

## Chapter 2 Part IV

### White Paper on the Report of the Committee on the Implementation of Sharia in Kebbi State

June, 2000

#### 1.0 INTRODUCTION

The Executive Governor, Alhaji Muhammad Adamu Aliero, had in October, 1999 constituted the Committee on the Implementation of Sharia Law (hereinafter referred to as the Sharia Committee), composed of the following as members:

- |      |   |   |            |
|------|---|---|------------|
| (1)  | Alhaji Muhammad Zaria Musa<br>(Hon. Grand Kadi)                           | - | Chairman   |
| (2)  | Alhaji Ibrahim Mai'afu<br>(Attorney-General and Commissioner for Justice) | - | Member     |
| (3)  | Barrister Ibrahim Kangiwa<br>(Hon. Commissioner for Information)          | - | Member     |
| (4)  | Justice Isma'ila Haruna Rasheed   | - | Member     |
| (5)  | Kadi Tukur Argungu  | - | Member     |
| (6)  | Kadi Mukhtar Imam Jega  | - | Member     |
| (7)  | Alhaji Idris Koko<br>(Madawakin Gwandu)                                   | - | Member     |
| (8)  | Professor A. A. Gwandu  | - | Member     |
| (9)  | Barrister Abubakar Abdullahi  | - | Member     |
| (10) | <i>Khalifah</i> Usman Mukhtar   | - | Member     |
| (11) | Malam Abbas Jega  | - | Member     |
| (12) | Alhaji Yusuf Jibril Zuru  | - | Member     |
| (13) | Alhaji Ahmadu <i>Sarkin</i> Fada  | - | Member     |
| (14) | Alhaji Yusuf Muhammad Argungu   | - | Member     |
| (15) | Alhaji Aliyu Ahmad Bandi  | - | Secretary  |
| (16) | Yahaya M. H. Jega (co-opted)  | - | Asst. Sec. |

#### 1.1 The Sharia Committee's terms of reference included:

- to advise the Government on how best to entrench Sharia in the State legal system;
- to identify and review relevant State laws, so as to bring them in conformity with the Sharia legal system;
- to do any other thing necessary or incidental to the discharge of its responsibilities;
- to call for oral and written memoranda from the members of the public on the ways and means of entrenching the Sharia in the State legal system.

2.0 The Sharia Committee had completed its assignment and submitted its report to the Government. Having received the report, the Government thereafter appointed a White Paper Drafting Committee with membership as follows:

## CHAPTER 2: SHARIA IMPLEMENTATION COMMITTEE REPORTS AND RELATED WHITE PAPERS

(1) Professor A. A. Gwandu	-	Chairman
(2) The Attorney-General and Commissioner for Justice	-	Member
(3) Alhaji Umaru Isa	-	Member
(4) The Head of Islamic Studies, Department, College of Education, Argungu	-	Member
(5) Kadi Tukur Argungu	-	Member
(6) Alhaji Musa Aliyu Zuru	-	Member
(7) Malam Abbas Jega	-	Member
(8) Abubakar Abdullahi	-	Member
(9) The Solicitor-General and Permanent Sec.	-	Secretary

### 3.0 AREAS COVERED BY THE SHARIA COMMITTEE

3.1 Sharia Committee's Observation. At the end of 6 weeks of extensive deliberations and a working tour of the four Emirate Headquarters of Birnin Kebbi, Argungu, Yauri and Zuru, the Sharia Committee received total support for the implementation of the Sharia from their Royal Highnesses and the people of these Emirates.

3.2 Government's Decision. Government notes this observation, particularly the overwhelming support from their Royal Highnesses and the general public for the Sharia implementation in the State.

### 4.0 THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

4.1 Sharia Committee's Observation. The Committee observes that the provisions of the Constitution of the Federal Republic of Nigeria, 1999 do not impede the implementation of Sharia law for the Muslims.

4.2 Government's Decision. Government notes this observation. In consequence thereof, it intends to implement the Sharia law on all the Muslims in the State and on all those who, though non-Muslims, opt to subject themselves to the Sharia law.

4.3 Section 6(4)(a). The Sharia Committee observes that under section 6(4)(a) of the 1999 Constitution, the House of Assembly has powers to establish courts other than those mentioned in the Constitution.

