond for such sum of money as the officer in charge of the police station or the court thinks sufficient on condition that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the court and if he is released on bail the sureties shall execute the same or another bond or other bonds containing conditions to the same effect.   |
| Discharge from custody  | 14. | (1) As soon as a bond referred to in section 345 has been executed, the person for whose appearance it has been executed shall be released; and if he is in prison, the court admitting him to bail shall issue a written order of release to the official in charge of the prison and such official on receipt of the order shall release him.<br><br>(2) Nothing in the section, section 340 or section 341 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed. |
| Deposit instead of bond   | 15. | When any person is required by any court or officer in charge of a police station to execute a bond with or without sureties, the court or officer may, permit him to deposit a sum of money to such amount as the court or officer may think fit in lieu of executing such bond.   |
| Bond required from a person under eighteen years                            | 16. | When the person required to execute a bond is under eighteen years of age, a bond executed by a surety or sureties only may be accepted.  |
| Amount of bond not to be excessive  | 17. | (1) The amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.<br><br>(2) If, through mistake, fraud or otherwise, insufficient sureties have been accepted or if the sureties afterwards, become insufficient, the court may issue a warrant for the arrest of the person on whose behalf the sureties executed the bond and, when that person appears, the court may order him to find sufficient sureties and on his failing to do so may make such order as in the circumstances is just and proper.  |
| Reconsideration of bail   | 18. | Where a person has been admitted to bail and circumstances arise which in the opinion of the Attorney-General would justify the court in cancelling the bail or requiring bail of greater amount, a court may, on application being made by the Attorney-general, issue a warrant for the arrest of the person and, after   |

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- giving him an opportunity of being heard, may either commit him to prison to wait trial, or admit him to bail for the same or an increased amount.
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| Discharge of sureties            | 19. | <p>(1) All or any sureties to a bond may at any time apply to the court which caused the bond to be taken to discharge the bond either wholly or so far as relates to the applicants.</p> <p>(2) On an application under subsection (1) the court shall issue a warrant for the arrest of the person on whose behalf the bond was executed and upon his appearance shall discharge the bond either wholly or so far as relates to the applicants and shall require such person to find other sufficient sureties and, if he fails to do so, may make such order as in the circumstances is just and proper.</p>  |
| Discharge of surety's estate     | 20. | <p>When a surety to a bond dies before his bond is forfeited, his estate shall be discharged from all liability under the bond, but the person on whose behalf such surety executed the bond may be required to find a new surety, and in such case the court may issue a warrant for the arrest of such person and upon his appearance may require him to find a new surety and, if he fails to do so, may make such order as in the circumstances is just and proper.</p>  |
| When person fails to find surety | 21. | <p>If a person required by a court to find sufficient sureties under section 17, 19, 20 fails to do so the court, unless it is just and proper in the circumstances to make some other order, shall make:</p> <p>(a) an order committing him to prison for the remainder of the period for which he was originally ordered to give surety or until he finds sufficient sureties; or</p> <p>(b) in the case of a person accused of an offence and released on bail under section 340 an order committing him to prison until he is brought to trial or discharged under section 7 and 8 of the law.</p>   |
| Procedure on forfeiture of bond  | 22. | <p>(1) Whenever it is proved to the satisfaction of the court by which a bond has been taken or, when the bond is for appearance before a court to the satisfaction of such court, that a bond has been forfeited, the court shall record the grounds of such proof and may call upon any person bound by the bond to pay the penalty thereof or to show cause why it should not be paid.</p> <p>(2) If sufficient cause is not shown and the penalty is not paid, the court may proceed to recover the same from any person bound or from his estate if he is dead in the manner laid down in section 204 for the recovery of fines.</p> <p>(3) A surety's estate shall only be liable under this section if the surety dies before the bond is forfeited.</p> <p>(4) If the penalty is not paid and cannot be recovered in the</p> |

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manner aforesaid, the person bound shall be liable by order of the court, which issued the warrant to imprisonment for a term, which may extend to two months.

- (5) The court may at its discretion remit any portion of the penalty and enforce payment in part only.
- Arrest on breach of bond for appearance 23. When a person who is bound by any bond to appear before a court does not so appear, the court may issue a warrant for his arrest.

**HEARING**

- Witnesses to be ascertained from the complainant 24. The court shall ascertain from the complainant the name of any person or persons likely to give evidence for the complainant/prosecution and such of them, as the court deems necessary.

