

**INTERIM AND FINAL REPORTS OF THE COMMITTEE SET UP  
TO ADVISE THE SOKOTO STATE GOVERNMENT  
ON THE ESTABLISHMENT OF SHARIA**

Submitted to His Excellency, Alhaji Attahiru Dalhatu Bafarawa (Garkuwan Sokoto)  
Governor of Sokoto State  
on 13 October, 1999 and 16 December, 1999, respectively

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I.

**REPORT OF THE COMMITTEE SET UP TO ADVISE  
THE SOKOTO STATE GOVERNMENT  
ON THE ESTABLISHMENT OF SHARIA**

Submitted to  
His Excellency, Alhaji Attahiru Dalhatu Bafarawa (Garkuwan Sokoto)  
Governor of Sokoto State  
On Wednesday Rajab 4, 1420 A.H.  
October 13<sup>th</sup> 1999

INTRODUCTION

- 1.1 On the 8<sup>th</sup> of October, 1999 His Excellency, the Governor of Sokoto State, Alhaji Attahiru Dalhatu Bafarawa, Garkuwan Sokoto, approved the appointment of a committee to advise the Government on the establishment of Sharia in Sokoto State.
- 1.2 The Committee has the following composition:
- |  |                                 |            |
|--|---------------------------------|------------|
| (a) Alhaji Abdullahi Maccido Ahmad<br>Hon. Grand Kadi  | -                               | Chairman   |
| (b) Barrister Nuhu Adamu<br>Hon. A.G/Com. For Justice  | -                               | D/Chairman |
| (c) Alhaji Tahir Muh'd Mai Akwai<br>Hon. Com. For Information  | -                               | Member     |
| (d) Alhaji Abdullahi Abdullahi Goronyo<br>Hon. Special Adviser On Special Duties<br>and Religious Affairs. | -                               | Member     |
| (e) Hon. Justice M. H. Binji<br>High Court of Justice  | -                               | Member     |
| (f) Hon. Justice Bello Abbas<br>High Court of Justice  | -                               | Member     |
| (g) Hon. Kadi Muh'd Danchafe<br>Sharia Court of Appeal   | -                               | Member     |
| (h) Hon. Kadi Abdulkadir S. Tambuwal<br>Sharia Court of Appeal.  | -                               | Member     |
| (i) Hon. Usman Arzzika Binji<br>Chairman, Judiciary Committee<br>Sokoto State House of Assembly            | -                               | Member     |
| (j) Alkalin Alkalai M.B. Mai Wurno<br>Rep. Of Sokoto Emirate Council.                                      | -                               | Member     |
| (k) Professor A. A. Gwandu<br>Usman Danfodiyo University Sokoto  | (absent on official assignment) |            |
| (l) Dr. Sambo W. Junaidu<br>Usman Danfodiyo University Sokoto  | -                               | Member     |
| (m) Sheikh Sidi Attahiru Ibrahim   |                                 |            |

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GOVERNMENT ON THE ESTABLISHMENT OF SHARIA

- |     |  |   |             |
|-----|--|---|-------------|
|     | Committee on Religious Affairs                   | - | Member      |
| (n) | Ustaz Muh'd Mode Abubakar                        |   |             |
|     | Committee on Religious Affairs                   | - | Member      |
| (o) | Ustaz Sidi A. Sidi                               |   |             |
|     | Committee on Religious Affairs                   | - | Member      |
| (p) | Ustaz Muh'd Salisu Imam Isa                      |   |             |
|     | Committee on Religious Affairs                   | - | Member      |
| (q) | Ustaz Muh'd Mansur Ibrahim                       |   |             |
|     | Committee on Religious Affairs                   | - | Member      |
| (r) | Umaru Dahiru Esq.                                |   |             |
|     | Private Legal Practitioner                       | - | Member      |
| (s) | Yahaya Mahmood                                   |   |             |
|     | Private Legal Practitioner                       | - | Member      |
| (t) | M. Abdullahi Sifawa                              |   |             |
|     | Secretary Law Reform Commission<br>Sokoto State. | - | Member      |
| (u) | Alhaji Faruk Ladan                               |   |             |
|     | DPM Political Affairs                            | - | Secretary   |
| (v) | Bande Muh'd Rikina                               |   |             |
|     | DDPM Admin. & Gen. Services                      | - | D/Secretary |
- 1.3 The State Government appointed 2 members to represent the State Committee on Religious Affairs. It was at the inaugural meeting of the main Committee that a decision was taken to co-opt 3 more members of the Committee on Religious Affairs, and allow in audience other members of the Committee. Also to be co-opted is M. Abdullahi Sifawa, the Secretary of the State Law Reform Commission.
- 1.4 The main Committee also co-opted two (2) lawyers, Barrister Aliyu Abubakar Sanyinna, a Private Lawyer and Barrister Muhammadu Saidu Sifawa, Director Legal Drafting, Ministry of Justice, Sokoto.
- 1.5 The Terms of Reference of the main Committee are:
- (a) To advise the Government on how to enshrine Sharia into the State Legal System and to effect the needed review on the State Laws for submission to the State House of Assembly for confirmation.
  - (b) To co-opt any person or group of persons that can contribute to the success of its assignment, and call for oral submission or written memoranda on the issue from members of the general public.
  - (c) To complete the assignment within one week from the date of inauguration.
- 1.6 The inaugural meeting was held on the 8<sup>th</sup> October, 1999 when two sub-committees were formed as follows:
- (a) Members of the Committee on Religious Affairs to prepare in detail and submit:

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- i. the substantive penal law (*budud*)
  - ii. the procedural law.
- (b) The remaining members to prepare a draft bill for consideration by the whole Committee.

SUBSTANTIVE LAW AND PROCEDURE

- 2.1 The members of the Committee on Religious Affairs submitted its report which contains explanation on the seven (7) offences, procedure for proof and punishment. These are:
  - (a) Homicide (*qisas*)
  - (b) Adultery and homosexuality (*zina* and *luwad*)
  - (c) Theft (*sariqa*)
  - (d) Robbery (*al-mubaraba*)
  - (e) Drunkenness (*shurubul khamr*)
  - (f) Defamation (*al-qazaf*)
  - (g) Apostasy (*ridda*)
- 2.2
  - (i) The report was received and adopted by the main Committee. [See [Annex B](#) to the Final Report of the Committee, below.]
  - (ii) The report will be translated into English and submitted to the Honourable Grand Kadi to be incorporated in the rules of court. The substantive law had been incorporated into the [draft bill](#) by the main Committee.