4.4 Government's Decision. Government notes this observation. In consequence therefore, Government will accordingly present an Executive Bill to the House of Assembly for the establishment of Sharia Courts and Upper Sharia Courts in the State.

### 5.0 APPLICATION OF SHARIA ON NON-MUSLIMS

5.1 Sharia Committee's Observation. The Sharia Committee observes that Islamic law is restricted to Muslims only unless a non-Muslim wishes to be tried by the Sharia Court on his own wish.

5.2 Government's Decision. Government notes this observation.

### 6.0 SHARIA COURT OF APPEAL

6.1 Sharia Committee's Observation. The Sharia Committee observes that one of the existing judicial structures for the implementation of the Sharia recognised by the 1999 Constitution is the Sharia Court of Appeal. However, the Constitution has limited the

jurisdiction of the Sharia Court of Appeal to the Islamic personal law with a provision, that the State House of Assembly may confer it with additional jurisdiction.

6.2 Government's Decision. Government notes this observation and will present to the State House of Assembly a bill to confer additional jurisdiction to the Sharia Court of Appeal of the State to cover civil and criminal matters on all aspects of the Sharia in accordance with the provisions of section 277 of the 1999 Constitution.

#### 7.0 EXISTING LAWS AND EDICTS IN KEBBI STATE

7.1 Sharia Committee's Observation. The present operational laws in Kebbi State are 152 in number. Most of them are of regulatory and administrative nature. The Sharia Committee observes that most of these laws need some modifications and/or amendments.

7.2 Government's Decision. Government accepts this observation and will set up machinery to amend the laws so as to bring them in conformity with the Sharia law. Government further accepts that some of these laws shall not apply to Muslims.

#### 8.0 AMENDMENT OF PENAL CODE

8.1 Sharia Committee's Recommendation. The Sharia Committee observes that most of the offences provided for by the Sharia are covered under the Kebbi State Penal Code, the only exception being that most of the punishments are not in accordance with the Sharia. The Sharia Committee recommends that the Penal Code be amended by the State House of Assembly to bring about such punishments for the offences therein as are recognised by the Sharia

8.2 Government's Decision. Government accepts this recommendation.

#### 9.0 JURISDICTION OF SHARIA COURT OF APPEAL SECTION 275

9.1 Sharia Committee's Observation. The Committee observes that section 275 of the 1999 Constitution empowers any State of the Federation that requires it to establish Sharia Court of Appeal.

The Committee further observes that section 277 restricts the jurisdiction and power of the Sharia Court of Appeal to civil jurisdiction and specific matters and causes and also, this section empowers the House of Assembly to confer additional jurisdiction on the Sharia Court of Appeal.

The Committee recommends that all questions involving Islamic law whether civil or criminal, be conferred upon Sharia Court of Appeal.

9.2 Government's Decision. Government accepts this recommendation and has already taken steps towards that direction.

#### 10.0 ESTABLISHMENT OF NEW COURTS

10.1 Sharia Committee's Recommendation. The Committee recommends that Sharia Court and Upper Sharia Court be established. The Committee further recommends that a Sharia Court be established in each district of the State and in such other places where it is necessary. Similarly, an Upper Sharia Court should be established in each Local Government headquarters.

10.2 Government's Decision. Government accepts this recommendation.

#### 11.0 COMPOSITION OF MEMBERS OF UPPER SHARIA COURT AND SHARIA COURT

11.1 Sharia Committee's Observation. The Upper Sharia Court shall be composed of a president and one member, while Sharia Court shall have a single alkali.

11.2 Government's Decision. Government accepts that the Upper Sharia Court shall, while sitting as a first instance court, be composed of a single judge. On the other hand, the Upper Sharia Court shall be composed of 3 or 2 judges while sitting as appellate court. Provided that the Grand Kadi shall always decide the membership of appellate Sharia Court. Government further accepts that the Sharia Court shall be composed of a single judge.

#### 12.0 QUALIFICATIONS FOR APPOINTMENT OF PRESIDENT AND MEMBERS OF UPPER SHARIA COURT

12.1 Sharia Committee's Recommendation. A person to be appointed as a president or member of an Upper Sharia Court shall be:

- (i) a serving judge; or
- (ii) a legal practitioner in Nigeria who has been so qualified for a period of not less than seven years and has obtained a recognised qualification in Islamic law from an institution recognised by the Judicial Service Commission; or
- (iii) an alkali of the Lower Sharia Court who has been serving in that capacity for a period of not less than five years.