- Witness to state his name and address 25. When a witness appears before the court he is to be questioned as to his name religion, age, occupation and residence, and his relationship with the party if any.

- Court may test the truth-worthiness of a witness 26. After a witness has given evidence for the complainant or prosecutor, the court may put such questions to him, as it may deem necessary.

- Accused may impeach any witness 27. (1) The accused is at liberty to impeach any witness that testifies against him.  
(2) Notwithstanding the provision of subsection 1 of this section the accused may put any question to the witness which he deems necessary, but if the court considers any of the questions irrelevant it shall refuse to allow such a question to be put and such refusal shall be entered into the courts record.

- (3) Evidence of bad character shall not be given against the accused person before conviction or verdict.

28. (1) If the court after exhausting all witnesses for the prosecution/complainant come to the conclusion that a prima facie case is not established against the accused person, or if the evidence against the accused is not sufficient to justify the continuation of the trial for any other offence the court shall without calling the accused to enter his defence discharge him.

- (2) A discharge under sub-section (1) of this section shall not be a bar to further proceedings against the accused in respect of the same offence if within six months the complainant is able to bring credible evidence that can warrant reopening of the case.

- Accused person to defend himself when prima facie is established against him 29. After taking the evidence of witnesses if the court is satisfied that a prima facie case has been established by the prosecution /complainant as prescribed for proof under Sharia the court shall call upon the accused person to enter his defence.

- Accused can call as many witnesses as he can for his defence 30. Without prejudice to the right of the accused person of making statement from the dock, the accused is at liberty to call his witnesses in his defence.

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Provided that an accused person cannot give evidence in the witness box in his own behalf in any trial whether he is accused solely or jointly with others, but he can give evidence against a co-accused.

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| Prosecutor at liberty to impeach defence witnesses                         | 31. | <p>(1) Defence witnesses shall be examined one after the other and the prosecutor/complainant will be at liberty to impeach witnesses brought by the accused.</p> <p>(2) Notwithstanding the provision of subsection (1) of this section, the complainant may put any question to a witness, which he deems necessary. But if the court considers any question irrelevant it shall refuse to allow such a question to be put. The question and the answer shall however be entered into the court record.</p>   |
| Court to compel the attendance of any witness                              | 32. | <p>(1) The court shall compel the attendance of any witness of the accused who may likely give factual evidence for the defence.</p> <p>(2) When ever in the course of any trial it appears to the court that the examination of a witness is necessary from the ends of justice and that the attendance of such witness cannot be procured without undue delay, expense or inconvenience, which in the circumstances of the case will be un-reasonable, such court may dispense with his attendance and may issue a commission to any court within the local limits of whose jurisdiction such witness resides to take his evidence.</p> |
|  | 33. | <p>(1) After exhausting all witnesses for the defence the court shall give the accused person a chance to say whether or not he has any other thing to say before the court adjourns for judgment.</p> <p>(2) If the accused raises any point that merits consideration the court shall proceed to determine all the issues raised by the accused.</p>  |
| Court to record the names of 2 persons as witnesses to the accused's reply | 34. | Where the accused says he has nothing to say his answer shall be recorded in his own words and the court shall record the names of two (2) persons present in the court when the accused made that statement.   |
| Court to retire for judgment after exhausting all defence witnesses        | 35. | After concluding the case for the prosecution and defence including addresses by the parties or their counsel, the court may then adjourn the case for its judgment.  |
| Finding; judgment to be announced in open court                            | 36. | <p>(1) Judgment in every trial shall be in writing and its content shall be explained to the accused in a language he understands.</p> <p>(2) If the accused is in custody he shall be brought up to hear the judgment, if he is not in custody he shall be made to attend to hear the judgment.</p>  |
| Accused to be discharged and acquitted if found not guilty                 | 37. | Where the court finds the accused not guilty he shall be discharged and acquitted.  |
|  | 38. | If the court finds the accused guilty the court shall pronounce him guilty and shall convict and sentence him accordingly.  |