DRAFT BILL [[annexed](#)]

- 3.1 The sub-committee which prepared the draft bill considered the following provisions of the Constitution of the Federal Republic of Nigeria 1999 (referred hereinafter as the Constitution), and its likely consequences and/or on the bill:
  - Section 1(1) and (3) on the supremacy of the Constitution
  - Section 4(7) which empowers the State House of Assembly to make laws for the peace order and good government of the State.
  - Section 6(4) and (5) which:
    - (i) allow the State House of Assembly to establish courts with subordinate jurisdiction to that of the High Court;
    - (ii) can have both original and appellate jurisdiction.
  - Section 10 which provides that the Government of the Federation or of a State shall not adopt any Religion as a State Religion.
  - Section 33 which provides that every person has a right to life, and no one shall be deprived intentionally of his life save in execution of a sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.
  - Section 34 which provides the fundamental right to dignity of human person.

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Section 36 which provides for the fundamental right to fair hearing including:

- (i) the right to have the offence and penalty existing at the time of the commission of the offence;
- (ii) the offence and penalty to be written in a law of a State, a subsidiary legislation or an instrument under provisions of law.

Section 38 which allows for the fundamental right to freedom of thought, conscience and religion.

Section 275 which allows any State that requires it, to establish Sharia Court of Appeal.

Section 277 which restricts the jurisdiction and power of the Sharia Court of Appeal to:

- (i) civil jurisdiction;
- (ii) specific matters and causes.

but allows the House of Assembly to confer additional jurisdiction.

3.2 The sub-committee after discussing the provisions in paragraph 3(1) above, decided:

That the Sharia Courts can be established.

- (i) it shall only apply to Muslims;
- (ii) the Sharia is intended to reform the mind, and inculcate discipline, honesty and transparency.

That efforts should be made to avoid any conflict with the Constitution, and at the same time giving Muslims their full rights as provided in the Sharia, and guaranteed by the section 38(1) of the Constitution.

That the following Courts shall be established namely:

- (i) the Lower Sharia Court
- (ii) the Upper Sharia Court
- (iii) the Sharia Court of Appeal

That the Lower Sharia Court shall be constituted by an alkali sitting alone, while the Upper Sharia Court shall be constituted by a president and one (1) member.

That the Lower Sharia Court alkali shall be a person qualified to be an Area Court judge, while the president and members of the Upper Sharia Court shall be persons having qualifications of an Upper Area Court Judge.

That recognised, relevant or equivalent qualification shall be defined in the bill.

That in addition to the civil causes and matters listed under section 277 of the Constitution, the Sharia Court shall be conferred with additional civil and criminal jurisdiction in all causes and matters.

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That both the Sharia Court of Appeal and Upper Sharia Court shall be conferred with appellate jurisdiction in civil causes and matters, and in criminal cases.

That the draft bill shall provide the sources of Islamic law and reference text books and authorities to be used by the Sharia Courts.

That the practice and procedure and the law of evidence applicable shall be Sharia Law of Maliki School.

That there shall be provided the fundamental and constitutional right to legal representation in criminal cases, and general right of representation in civil causes and matters.

That the presidents, members, al-kadis and other staff of the Sharia Courts shall be public officers of the State.

That walis (inspectors) shall be appointed.

That there must also be provided provisions for:

- (1) right of appeal
- (2) review of the State Laws
- (3) provision for confirmation and execution of sentence of death.

That specific monitoring and advisory roles shall be given to the Emirate Council, Council of Ulama and State Committee on Religious Affairs.

Other ancillary matters.

GENERAL ADVICE AND RECOMMENDATIONS

There are certain obligations, conducts and behaviours, which are pre-requisites for the establishment of Sharia. It was unanimously agreed that the time given to the Committee will not be enough to receive any memorandum or oral submission from the general public. There is therefore the need for the government to extend the time given to this Committee, to at least two (2) months to:

- (a) accept or receive written memoranda and oral submissions
- (b) submit a detail report.

The issues to be covered by the Committee shall include advice on:

The need to review certain State laws i.e. Liquor Law, Sharia Court of Appeal Law, Area Courts Law etc.;

Adequate training, seminars and courses for the Sharia Court personnel;

Sufficient publicity through media, rallies and public lectures on what Sharia is all about;

Formulation of practice and procedure to guide the application of Sharia;

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Enforcement of Islamic law behaviour and control of anti-Islamic behaviour concerning:

- i. marriage ceremonies and bridal gifts
- ii. begging
- iii. praise singing
- iv. picnic and disco
- v. mode of dressing
- vi. prostitution
- vii. gambling
- viii. cinema and video houses
- ix. payment of *zakat*
- x. girls' schools and education
- xi. hawking
- xii. hoarding
- xiii. payment of *dijab*
- xiv. observance of the month of Ramadan
- xv. code of conduct for the personnel of Sharia Courts
- xvi. publication and translation of Islamic literature
- xvii. code of conduct for political leaders, traditional title holders and public officers

Creation of specific roles for Local Governments and traditional institutions;

Educating non-Muslims on the Sharia;

Construction and redesigning of our courts to conform with Islamic tradition.

- 4.3 The government shall consider a suitable date as the effective date for the implementation of the Sharia and take-off of the courts.

ACKNOWLEDGEMENT AND CONCLUSION

The Committee is ever grateful to Almighty Allah for giving His Excellency, Alhaji Attahiru Dalhatu Bafarawa (Garkuwan Sokoto) the wisdom and courage to initiate the implementation of Sharia in Sokoto State. The Committee wishes to register its gratitude to His Excellency for giving the Committee the opportunity to serve in this assignment.

May the Almighty Allah continue to guide, help, assist and protect us all.

Dated 13<sup>th</sup> day of October, 1999

[Here follows the list of committee members again with place for their signatures.]

NB: The Draft Bill is hereby annexed

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**ANNEX: DRAFT SHARIA COURTS BILL**

I assent this ..... day of ..... 1999

ALHAJI ATTAHIRU DALHATU BAFARAWA  
(GARKUWAN SOKOTO)  
GOVERNOR  
SOKOTO STATE OF NIGERIA  
BILL NO .....OF 1999

A BILL TO ESTABLISH SHARIA COURTS TO APPLY SHARIA LAW  
IN SOKOTO STATE

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PREAMBLE

**WHEREAS** the 1999 Constitution of Nigeria provides for a Federal System of Government in a Federation consisting of States and Federal Capital Territory based on the principles of democracy and social justice as guaranteed under chapter 1 thereof;

**AND WHEREAS** almost one hundred percent (100%) of the people of Sokoto State are Muslims and are desirous of being governed by Sharia law;

**AND WHEREAS** by the provisions of S. 38 (1) of the Constitution every person is entitled to freedom of thought, conscience and religion amongst other fundamental human rights enshrined under Chapter IV of the Constitution;

**AND WHEREAS** by the provisions of S.4 (7) and S. 6(4) & (5) of the Constitution the House of Assembly of the State is vested with powers to make laws for peace, order and good government of the State or any part thereof;

**NOW THEREFORE, BE IT ENACTED** by the House of Assembly of Sokoto State as follows:

PART 1 – PRELIMINARY

1. This Law may be cited as the Sharia Courts Law, 1999 and shall come into operation on ..... day of ..... Citation and Commencement
  