12.2 Government's Decision. Government accepts this recommendation and adds that in addition to the above qualifications, he shall be a male Muslim with an impeccable record of Islamic piety. In addition, qualification for appointment as Upper Sharia Court judge shall also include such qualification as may be acceptable by the Judicial Service Commission.

#### 13.0 QUALIFICATIONS FOR THE APPOINTMENT OF AN ALKALI FOR THE SHARIA COURT

13.1 Sharia Committee's Recommendation. A person to be appointed as an alkali of a Sharia Court shall be:

- (i) a serving Area Court judge; or
- (ii) a legal practitioner in Nigeria with bias in Islamic law who has been so qualified and has recognised qualification acceptable to the Judicial Service Commission.
- (iii) any other qualification acceptable to the Judicial Service Commission.

13.2 Government's Decision. Government accepts this recommendation and adds that in addition to the above qualifications, he shall be a male Muslim, with an impeccable record of Islamic piety.

#### 14.0 CONTROL AND ADMINISTRATION OF SHARIA COURTS

14.1 Sharia Committee's Recommendation. The Committee recommends that administrative control and supervision of the Sharia Courts shall be under the office of the Grand Kadi.

14.2 Government's Decision. Government accepts this recommendation and directs the Attorney-General and the Solicitor-General to identify and recommend those specific aspects of the administrative control and supervision to be vested on the Grand Kadi.

#### 15.0 APPOINTMENT OF WALI OF THE SHARIA COURT

15.1 Sharia Committee's Observation. The Judicial Service Commission on the recommendation of the Grand Kadi shall appoint the Wali of the Sharia Courts. The Wali shall advise the Grand Kadi on appointments and discipline of the president and members of the Upper Sharia Court and the alkali of the Sharia Court, as well as the applicable laws of practice and procedure of the Sharia Courts.

15.2 Government's Decision. Government rejects this recommendation on the grounds that it will be inconsistent with the constitutional provisions on the appointments of judges and the functions of the Judicial Service Commission.

#### 16.0 QUALIFICATIONS FOR THE APPOINTMENT OF WALI

16.1 Sharia Committee's Observation. A person shall not be appointed to the post of Wali of the Sharia Court unless:

- (i) he is a retired Upper Area Court judge or a retired kadi from the Sharia Court of Appeal;
- (ii) he is qualified to be appointed as an Upper Sharia Court judge, a president or member of the Upper Sharia Court.

16.2 Government's Decision. Government rejects this recommendation on the grounds that the office of the Wali will not, for now, be created.

#### 17.0 STAFF OF THE SHARIA COURTS

17.1 Sharia Committee's Recommendation. To avoid redundancy and abuse of office in the Sharia Court the number of staff to man it shall be restricted to the following

Registrar (*al-mufti*)  
Court Clerk (*al-katib*)  
Estate Distributor (*al-qasim*)  
Valuer (*al-muqanwin*)  
Interpreter (*al-tarjuman*)  
Messenger (*al-khadim*)  
Bailiff (*al-awn*)

The Committee recommends that the alkali and staff of the Sharia Court shall be public officers to be appointed by the Judicial Service Commission. The Judicial Service Commission shall determine salaries and allowances of the president, members, alkali and staff of the Sharia Courts.

17.2 Government's Decision. Government accepts the recommendation on the staffing of the Sharia Courts and adds that the Sharia Courts shall employ such other staff as it may require for the due discharge of its functions. Government will also provide adequate and generous conditions of service for judges and staff of the Sharia Courts.

## 18.0 JURISDICTION AND LAW OF THE SHARIA COURT

18.1 Sharia Committee's Recommendation. The Sharia Courts shall be competent to hear and determine all civil matters and causes where all the parties are Muslims including any proceeding involving:

Marriage under Islamic law (*al-nikah*);  
Guardianship and maintenance (*al-kafala*) and (*al-nafaqa*)  
Succession (*al-mirath*), will (*al-wasiyya*), gift (*al-hiba*), endowment (*al-waqaf*), pre-emption (*al-shuf'a*) and trust (*al-amana*);  
Land law (*kenem nizamil aid*);  
Contract (*al-aqd*);  
Tort (*al-jinaya*);  
Commercial law (*abkamul buyu*);  
Company law (*abkamul sharikat*) and (*al-musharakah*).