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- Provided that in cases under sections ... to ... of the Sharia Penal Code the court shall invite the blood relations of the deceased or the complaint as the case may be to express their wishes as to whether retaliation (*qisas*) should be carried out or compensation (*diyyah*) should be paid and the court shall be bound by the wishes so expressed.
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| In death sentence court to send the record of proceedings to the Governor | 39. | <p>(1) In cases falling under sections ... of the Sharia Penal Code where death sentence is passed the court shall as soon as possible after passing the death sentence send to the governor through the Attorney-General a report on the case together with the records of proceedings in respect of the case for confirmation or otherwise before executing the sentence.</p> <p>(2) In cases falling under sections ... of the Sharia Penal Code where sentence for amputation of the hand or retaliation (<i>qisas</i>) is entered, the court shall send to the Governor through the Attorney-General a report on the case together with the records of proceedings for confirmation or otherwise before executing the sentence.</p>  |
| Governor to order for execution after exhausting avenues for appeal       | 40. | <p>(1) After exhausting all avenues of appeal if utilised by the convict the Governor shall make an order for the execution of any sentence falling under sections ... of the Sharia Penal Code.</p> <p>(2) Where a woman convicted of an offence punishable with death, alleges that she is pregnant, the court shall before executing the said sentence determine the question whether or not she is pregnant.</p> <p>(3) Where the court is satisfied that the convict is pregnant it shall post-pond the execution of the sentence pending the time she delivers and breast-feeds the child.</p> <p>(4) The mode of executing any death sentence shall be expressly stated in the judgment and it shall be in accordance with Islamic law.</p>  |
| Payment of <i>diyyah</i>  | 41. | <p>(1) In cases falling under sections ... Sharia Penal Code where payment of <i>diyyah</i> is ordered as per the wishes of blood relations or victim of crime as the case may be, the court shall order payment of such <i>diyyah</i> on the convict and his relations.</p> <p>(2) Where the court is satisfied that the close relations are not available or where they are not financially capable of making such payments the court shall make an order for the full payments of the <i>diyyah</i> on the convict. Provided that in both circumstances under subsections (1) and (2) of this section where the court is satisfied that the close relations, and the convict are unable to effect payment of <i>diyyah</i> by reason of their financial incapability, the court shall make an order that State Government takes over the responsibility of settling the <i>diyyah</i>.</p> |



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| Sharia Court to be guided by the CPC  | 42. | <p>(1) In any matter of criminal nature the Sharia Court shall be guided in regard to practice and procedure by the provisions of this law</p> <p>(2) The fact that a Sharia Court has not been so guided by the provisions of the Sharia Criminal Procedure Code shall not entitle any person to be acquitted or any order of the court to be set aside.</p>  |
| Sharia Court to be bound by the provisions of chapter . . . Jurisdiction and powers | 43. | Notwithstanding the provision of subsection (1) of section 27 of this law Sharia Courts shall be bound by the provisions of chapter . . . ss . . . to . . . [sic: ?]   |
|   | 44. | The jurisdiction and powers of the Sharia Courts shall be as contained in the schedule to the Sharia Courts (Administration of Justice and Certain Consequential Changes) Law and the Sharia Penal Code Law 2001.  |
| Record of proceedings   | 45. | <p>(1) In all criminal proceedings a Sharia Court shall make a record of proceedings which shall include the following:</p> <ul style="list-style-type: none"> <li>(a) The serial number of the cause;</li> <li>(b) Name, religion, occupation and age of the accused;</li> <li>(c) Name, religion, occupation and age of the complainant;</li> <li>(d) Offence complained of;</li> <li>(e) Date and place of commission of the offence;</li> <li>(f) Date of complaint before the court;</li> <li>(g) Name, age, occupation and religion of witnesses for the prosecutor/complainant; and the accused;</li> <li>(h) The plea of the accused person;</li> <li>(i) Finding with reasons;</li> <li>(j) Sentence or other final order and date;</li> <li>(k) Date on which proceedings terminated.</li> </ul> <p>(2) The judge of the court shall sign the record.</p> <p>(3) Where this code is silent on any procedure in a case before a judge recourse may be made to any relevant provision in the Criminal Procedure Code Law of Bauchi State in Nigeria a Cap 38 1991 provided that such provision under reference shall not in any manner, contravene the Sharia.</p> <p>(4) A judge is at liberty to resort to any Arabic text of recognised Islamic jurists on any procedure notwithstanding the provision of this code if the text to be referred to is more in conformity with the primary sources of Sharia as defined in the Sharia Penal Code Law.</p> <p>(5) The provisions of the Qur'an, Sunnah and <i>Ijma</i> being the primary sources of Sharia are supreme accordingly any provision in this Code that is inconsistent with any of the provisions of the said primary sources shall, to the extent of the inconsistency be void.</p> |