2. In this Law Interpretation
  - ‘alkali’ means the judge of the lower Sharia Court
  - ‘Attorney-General’ means Attorney-General of Sokoto State
  - ‘Chief Mufti’ means the Chief Registrar of the Sharia Court of Appeal
  - ‘Constitution’ means the Constitution of the Federal Republic of Nigeria 1999
  - ‘Governor’ means the Governor of Sokoto State of Nigeria
  - ‘Grand Kadi’ means the Grand Kadi of the State Sharia Court of Appeal

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- ‘Hadith’ means the sayings, teachings and approvals of the Holy Prophet Muhammad (SAW)  
‘*ijma*’ means the consensus of opinion of renowned Muslim Jurists and Scholars on any issue in Islamic Law  
‘Judicial Service Commission’ means the Commission established for the State under section 197(1) (c) of the Constitution  
‘kadi’ means the kadi of the State Sharia Court of Appeal  
‘member’ means alkali of the Upper Sharia Court  
‘mufti’ means a registrar of the Sharia Court  
‘person’ means a Muslim whether male or female  
‘president’ means the presiding alkali of the Upper Sharia Court  
‘*qiyas*’ means analogical deductions in Islamic Law  
‘Qur’an’ means the divine and Holy Book of Islam revealed to Prophet Muhammad (SAW) by Almighty Allah containing a complete legal, moral, spiritual, economic and political system to govern the life and conduct of Muslims  
‘Sharia Court’ means the Lower and Upper Sharia Courts established under this Law and shall include Sharia Court of Appeal  
‘Sharia Court of Appeal’ means the Sharia Court of Appeal established under section 275 of the Constitution  
‘Sharia law’ means the Islamic law and practices as prescribed by the Qur’an, Hadith, *ijma*, *qiyas* and other sources of Islamic law  
‘State’ means the Sokoto State of Nigeria  
‘wali’ means an inspector of Sharia Court

PART II – ESTABLISHMENT AND CONSTITUTION OF SHARIA COURTS

3. (1) There are hereby established in the State the following Sharia Courts: Establishment of Sharia Courts
- (a) The Lower Sharia Court
  - (b) The Upper Sharia Court
  - (c) The Sharia Court of Appeal
- (2) There shall be established a Lower Sharia Court and Upper Sharia Court in such designated areas the Grand Kadi shall decide by way of warrant.
- (3) The appointment of a person to the post of the president and members of the Upper Sharia Court and alkali of the Lower Sharia Court shall be made by the Judicial Service Commission.
- (4) The Upper Sharia Court shall be constituted by a president and one member.
- (5) The Lower Sharia Court shall be constituted by a single alkali.
4. (1) A person shall not be qualified to hold the office of a president or a member of the Upper Sharia Court unless: Qualification
- (a) he is a serving or retired Upper Area Court judge or
  - (b) he is a legal practitioner in Nigeria and has been so qualified for a period of not less than seven (7) years and has obtained a recognised qualification in Islamic law from an institution acceptable to the Judicial Service Commission or

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- (c) he has been an alkali of the Lower Sharia Court for a period of not less than five (5) years.
- (2) A person shall not be qualified to hold the office of an alkali of the Lower Sharia Court unless:
  - (a) he is a serving or retired Area Court judge or
  - (b) he is a legal practitioner in Nigeria and has been so qualified for a period of not less than five (5) years and has a recognised qualification in Islamic law acceptable to the Judicial Service Commission.
  - (c) Any other relevant qualification acceptable to the Judicial Service Commission.
- (3) Recognised qualification in this part of this Law means and shall include:
  - (a) a degree in Islamic law from a recognised university
  - (b) a certificate from the former Kano (Islamic) Law School
  - (c) a diploma or certificate in Sharia and Civil Law from a recognised university, college or institution
  - (d) a certificate from a school for Arabic Studies or higher Islamic Studies certificate.
  - (e) Sufficient knowledge of Islamic law and practical training.

PART III – JURISDICTION AND LAW

- 5. (1) A Sharia Court shall have jurisdiction to hear and determine civil matters and causes, where the two parties are Muslims, and in criminal cases where the suspects or accused person(s) is/are Muslims.
- (2) The Upper Sharia Court and State Sharia Court of Appeal shall only have appellate and supervisory jurisdiction over the Lower Sharia Court.  
*Provided that* where the need arises the Grand Kadi shall have power to confer original jurisdiction to the presiding alkali of an Upper Sharia Court.
- (3) For the purpose of subsection (1) of this section the Sharia Court shall be competent to decide all civil matters and causes where all the parties are Muslims including any proceeding involving:
  - (a) Marriage under Islamic Law (*al-nikah*)
  - (b) Guardianship and maintenance (*al-kafala*) and *nafaqa*
  - (c) Succession (*mirath*), will (*wasiyah*), gift (*hiba*), endowment (*waqf*), pre-emption (*shuf'a*), and trust (*amana*).
  - (d) Land law (*hukmu niz'a'il aradi*)
  - (e) Contract (*al-aqd*)
  - (f) Tort (*al-diyah*)
  - (g) Commercial law (*ahkamul buyu*)
  - (h) Company law and partnership (*ahkamul sharikat* and *al-musharakah*).
- (4) For the purpose of subsection (2) of this section the Sharia Court shall be competent to try all criminal cases in which suspect(s) or accused person(s) is/are Muslim, including:

Civil  
proceedings

Criminal  
proceedings

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- (a) Homicide (*qatlul-nafs*)
  - (b) Robbery (*al-muharaba*)
  - (c) Theft (*al-sariq*)
  - (d) Defamation (*al-qazf*)
  - (e) Drunkenness (*shurbul-khamr*)
  - (f) Causing grievous hurt (*al-qisas*)
  - (g) Homosexuality (*luwat*)
  - (h) Adultery (*al-zina*)
  - (i) Lesbianism (*al-sihaq*)
  - (j) Bestiality (*wat'ul dabba*)
  - (k) Perjury (*al-tazwir*)
  - (l) Offering and receiving gratification (*al-rishwa*)
  - (m) Criminal breach of trust (*al-khiyanah*)
  - (n) Cheating (*al-gish*)
  - (o) Mischief (*al-fasad*)
  - (p) Receiving stolen property (*shira'u muta'il sariqa*)
  - (q) Giving false evidence (*shahadatul-zur*)
  - (r) Apostasy (*riddah*)
6. The applicable laws in both civil and criminal proceedings shall include: Law applicable
- (a) The Holy Qur'an
  - (b) Sunnah and Hadith
  - (c) *Ijma*
  - (d) *Qiyas*
  - (e) *Maslahat mursala*
  - (f) *Istihsan*
  - (g) *Istishab*
  - (h) *Al-urf*
  - (i) *Muḥabul-sahabi*
  - (j) Other subsidiary sources
7. The reference books to be used by the Sharia Court shall include the following texts and authorities: -
- (a) *Al-Risalah*
  - (b) *Mubtasar*
  - (c) *Tubfah*
  - (d) *Al-Adawi*
  - (e) *Al-Fawakih al-Dawani*
  - (f) *Ibn Ashir*
  - (g) *Bidayat at Mujtahid*
  - (h) *Al-Mudawwanah*
  - (i) *Muwattah Malik*
  - (j) *Mayyara*
  - (k) *Bahjab*
  - (l) *Jawahir-al-Iklil*
  - (m) *Dasuki*
  - (n) *Al-Khirshi*
  - (o) *Bulgatil Salik*
  - (p) *Mawabibul Hallaq*