The Sharia Courts shall, in addition to the above, hear and decide all criminal cases in which suspects or accused person(s) is/are Muslims including:

Homicide (*qatlul-nafs*);  
Robbery (*al-hiraba*);  
Theft (*al-sariqa*);  
Defamation (*al-qazaf*);  
Drunkenness (*shurbul khamr*);  
Causing grievous hurt (*al-qisas*);  
Homosexuals (*al-lumat*);  
Adultery (*al-zina*)  
Lesbianism (*as-sibaq*);  
Bestiality (*watul dabba*);  
Perjury (*al-tazwir*);  
Offering and receiving gratification (*al-rishwa*);  
Criminal breach of trust (*al-khiyanah*);  
Cheating (*al-gishsh*);  
Mischief (*al-fasad*);  
Receiving stolen property (*shira'u mata'il sariqah*);  
Giving false evidence (*shahadatul-zur*);  
Apostasy (*al-ridda*);

The Committee recommends that all capital offences shall be triable by the Upper Sharia Court.

18.2 Government's Decision. Government accepts these recommendations.

## 19.0 APPLICABLE LAW IN SHARIA COURTS

19.1 Sharia Committee's Observation. The applicable law in both civil and criminal proceedings shall include:

The Holy Qur'an;  
*As-Sunnah* and *Al-Hadith*;  
*Al-Ijma*;

*Al-Qiyas;*  
*Al-Masalib Al-Mursala;*  
*Al-Istihsan;*  
*Al-Istishab;*  
*Al-Urfwal-Adat;*  
*Mazhabul Sahabi;*

Other subsidiary sources as interpreted by the reference books.

19.2 Government's Decision. Government accepts this recommendation.

## 20.0 REFERENCE BOOKS

20.1 Sharia Committee's Recommendation. The reference books for Sharia Courts shall be:<sup>58</sup>

*Risala*  
*Mukhtasar*  
*Tubfa*  
*Adawi*  
*Fawakibud Dawani*  
*Ibn Ashir*  
*Bidayatul Mujtabid*  
*Mudawwanatul Kubra*  
*Muwatta Malik*  
*Mayyara*  
*Bahjah*  
*Jawabirul Iklili*  
*Dasuqi*  
*Khirsbi*  
*Bulghatul Salik*  
*Mawabibul Khallaq*

Other reference books recognised by Maliki school of law.

20.2 Government's Decision. Government accepts this recommendation

## 21.0 PRACTICE AND PROCEDURE

21.1 Sharia Committee's Recommendation. The practice and procedure to be applied by a Sharia Court shall include:

- (i) the Islamic law and procedure as contained in the sources and reference books.
- (ii) the Grand Kadi shall issue rules of practice and procedure to include fees payable and execution etc.

21.2 Government's Decision. Government accepts this recommendation

## 22.0 OBSERVATIONS

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<sup>58</sup> For bibliographical information about the books included in this list, see the "Bibliography of Islamic Authorities" in Chapter 6 of this work, Vol. V. We use here the short titles as in the bibliography, which sometimes vary slightly from the White Paper's text.

22.1 Sharia Committee's Observations. The Sharia Committee after listening to oral advice and suggestions and having discussed the written memoranda received observes as follows:

- (i) that the background to the call for the revival and full implementation of the Sharia in Kebbi State was the dissatisfaction of both the Government and the people with poor administration of justice as well as the collapse of the social and political institutions of our society which is manifested in the prevalence of social vices such as corruption, nepotism, tribalism, abuse of public office and position, drunkenness, cheating, fornication, armed robbery, gross violation of human rights among others, which are taking their toll on the national psyche on a daily basis under the very nose of the existing judicial system which is largely Western in its orientation and origin and which is so far removed from our cultural heritage that not surprisingly, it has failed to provide adequate remedy to all these evils;
- (ii) that for the Muslims and non-Muslims alike, it is now time to look back to the good old days when Sharia was in full operation in some parts of this country. In those days, historical documents testify, there was security of life and property in all the territories where Sharia was being practised and people lived in harmony, peace and tranquillity;
- (iii) that the social decay and moral decadence today is similar to what obtained during the *jabiliyyah* period in Saudi Arabia, and that almost as soon as the Sharia was implemented these vices evaporated into thin air;
- (iv) that in Saudi Arabia today serious crimes and anti-social behaviour have been reduced to a minimum due to the implementation of the Sharia;
- (v) that seeing the effect of the implementation of the Sharia in this part of the country before the arrival of the British colonialists and the miracle it performed in Arabia during the early days of Islam as well as its effect in modern Saudi Arabia, the Muslims in Kebbi State call loudly for its entrenchment into our legal system once again as a remedy to our predicaments;
- (vi) that Sharia is part and parcel of Islam and cannot be separated from it. Its application is as binding on the Muslims as is the observance of prayer, fasting, pilgrimage etc.;
- (vii) that under Sharia all are equal before the law, the rich and the poor, the ruler and the ruled, and equality before the law is absolute. There is no privileged class and no one has immunity to protect him if he falls foul of the Sharia;
- (viii) that Sharia is not new in this country; it was in existence from 1804 to 1903 when the British administration conquered the Sokoto Caliphate and suspended or modified certain provisions of it to suit their administrative system. They excluded some important provisions of the Sharia like those relating to *badd* punishment for homicide and theft and allowed Muslims to implement only the civil aspects of the Islamic law, which is referred to in our Constitution as Muslim personal law.

22.2 Government's Decision. Government notes the observations under paragraph 21.1 (i) – (viii) [sic: 22.1].



## 23.0 RECOMMENDATIONS

### [Begging, Praise-singing, etc.]

23.1 Sharia Committee's Recommendation. The Committee recommends that begging, praise-singing and all forms of immoral gatherings and activities during marriage and naming ceremonies (such as luncheons, picnics, cocktail parties and disco) be banned and made illegal and punishable in Kebbi State.

23.2 Government's Decision. Government accepts this recommendation. However, Government will take steps to rehabilitate beggars and praise-singers through the Poverty Alleviation Programme. Government will also enact laws banning begging, praise-singing and immoral gatherings. In this regard, Government will ensure leadership by example.

### [Bridal Gifts]

23.3 Sharia Committee's Recommendation. The Committee recommends that the bridal gift given by the suitors to brides (customarily known as *lefe*) should be abolished and be made a punishable offence in Kebbi State. In place of it only dowry (*al-sadaq*) shall be payable.

23.4 Government's Decision. Government accepts this recommendation.

### [Music]

23.5 Sharia Committee's Recommendation. All forms of music such as *Wenrage*, *Wai-waya baya*, *wasigidi* etc. during marriage, naming ceremonies or any other occasion should be banned throughout Kebbi State.

23.6 Government's Decision. Government notes this recommendation and comments that all forms of gatherings or activities that are un-Islamic are banned in the State. Accordingly, the State Cultural Troupe shall be reconstituted and re-organised to ensure that it conforms to the principles of the Sharia.

### [Extravagance in Marriage]

23.7 Sharia Committee's Recommendation. Extravagance in marriage should be prohibited. During marriage contract the suitor shall pay only *sadaq* (dowry) to the bride in accordance with the Sunnah. Payment of all forms of levies and other traditional gifts such as *kudin mai unguwa*, *kudin 'yan banga*, *kudin tobassai* etc. should be made illegal and punishable under the law. This prohibition also applies to circumcision and naming ceremonies. District, Village and Hamlet Heads and elders (i.e. community leaders) should be required to bring to the notice of the law enforcement agencies, names of all those who contravene this order in their areas of jurisdiction.

23.8 Government's Decision. Government accepts this recommendation. However, *'yan agaji* (Aid Group) should be involved along with the Emirs and other community leaders.

### [Public Enlightenment]

23.9 Sharia Committee's Recommendation. Imams of mosques as well as Islamic preachers should be involved in enlightening the public on the need to observe these laws in the interest of the society.