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- |  |         |
|--|---------|
| 8. A Sharia Court shall have jurisdiction and power only over:   | Persons |
| (a) Civil causes and matter where the parties are Muslims;   |         |
| (b) Criminal cases where the suspect or accused is a Muslim.   |         |
| 9. Where only one or more of several suspects or accused person(s) are Muslims, the Sharia Court shall not have jurisdiction to hear and determine the case, but the court shall have the power to try the Muslims and refer the case of the others to the Area or Magistrates Courts, or such other court with competent jurisdiction to try the offence(s) | Mixed   |

**PART IV – PRACTICE AND PROCEDURE**

- |   |                      |
|---|----------------------|
| 10. (1) The practice and procedure to be applied by a Sharia Court shall include:   |                      |
| (a) Islamic law and procedure contained in the sources and texts listed in section 6 and 7 of this Law.   |                      |
| (b) The Grand Kadi shall issue rules of practice and procedure to include fees payable, execution etc.  |                      |
| (2) The law of evidence to be applied shall be the Islamic law of evidence of the Maliki School.  |                      |
| 11. (1) Every person who is charged with a criminal offence shall be entitled to defend himself in person or by a legal practitioner of his choice. | Legal representation |
| (2) Every party to any civil proceedings may be represented by a legal practitioner of his own choice or by any relation or nominee.                |                      |

**PART V – CONTROL OF SHARIA COURT**

- |   |                          |
|---|--------------------------|
| 12. A Sharia Court shall be under the general supervision and control of the Grand Kadi.  | Supervision              |
| 13. There shall be appointed by the Judicial Service Commission on the recommendation of the Grand Kadi, wali of Sharia Court                           | Appointment of wali      |
| 14. The functions of a wali shall include:  | Functions of wali        |
| (a) advising the Grand Kadi on the appointment, performance, complaint and discipline of the president and members of the Upper Sharia Court            |                          |
| (b) advising the Grand Kadi on applicable law, practice and procedure, and changes thereon.   |                          |
| 15. A person shall not be qualified to be appointed as a wali of Sharia Court unless (qualification of a wali):   | Qualifications of a wali |
| (a) he is a retired Upper Area Court judge or a retired kadi of the Sharia Court of Appeal, or  |                          |
| (b) he is qualified to be appointed as an Upper Area Court judge, a president or member of the Upper Sharia Court, or a Sharia Court of Appeal kadi, or |                          |
| (c) he is recommended by the State Committee on Religious Affairs, and found fit by the Judicial Service Commission.                                    |                          |

**PART VI – STAFF OF THE SHARIA COURT**

16. (1) there shall be the following staff of the Sharia Court:

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- (a) Chief Mufti (Chief Registrar)
  - (b) Mufti (Registrar)
  - (c) Court clerk (*katib*)
  - (d) Estate distributor (*qasim*)
  - (e) Valuer (*muqawwim*)
  - (f) Interpreter (*tarjuman*)
  - (g) Messenger (*khadim*)
  - (h) Bailiffs (*am*)
- (2) The alkali and staff of the Sharia Court mentioned in subsection (1) and such other staff as may be required shall be public officers of the State to be appointed by the Judicial Service Commission.
- (3) The salaries and allowances of the president, members, alkalis and staff of the Sharia Court shall be determined by the Judicial Service Commission. Remuneration

PART VIII – APPEALS

17. (1) In any civil matter or cause, an appeal shall lie as of right from the decision of the Lower Sharia Court to the Upper Sharia Court.
- (2) In criminal cases an appeal shall lie as of right from the decision of the Lower Sharia Court to the Upper Sharia Court.
- (3) An appeal shall lie as of right in both civil causes and matters and in criminal cases from the decision of the Upper Sharia Court to the State Sharia Court of Appeal.
- (4) The appeals mentioned in sub-sections (1), (2) and (3) shall be filed within 30 days from the date of the decision.
- (5) The appeal shall be filed at the registry of the Sharia Court of Appeal or Upper Sharia Court as the case may be.

PART VIII – MISCELLANEOUS

18. (1) The president and members of the Upper Sharia Court, and alkalis of the Lower Sharia Court shall not be liable to be sued in any court for any act done or ordered to be done in the exercise of the jurisdiction conferred by this Law or any other, whether or not within the limits of the jurisdiction, provided that he at the time of such act or giving such order believed in good faith to have jurisdiction. Protection
- (2) The protection in subsection (1) of this section shall extend to the staff of the Sharia Court mentioned in section (16)(1) for all acts done in pursuance to any order of the court.
19. A Sharia Court shall have jurisdiction to punish summarily for the offence commonly known as contempt of court for any act committed in its presence intentionally done to question its authority or disobey its order. Contempt
20. A Sharia Court shall in addition to the powers conferred on it by this Law, apply the provisions of the following legislation with such modifications as may be necessary to conform with the principles of Sharia: Other legislation
- (a) Auctioneers Law (Cap 10) Laws of Sokoto State

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- (b) Applicable Laws (Cap 6) Laws of Sokoto State
  - (c) Children and Young Persons Law (Cap 22) Laws of Sokoto State
  - (d) Courts Touts (Prohibition) Law (Cap 40) Laws of Sokoto State
  - (e) Criminal Procedure Code (Cap 41) Laws of Sokoto State
  - (f) Fatal Accidents Law (Cap 50) Laws of Sokoto State
  - (g) Infants Law (Cap 68) Laws of Sokoto State
  - (h) Legitimacy Law (Cap 79) Laws of Sokoto State
  - (i) Married Women's Property Law (Cap 91) Laws of Sokoto State
  - (j) Oath and Affirmation Law (Cap 97) Laws of Sokoto State
  - (k) Probation of Offenders (Cap 113) Laws of Sokoto State
  - (l) Sharia Court of Appeal Law (Cap 133) Laws of Sokoto State
  - (m) Area Courts Law (Cap 9) Laws of Sokoto State
21. (1) The provisions in the following laws and any other legislation applicable to the State which defines customary law to include Islamic or Muslim Law are hereby repealed: Repeal
- (a) Area Courts Law (Cap 9) Laws of Sokoto State
  - (b) Civil Liability Law (Cap 25) laws of Sokoto State
  - (c) District Court Law (Cap 44) Laws of Sokoto State
  - (d) High Court Law (Cap 60) Laws of Sokoto State
- (2) The provision of section 3 of the Applicable Laws (Miscellaneous Provisions) Law (Cap 6) Laws of Sokoto State which allows for the continuous application of the common law and doctrines of equity is hereby repealed.
22. A Sharia Court shall carry out the orders and directions of any superior court of record when required to do so, and properly within its jurisdiction.
23. Where an accused person appealed against a sentence of death, the sentence shall not be carried out until after the hearing and determination of the appeal.
24. Where a Sharia Court has sentenced a person to death or confirmed a sentence of death, the record of proceedings and order of the court shall be forwarded to the office of the Attorney-General, within two weeks and the sentence shall be carried out on a date fixed and specified by the Governor.

PART IX – SAVINGS

25. Pending the issuance of the rules of court, the rules applicable in the Area Courts in the case of civil matters and causes, and the Sharia Court of Appeal in the case of civil appeals shall be applicable with such modifications as may be necessary to conform with the rules as provided by the Maliki School of Jurisprudence. Rules of court
26. This Law shall only apply to causes and matters filed or offences committed after its commencement. Commencement and application

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**II.**

**FINAL REPORT OF THE COMMITTEE SET UP  
TO ADVISE THE STATE GOVERNMENT  
ON THE IMPLEMENTATION OF SHARIA IN SOKOTO STATE**

Submitted to  
His Excellency, Alhaji Attahiru Dalhatu Bafarawa (Garkuwan Sokoto)  
Governor of Sokoto State

16<sup>th</sup> December 1999

INTRODUCTION

On the 8<sup>th</sup> of October 1999, His Excellency, the Executive Governor, Alhaji Attahiru Dalhatu Bafarawa (Garkuwan Sokoto), approved the appointment of this Committee to advise the Government on the establishment of Sharia in Sokoto State. It was given one week within which to submit its report. The Committee has the following composition:

- |     |   |   |            |
|-----|---|---|------------|
| (a) | Alhaji Abdullahi Maccido Ahmad<br>Hon. Grand Kadi   | - | Chairman   |
| (b) | Barrister Nuhu Adamu<br>Hon. A.G/Comm. For Justice  | - | D/Chairman |
| (c) | Alhaji Tahir Muh'd Mai Akwai<br>Hon. Comm. For Information  | - | Member     |
| (d) | Alhaji Abdullahi Abdullahi Goronyo<br>Hon. Special Adviser on Special Duties<br>and Religious Affairs | - | Member     |
| (e) | Hon. Justice M. H. Binji<br>High Court of Justice   | - | Member     |
| (f) | Hon. Justice Bello Abbas<br>High Court of Justice   | - | Member     |
| (g) | Hon. Kadi Muhammad Danchafe<br>Shari'a Court of Appeal  | - | Member     |
| (h) | Hon. Kadi Abdulkadir S. Tambuwal<br>Shari'a Court of Appeal.  | - | Member     |
| (i) | Hon. Usman Arzzika Binji<br>Chairman, Judiciary Committee<br>Sokoto State House of Assembly           | - | Member     |
| (j) | Alkalin Alkalai M.B. Mai Wurno<br>Rep. Of Sokoto Emirate Council                                      | - | Member     |
| (k) | Professor A. A. Gwandu<br>Usman Danfodiyo University Sokoto   | - | Member     |
| (l) | Dr. Sambo W. Junaidu<br>Usman Danfodiyo University Sokoto   | - | Member     |
| (m) | Sheikh Sidi Attahiru Ibrahim<br>Committee on Religious Affairs  | - | Member     |



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- |     |  |   |              |
|-----|--|---|--------------|
| (n) | Ustaz Muhammad Mode Abubakar<br>Committee on Religious Affairs   | - | Member       |
| (o) | Ustaz Sidi A. Sidi<br>Committee on Religious Affairs             | - | Member       |
| (p) | Ustaz Muhammad Salisu Imam Isa<br>Committee on Religious Affairs | - | Member       |
| (q) | Ustaz Muhammad Mansur Ibrahim<br>Committee on Religious Affairs  | - | Member       |
| (r) | Umaru Dahiru Esq.<br>Private Legal Practitioner                  | - | Member       |
| (s) | Yahaya Mahmood<br>Private Legal Practitioner                     | - | Member       |
| (t) | Umar Faruk Ladan<br>DPM Political Affairs                        | - | Secretary    |
| (u) | Bande Muhammad Rikina<br>Admin. & Gen. Services                  | - | D/Secretary  |
| (v) | Barrister Muhammad S. Sifawa<br>Ministry of Justice              | - | Co-Secretary |
- 1.2 The State Government appointed two members to represent the State Committee on Religious Affairs. It was at the inaugural meeting of the main Committee that a decision was taken to co-opt three more members of the Committee on Religious Affairs, and allow in audience other members of the Committee. Also co-opted is Alhaji Abdullahi S. Sifawa, the Secretary of the State Law Reform Commission.
- 1.3 The main Committee also co-opted two (2) lawyers, Barrister Aliyu Abubakar Sanyinna, a Private Lawyer and Barrister Muhammadu Saidu Sifawa, Director Legal Drafting, Ministry of Justice, Sokoto.
- 1.4 The terms of reference of the main Committee are among others:
- (i) to advise the Government on how to enshrine Sharia into the State legal system and to effect the needed review on the State laws for submission to the State House of Assembly for confirmation.
  - (ii) can co-opt any person or group of persons that can contribute to the success of its assignment. It can also call for oral submissions or written memoranda on the issue from members of the general public.
  - (iii) the assignment is expected to be completed within one week from 8<sup>th</sup> October, 1999.
- 1.5 On the 14<sup>th</sup> of October 1999, the Committee submitted its Interim Report to the State Government comprising the draft bill to be processed with the State House of Assembly for ratification. It has also offered some key advice on how to implement Sharia in Sokoto State.
- 1.6 In consideration of the fact that Islam is a practicable and feasible religion relating to the whole life, the Committee saw the need and requested the State Government for an extension of two months. The extension will be used to

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reconstruct and re-orient our populace on the importance of Sharia. The request was granted by the State Government. The Committee will, among other things;

- (a) study and work out how best to reform the present court structure to conform with Islamic provision;
- (b) study and redesign the practice and procedures in courts;
- (c) embark on re-orientation of the general public on the importance of Sharia in the State through organized discussions, seminars, workshops and *wa'azis*;
- (d) receive written memoranda and oral submissions from the general public.

1.7 The Committee held series of meetings during which three sub-committees were formed as follows:

- (a) Legal Sub-Committee
- (b) Publicity Sub-Committee
- (c) Sub-Committee on Structural Reform.

In addition, the contributions of the State Elders Consultative Committee under the chairmanship of the Former Executive President of Nigeria, Alhaji Shehu U. A. Shagari and Advisory Consultative Committee on Sharia under the Chairmanship of Alhaji Buhari Siriddawa, Sarkin Malamai were received.