- 23.10 Government's Decision. Government accepts this recommendation.
- 23.11 Unmarried women.
- 23.12 Sharia Committee's Recommendation. All unmarried women should be encouraged to marry, and their relations and the general public should be encouraged to help them before they find husbands.
- 23.13 Government's Decision. Government accepts this recommendation.
- 23.14 Prostitution.
- 23.15 Sharia Committee's Recommendation. Prostitution in whatever form should be prohibited and all prostitutes engaged in this un-Islamic and social vice shall be required either to give it up or face the full weight of the law. If they reform, however, their relations and the general public should also be encouraged to assist them pending the time they find husbands or an honourable means of livelihood.
- 23.16 Government's Decision. Government accepts the first part of paragraph 23.15. However, as for the second part, Government will in addition, assist those that reform through the Poverty Alleviation Programme or any other means.
- 23.17 Weights and Measures.
- 23.18 Sharia Committee's Recommendation. The Committee recommends enforcement of strict adherence of standard weights and measures in our markets throughout the State. Commodities like tubers, vegetables, meat, fish, fruits etc should all be sold by standard weights and measures.
- 23.19 Government's Decision. Government accepts this recommendation with the following comments: Government will introduce, gradually, the use of scales throughout the State.
- 23.20 *Khul*.
- 23.21 Sharia Committee's Recommendation. The Committee observes that *khul* is a type of divorce normally resorted to where a wife seeks divorce from a husband but has no valid legal justification to obtain it, her husband not being willing to grant the request gratis. The Committee also observes that since no fixed amount of money or property is charged for *khul* by the law, some husbands/judicial officers often demand unreasonably high amounts for it, thereby making it impossible for the wife to pay.
- The Committee therefore recommends that the judicial officer/alkali concerned in deciding the amount should use his discretion and affect a divorce by getting the wife refund to the husband the amount he paid as her *sadaq*.
- 23.22 Government's Decision. Government accepts that in *khul* divorce, the wife is to refund only the amount paid to her as *sadaq*.
- 23.23 Mode of Dressing.
- 23.24 Sharia Committee's Recommendations. People, both male and female should generally dress decently. Muslim women in particular should dress in accordance with the Islamic injunction. Indecent dressing in any form should be prohibited. Non-Muslim

women who opt not to dress in accordance with the Islamic injunction should nevertheless dress decently as provided for in the Bible and should not expose their bodies in a manner capable of tempting members of the public.

23.25 Government's Decision. Government accepts this recommendation. However, non-Muslims should also be required to dress decently.

23.26 Gambling, Pools, Kalo-Kalo, Raffles, Etc.

23.27 Sharia Committee's Recommendation. Gambling and all other games of chance involving money or property, such as pools, raffles and *kalo-kalo* shall be prohibited.

23.28 Government's Decision. Government accepts this recommendation.

23.29 Girls School and Education.

23.30 Sharia Committee's Recommendation. The Ministry of Education should ensure that only responsible principals, teachers and other staff should be posted to girls' institutions. Persons known to be morally corrupt should under no circumstances be posted to girls' schools.

During visiting days only girls' parents or those authorised by the parents should be allowed to visit the girl students. Principals and duty masters should check staff involved in immoral relationships with the female students and report immediately to the Ministry for necessary disciplinary action. Roll calls should be observed to check students sneaking out of the school at night or during the daytime.

23.31 Government's Decision. Government accepts this recommendation. However, headmasters in primary schools will be directed to separate male and female sexes in classes 4, 5 and 6. Government also directs the heads of tertiary institutions to get their students and staff to observe the laws and regulations concerning decency of dress and mingling of sexes. In the long run, Government will look into the possibilities of establishing separate tertiary institutions for males and females.

23.32 Hawking on Streets by Girls.

23.33 Sharia Committee's Recommendation. Girls' hawking law should be strictly enforced.

23.34 Government's Decision. Government accepts this recommendation.

23.35 Liquor Law.

23.36 Sharia Committee's Recommendation. The State Liquor Law should be strictly enforced. Traditional leaders and the law enforcement agencies should assist to enforce the law and also expose drug traffickers and pushers wherever they may be found in the State.

23.37 Government's Decision. Government accepts this recommendation with the comment that the traditional rulers and general public should assist the law enforcement agencies to enforce the law. Government will further request the services of the Aid Group and *'yan banga* to complement the enforcement process.