## 2.0 [Specific Recommendations]

The Committee carefully reviewed the reports of its sub-committees, State Elders Consultative and Advisory Consultative Committees and unanimously recommended the following to the State Government for adoption:

### a. **LAWS OF SOKOTO STATE**

The Committee recommends the amendment of the following in order to bring them in conformity with Sharia Law:

#### i. **Lunacy Law Cap 88 Laws of Sokoto State 1996.**

Recommends that sections 10, 11, 12, 13, 14, 15 and 17 should be amended to include alkali, wherever they refer to a magistrate, while section 20 be amended to include Sharia Court of Appeal where it refers to a High Court.

#### ii. **Collective Punishment Law Cap 28 Laws of Sokoto State**

The Committee considered this law outdated and that its provisions had never been implemented. It therefore recommends that this law should be repealed.

#### iii. **Auctioneers Law Cap 10 Laws of Sokoto State 1996**

The Committee observed that the only conflict of this law with Sharia is that bidders invited to buy goods under this law are not given the opportunity to examine the goods they are buying. It is therefore recommended that the law should be amended to give bidders access to the property they are buying.

#### iv. **Cinematographic Licenses Cap 24 and Censorship Law Cap 23 Laws of Sokoto State 1996.**

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These laws are recommended for amendment to accommodate the recommendations contained in the report of the Committee on the need to enforce certain obligations.

v. **Transport Authority Law Cap 143 of Sokoto State 1999**

This law should be amended to accommodate the recommendations contained in the report of the Committee on the need to enforce certain obligations, conduct and modes of behaviour.

[numerals vi and vii skipped.]

viii. **Audit Law Cap 11 Laws of Sokoto State 1996**

There is the need to develop ways of carving out corruption and embezzlement in our public life, hence the need to amend this law to ensure efficient auditing and accountability.

ix. **Road Traffic Law Cap 127 and Road Traffic (Control of Hackney Carriages) Cap 128 Laws of Sokoto State 1996**

These laws need to be amended to bring them in line with the recommendations of the Committee.

x. **Boys Scouts Law Cap 15**

The Committee recommends a similar legislation to cater for Islamic organizations.

xi. **The Beast of Burden Preservation Law**

The Committee recommends that this law be enforced to stop sale of donkeys etc. for human consumption in the State.

xii. **Meat Law Cap 92 Laws of Sokoto State 1996**

First schedule of this law to be amended to remove pigs and other animals that are prohibited by Sharia.

xiii. **Penal Code Law Cap 104 Laws of Sokoto State 1996**

The Committee recommends that section 3(1) and (2) of the Penal Code should be repealed. The two sub-sections prohibit trial of any person other than in accordance with the provisions of the Penal Code.

xiv. **Effect of Section 39 of the Land Use Act 1978**

The Committee observed that this section gave the High Court exclusive jurisdiction to adjudicate on land matters in an urban area. By Sokoto State Legal Notice No. 11 of 1992 all Local Government headquarters are declared urban areas with a radius of eight kilometres from the headquarters.

This means therefore that the newly created Sharia Courts are excluded from hearing such cases. The Committee therefore recommends that the legal notice No. 11 be repealed.

xv. **Criminal Procedure Code Cap 41 Laws of Sokoto State 1996.**

The Committee recommends that a provision be made to the effect that the provision of the CPC should not be applicable in any proceedings before the Sharia Court.

**xvi. Local Government Adoptive Rules**

The Committee recommends that the following be amended to reflect the position of Sharia.

- (a) Sokoto State Legal Notice No. 25 of 1977
- (b) Sokoto State Legal Notice No. 2 of 1977 (Control of Beggars etc.)
- (c) Sokoto State Legal Notice No. 24 of 1977 (Control of Hawking)
- (d) Local Government Law No. 2 of 1977
- (e) Liquor Adoptive Rules 1977
- (f) Control of Advertising Adoptive Rules 1977.

**xvii. Liquor Law Cap 81 Laws of Sokoto State 1996**

This Committee recommends that this law should be amended to prohibit the sale and consumption of alcohol by a Muslim throughout the State.

The Committee recommends that the following laws should remain in force but should not apply to Muslims. The laws are:

- i. Administration of Estate Law Cap 10
- ii. Applicable Laws (Miscell. Provisions)
- iii. Burials Law Cap 18
- iv. Civil Liability (Miscell. Provisions) Cap 25
- v. Contract Law Cap 34
- vi. Defamation Law Cap 42
- vii. Fatal Accidents Cap 50
- viii. Infants Law Cap 68
- ix. Legitimacy Law Cap 79
- x. Limitation Law Cap 30
- xi. Pawn-brokers Law Cap 102
- xii. Money Lenders Law Cap 94
- xiii. Married Women's Property Law Cap 91
- xiv. Oath and Affirmation Law Cap 97
- xv. Prescription Law Cap 109.
- xvi. Property Law Cap 114
- xvii. Sale of Goods Law Cap 130.
- xviii. Torts Law Cap 141
- xix. Trustees Law Cap 145
- xx. Wills Law Cap 152

**b. SHARIA COURTS (CIVIL PROCEDURE) RULES 1999**

The proposed Sharia Courts (Civil Procedure) Rules 1999 were carefully drafted and recommended by the Committee to the State Government for adoption. Refer to [Annex A](#) for detailed rules.

c. **ISLAMIC CRIMINAL LAW PROCEDURE**

The Islamic Criminal Law Procedure was carefully drafted and recommended by the Committee to the State Government for adoption. Refer to [Annex B](#) for detailed procedure.

d. **TA'AZIRATU (CORRECTIONAL PUNISHMENTS)**

Islamic law has identified some offences that require correctional punishment, which were carefully reviewed by the Committee and recommended to the State Government for adoption. Refer to [Annex C](#) for details.

e. **MASS PUBLICITY**

The Committee observed that there is urgent need to re-orient our people on the importance of Sharia and its principles. It was on this ground that the Committee saw the need to promote understanding among both Muslims and non-Muslims on the general concept of Sharia.

The Committee suggested that in order to effectively disseminate information and re-orient general public on the issue of Sharia, the services of all means of communication ought to be employed. These include Rima Radio, Nigerian Television Authority, and national newspapers. The Committee also saw the need to conduct workshops, seminars and *wa'azî* at all levels of our society to enlighten both the urban and rural populace on the importance of adopting Sharia in Sokoto State. Details of the Committee's recommendations to the State Government on publicity are placed at [Annex D](#) for detailed study and implementation

To serve as the first step towards the preparation to adopt Sharia in the State, the State Government approved the conduct of State and Local Government *wa'azî*. The *wa'azî* was conducted successfully from 29<sup>th</sup> November, 1999 to 3<sup>rd</sup> December, 1999 at all Local Government headquarters and some few major towns. The reception accorded the groups by the rural populace was outstanding. It was a clear demonstration of people's overwhelming desire and acceptance of Sharia law in the State.

The State *wa'azî* was conducted on 7<sup>th</sup> December, 1999 at Shehu Kangiwa Square. The turn-out of people to witness the unprecedented event was overwhelming. It was attended by His Excellency, the Executive Governor, Alhaji Attahiru Dalhata Bafarawa (Garkuwan Sokoto), His Eminence, the Sultan of Sokoto, Alhaji Muhammadu Maccido Abubakar III, former President, Alhaji Shehu U.A. Shagari, the speaker and members of the State House of Assembly, the judges/kadis, prominent Muslim scholars and some important personalities in the State.

f. **WRITTEN MEMORANDA AND ORAL SUBMISSIONS**

Many written memoranda and oral submissions were received from different people of various walks of life. The memos touched on some of the most often questioned aspects of Sharia, particularly structural reformation and social conditioning

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necessary to provide the basis for the implementation of Sharia in Sokoto State. Few of the memos are summarised as follows:

i. **Mal. Aliyu Bello Galadima** of Sunnah Marriage Mediation Association

Suggested the need for the State Government to:

Establish Ministry for Religious Affairs to perform functions that are not catered for by the existing ministries, boards and parastatals/departments.

Ensure that prostitutes or free women as they are otherwise referred to, should be taken care of by the new Ministry for Religious Affairs, in houses designated for reforming them. Unions and associations like this will assist in the reformation and placement process.

See to it that law enforcement agencies fully enforce the law passed by the State House of Assembly in 1992 on marriage expenses.

Set up committee of people with proven integrity, whose membership should not exceed seven, to perform, among other functions, monitoring the activities of judges, policemen, traditional rulers and wealthy individuals to ensure that marriages are conducted in accordance with Islamic provisions

Incorporate the roles of Islamic organizations in the marriage processes and promote public awareness on the need to ease the process and curb extravagance.

Ban praise singing and notorious music during marriage and naming ceremonies.

ii. **Dalhatu Aminu Yartsakuwa**, Upper Area Court Judge

Suggested the need for the State Government to prepare and conduct refresher courses for the alikalis from time to time to ensure their competence in running their various courts.

iii. **Alhaji A.Y. Rabah** of J.S.S. Rabah

Suggested in his memo titled "Islamic Legal Perspective: An Overview" the need to observe the fundamental human rights as contained in the Holy Qur'an, Sunnah and *Ijma*. He particularly stressed the need for a social security policy sufficient to cater for the disadvantaged and under-privileged in our society. He added that provision of equal opportunities for all the citizens is crucial and fundamental. The rights of our children should be protected to ensure the building of a strong generation.

iv. **Muhammadu Maigero Dingyadi**

Suggested the need to promote pursuance of Islamic education by all citizens and encourage awareness on the part of the civil servants, traditional rulers and preachers. He also stressed the need to conduct tests for all the preachers to

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promote understanding and peaceful co-existence. In addition, he called on the government to always ensure a leadership of proven integrity.

v. **Muhammadu Gidado Liman**

Suggested the need for the State Government to establish a law banning:

- drinking and selling of alcohol
- prostitution
- gambling
- extravagance in marriages, among others.

He also emphasised the urgent need for the State Government to promote programmes at Rima Radio geared towards enlightening the general public on the importance of adopting Sharia in Sokoto State.

He stressed that the State Government in its next year's (2000) budget should make the promotion of the welfare of civil servants a priority through improved wages. It should also minimise the common man's burden of community tax and embark on projects that will promote the overall social and economic well-being of the people.

vi. **Mal. Aminu A. Bayero**

Suggested the need to map out a strategy geared towards promoting understanding, unity and harmony among Muslims within the State and beyond, particularly among the Islamic sects in the society.

vii. **Mal. B. B.**

Suggested the urgent need for the State Government to enact a law prohibiting prostitution and homosexuality in our society. He further stressed that mischief and cheating are becoming a common practice in our society and should be seriously addressed by the Government.

viii. **Barrister J. C. Shaka**

Traced the history of Sharia and Nigerian legal experience. He, among others, suggested the need for the State Government to:

- (a) Embark upon a mass public enlightenment or education on the meaning of Sharia law, its substance, procedure, scope and its implications – penal and civil;
- (b) Conduct an objective opinion survey in the State to determine whether the people really desire the application of Sharia law;
- (c) Train and send persons to be charged with the enforcement and administration of the Sharia law to countries where Sharia law has long taken roots to expose them to the practical application of this concept
- (d) Adopt Sharia only when the present economic, social and political institutions would ensure that the minimum basic standard of living is improved and facilities are available and guaranteed for all. And that the

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affairs of government and government officials are transparent and responsive to the needs of the people;

- (e) Ensure gradual introduction of the Sharia law so as to be able to monitor the effects and arrest any adverse developments arising from its application;
- (f) Ensure that life, rights and properties of non-Muslims are well protected.

ix. **Mal. Bello Ahmad Sokoto** of Ministry of Education, Sokoto.

Explained the consistency of Sharia law and its application as a complete way of life for all Muslims. He stressed that the implementation of Sharia solely depends on the understanding of the leaders and the led.

He emphasised that the leaders, in particular, must be ready to;

- lead by example
- keep to their promises
- be clean in words and practice
- avoid ostentations living
- ensure the rule of law
- make the weak (subject) strong etc.

He added that there is need for mass education to the general public on the importance of Sharia and the need to promote Islamic education cannot be overemphasised.

x. **Mohammad B. S. Tabanni** of Centre for Islamic Studies, ABU Zaria

Suggested the need to accurately distribute the roles, functions and jurisdictions of the courts to be established for an effective coordination and conduct of the legal processes.

xi. **Hajiya Laraba Dattijo** of Women Society

Narrated the historic and constitutional basis for the adoption of Sharia in the State and the roles played by women in the history of Islam. She suggested the need to involve and encourage women to participate in the process and implementation of Sharia in Sokoto State. She further emphasised the need to protect the rights of women in the society as prescribed in the Sharia law.

xii. **Murtala Yahaya**, Dan Tireda

Suggested the need for the State Government to come to the rescue of the younger ones. He stressed that the extravagant marriages in our society pose a serious threat to marriages and called on the government to curb the cost to make it affordable to the youngsters.

xiii. **Malami Giwa Abubakar**

Suggested the need to embark on mass public enlightenment of our people on the importance of adopting Sharia as a solution to our ongoing cultural decay,



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moral decadence, economic shamble, political instability and administrative uncertainties.

xiv. **Alhaji Ibrahim Umar**

Suggested the need to establish a Ministry for Islamic Affairs which will be responsible for supervision, administration and coordination of matters related to Islamic affairs.