23.38 Un-Islamic Literature.

23.39 Sharia Committee's Recommendation. All immoral literature should be banned from circulation to ensure conformity with Islamic ethics and practices.

23.40 Government's Decision. Government accepts this recommendation and will set up a Censorship Board to implement it.

23.41 Abuse of Animals.

23.42 Sharia Committee's Recommendation. In view of the cruelty to the animals concerned and danger to the public, the use of animals such as hyenas, monkeys, snakes etc. to entertain people should immediately be banned. It is observed that there is abuse, exploitation, danger and cruelty in these practices.

23.43 Government's Decision. Government accepts this recommendation.

23.44 Female Arabic and Islamic Schools/Higher Islamic Studies Schools.

23.45 Sharia Committee's Recommendation. Considering the urgent necessity for improving the moral standard of our youths, more girls' Arabic and Islamic institutions should be established in the State in addition to the only existing one in Kangiwa. In the alternative and in order to reduce cost, some of the existing girls' institutions could be converted to such schools. This is imperative as most of the kadis (qadis) and other renowned Islamic scholars in the State in particular and the country in general are products of such schools as Arabic secondary and teachers' training schools as well as High Islamic Colleges. More of these types of schools should be established to maintain and improve on the number of these Islamic oriented personnel. This will also improve Islamic awareness within the society.

23.46 Government's Decision. Government accepts this recommendation.

23.47 Provision of Employment for Youths.

23.48 Sharia Committee's Recommendation. The Committee observed the alarming rate of youth's unemployment in the State. It therefore recommends that our wealthy State indigenes residing both within and outside the State be encouraged to invest in the State by establishing factories, industries and other small-scale commercial enterprises. The State Government should, therefore, create a favourable and conducive environment to facilitate this by providing land, access roads electricity, pipe borne water etc.

More of technical and vocational schools should also be established and should be provided with adequate, qualified and motivated instructors. This is to ensure that more boys and girls are trained as artisans. The spirit of apprenticeship should be inculcated in these students to prepare them adequately for the open labour market. The spirit of dignity of labour should also be inculcated in these artisans.

23.49 Government's Decision. Government accepts this recommendation. Government will consider giving loans to artisans under the Poverty Alleviation Programme.

23.50 Code of Conduct for Judicial Staff, Government Officials and Political Office Holders.

23.51 Sharia Committee's Recommendation. A Code of Conduct should be drawn up for the judicial staff, government officials and political office holders. The Islamic law

has a comprehensive written code of judicial ethics for judges. The office of the Grand Kadi (Qadi) should see that those codes are observed and maintained accordingly. This should be borne in mind in the process of electing or employing any of these categories of people and must be observed by them while on the job. Failure to follow the Code of Conduct should attract disciplinary action. Council of Ulama or *Majlis Al-Shurah* may be assigned the responsibility of monitoring adherence to this code and reporting their findings to the appropriate authorities. In this regard the Committee recommends setting up of this Council.

23.52 Government's Decision. Government accepts this recommendation.

23.53 Traditional Rulers and Elders as Arbitrators.

23.54 Sharia Committee's Recommendation. Traditional rulers at all levels should be encouraged to ensure peaceful settlement of family disputes. This will hopefully reduce congestion of cases in the Sharia Courts and maintain mutual ties within the family in particular and the community in general.

23.55 Government's Decision. Government accepts this recommendation. However, the traditional rulers and the elders will be assisted by the *ulamas*.

23.56 Establishment of Zakat or Fatwa Committee/Al-Shurah Majlis.

23.57 Sharia Committee's Recommendation. A strong committee made up of people of proven integrity should be established in the State to collect appropriate *zakat* in accordance with the teaching of Islam. This committee should also be charged with the responsibility of organising the necessary enlightenment training aimed at both securing the confidence of the public and getting them understand the necessity of giving out *zakat* by those qualified to do so.

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

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

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

23.59 Hoarding.

23.60 Sharia Committee's Recommendation. Government should look into the possibility of establishing a committee to check hoarding and regulate storage of commodities. Middlemen should be identified and certified by the relevant authorities.

23.61 Government's Decision. Government accepts this recommendation. However, payment of *la'ada* to the middlemen shall always be borne by the seller.

23.62 Lost Property.

23.63 Sharia Committee's Recommendation. An office for the safe keeping of lost property should be established in all Local Government headquarters.

23.64 Government's Decision. Government accepts this recommendation and in addition to that, it will establish offices in other appropriate places in the State.

23.65 Cumbersome Criminal Procedure.

23.66 Sharia Committee's Recommendation. If the Islamic criminal law is to be applied properly, some of the cumbersome procedures of the existing Criminal Procedure Code have to be discarded. Adequate arrangements should, therefore, be made to make it possible for all those who commit offences to be brought to justice in good time. It is also important that those prosecuting in Sharia Courts should be well versed in Islamic procedures. The possibility of obtaining the services of Hamlet and Village Heads, vigilante groups and aid workers in reporting the commission of crimes should be considered. It is also suggested that bail of criminal suspects should depend on the gravity of the offence committed.

The Committee further recommends that junior staff of the Federal institutions in the State should be employed, locally, especially the police cadre who can assist in enforcing the Sharia system being introduced now. In the execution of *badd* offence, Governor's consent must finally be obtained before execution.

23.67 Government's Decision. Government accepts this recommendation and comments that in the execution of *badd* sentences the Governor's consent shall be sought in all cases involving life or amputation.

23.68 Strengthening the School of Legal Studies in Yauri.

23.69 Sharia Committee's Recommendation. The School of Legal Studies in Yauri should be provided with all the necessary facilities and staff to adequately prepare it to cope with the additional teaching and research which will necessarily result from the envisaged revival of the implementation of the Sharia in the State.

23.70 Government's Decision. Government accepts this recommendation.

23.71 Payment of *Diyah*.

23.72 Sharia Committee's Recommendation. Payment of *diyah* should be made to victims or their heirs on demand where the Sharia provides for such payments. The extent of *ta'azir* penalties on minor offences should be spelt out to avoid discretionary tendencies of judges and no fine should be imposed as *ta'azir* except where necessary.

23.73 Government's Decision. Government accepts this recommendation.

23.74 Commensurate Salary for Public Officers.

23.75 Sharia Committee's Recommendations. The Civil Services Rules and Regulations which are in line with the demands of the Sharia, particularly issues bordering on public integrity, justice, punctuality to work, fairness in official dealings and working for the progress and development of the State should be strictly adhered to.

On the side of the Government it is necessary that it should pay workers adequate wages sufficient to cater for their needs and the needs of their families. This will likely

reduce corruption to the barest minimum as happened in the country during the early sixties and seventies.

23.76 Government's Decision. Government accepts this recommendation.

23.77 Inflationary Tendencies of Contracts.

23.78 Sharia Committee's Recommendation. The tendencies of inflating contracts should be stopped. Officially approved profit margin due to contractors should be strictly adhered to or reviewed. It is expected that where a public officer knows that a contractor is making only little profit, he is not likely to demand gratification from him.

23.79 Government's Decision. Government accepts this recommendation.

23.80 Public Enlightenment Campaign.

23.81 Sharia Committee's Recommendation. Judging from the memoranda received and oral submissions made to it, the Committee has been convinced that it is absolutely necessary to organise public enlightenment campaigns all over the State in order to enlighten all sections of the populace on the meaning of the Sharia and how it will affect them. Consequently the Committee recommends that appropriate lectures, symposia and workshops be organised for organisations and individuals in order to give them the necessary information they need to fully understand and appreciate the meaning of the Sharia and the implication to them of its adoption and implementation.

It is also recommended that the special programme created by our media houses in order to enlighten the general public on issues relating to the Sharia and its enforcement should continue as long as the need for them remains.

The Committee also recommends that some members learned in Sharia, common law and administration should visit Muslim countries like Saudi Arabia, Sudan etc. to observe these countries' court systems and procedures, as well as their administrative arrangements as they affect Islam, the general religious structures which are involved in the administration of justice, governance, propagation (*da'awah*) and guidance (*irshad*).

23.82 Government's Decision. Government rejects this recommendation. But in the alternative, Government will set up a high-powered committee to liaise with other friendly countries to win their support and assistance on the implementation of Sharia law in the State.