xv. **Abdullahi B. Mohammed**

Suggested the need for the State Government to as a matter of necessity, arrange to conduct short courses for young girls in the fields of para-medical practice, such as nursing, laboratories, physiotherapy, pharmacy etc. Special arrangement should also be made to encourage the training of particularly, women in all fields of medicine and health care.

g. **STRUCTURAL REFORMATION**

The Committee observed the need to enforce certain obligations, conduct, and behaviour to go hand in hand with the establishment of Sharia concerning the following: -

- |   |   |
|---|---|
| i. marriage ceremonies and<br>bridal gift | xiii. payment of <i>dijab</i>   |
| ii. begging                               | xiv. observance of the month of<br>Ramadan  |
| iii. praise singing                       | xv. qualification, ethics and<br>responsibilities of an alkali                            |
| iv. picnic and disco                      | xvi. publication and translation of<br>Islamic literature                                 |
| v. mode of dressing                       | xvii. a guide for political leaders,<br><i>Sarakunan Musulunci</i> and public<br>officers |
| vi. prostitution                          | xviii. roles for Local Government and<br>traditional institutions                         |
| vii. gambling                             | xix. mode of transportation   |
| viii. cinema and video houses             |   |
| ix. payment of <i>zakat</i>               |   |
| x. female education                       |   |
| xi. hawking                               |   |
| xii. hoarding                             |   |

In the course of its deliberations, the Committee resolved to include any other relevant issue, which it considers to be of importance for the successful implementation of Sharia.

**RECOMMENDATIONS**

After thorough deliberation on the itemised issues, the Committee recommends as follows: -

i. **Marriage and Marriage Ceremonies**

Marriage ceremonies are to be conducted in a manner prescribed by Islam. Bridal/betrothal gift should be made moderate and affordable. The Government is to take appropriate steps to wipe out all kinds of extravagance usually associated with marriages and naming ceremonies.

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- ii. Picnic, disco as well as the newly innovated *wazgidi* dance usually associated with such ceremonies be banned and such immoral behaviour be made an offence punishable under the appropriate law.
- iii. Praise singing, drumming and begging should conform with Islamic traditions and should not be insulting or abusive. The Government is advised to provide more job opportunities to the unemployed so that its citizens can be gainfully employed to reduce the high rate of begging and other forms of social vices.
- iv. The Government should encourage its citizens to be self-reliant through training of handwork, crafts and other small-scale ventures. The Government should also cater for the handicapped by training them craft and providing them with basic assistance for take off.
- v. **Mode of Dressing**

All Muslims males and females should dress in a manner approved by Islam and *hijab* form of dressing be encouraged for females.
- vi. **Prostitution should be abolished throughout the State**

The law prohibiting prostitution should be enforced. Unmarried women should be advised, encouraged and assisted to get married as soon as possible.
- vii. **Liquor Houses**

Production, sale and consumption of all intoxicants be banned throughout the State. The licences of the existing liquor houses should be revoked.
- viii. **Gambling**

Gambling of any form should be punishable offence under appropriate law.
- ix. **Cinema and Video Houses**

Censorship Board should step up efforts to enforce the law banning all films, videos and other pornographic pictures that offend Islamic injunctions. Audio and video cassette sellers and rentals should be under the control and supervision of censorship Board of the Ministry of Information.
- x. **Mode of Transportation**

The Government should provide vehicles for transport at an affordable fare exclusively for women and should encourage organisations and well-to-do individuals to make their own contribution in this regard. Where there is only one mode of transport, some back seats should be reserved exclusively for women. Women should be discouraged from riding kabu-kabu as a means of transport.
- xi. [numeral xi skipped.]
- xii. **Zakat**

The Islamic policy of distribution of wealth through *zakat*, *sadaqat*, etc. helps a lot in discouraging accumulations and concentration of wealth in a few hands.

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The Government is advised to give emphasis on *zakat* collection and distribution as prescribed by Islamic injunctions. The Zakat Committee should intensify the collection of *zakat* and publish the amount and names of the individuals who give out the *zakat*.

xiii. **Female Education**

Female education is of paramount importance. There should be a deliberate policy to encourage female education in the State.

xiv. **Hawking**

Street hawking by girls and women who have reached the age of puberty pose a threat to the society and tend to encourage immoral upbringing of our youths. In order to eradicate evil and immoral behaviour usually associated with this kind of business, the Government is advised to take steps to stop street hawking by girls in the State.

xv. **Hoarding**

Hoarding of any essential food item is unlawful. It is through this inhuman practice that the society suffers a lot. Appropriate penalty be prescribed under Sharia and culprits punished accordingly to serve as deterrent to others.

xvi. **Diyah**

The payment of appropriate *diyyah* is to be determined in accordance with the prescribed Islamic principle.

xvii. **Observance of the Month of Ramadan**

Ramadan fasting is one of the five pillars of Islam. It is compulsory that all eligible Muslims must fast it, commencing after sighting the moon usually confirmed through an official announcement and ending as soon as the moon is sighted marking the end of Ramadan and the beginning of the month of Shawwal. It is unlawful to refuse to fast at all or to refuse to commence fasting after an official announcement confirming the sighting of the moon marking the commencement of the Ramadan. It is unlawful to refuse to break the fast at the end of Ramadan. Government is advised to take steps to utilise the services of Islamic preachers to enlighten Muslims on the significance of fasting. The offenders should be punished in accordance with Islamic law.

xviii. **Qualification, Ethics and Responsibilities of an Alkali**

a. **Qualification of an Alkali**

Alkali must, among other things, be: Muslim, sane, male, free, not a slave, matured, just, knowledgeable in Sharia, free of physical defects such as deaf, dumb and blind.

The qualification of an alkali should include the following qualities:

- i. Must not have been convicted of any *hadd* punishment
- ii. Must not be of questionable lineage/affinity

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- iii. Must not be a pauper
- iv. Must not be illiterate
- v. Must not be physically and mentally unfit
- vi. Must be intelligent and fully alert
- vii. Must be reserved and self-contented
- viii. Must be man of personality
- ix. Must be patient and tolerant
- x. Must be ready to seek opinion from learned people

An alkali must:

- i. Not also mingling with people of questionable integrity
- ii. Must be courageous in passing judgment without fear or favour
- iii. Must be thorough and meticulous
- iv. Must be an indigenous
- v. Must be intrinsically moderate.

**b. Responsibilities of an Alkali**

- i. He must treat all litigants before him on equal footing without fear or favour.
- ii. Parties in a dispute must be brought before the judge.
- iii. He must be careful in awarding *hadd* punishment i.e. where there is a slightest doubt in establishing the crime, he should refrain from awarding *hadd* punishment.
- iv. He must not keep an accused in custody without due process of law.
- v. He must shun bribery and corruption and must not indulge himself in dubious activities.
- vi. He owes it a duty to protect the rights of all Muslims and non-Muslims as against human rights infringement/violation.
- vii. He must not demand nor accept gift of any kind from litigants.
- viii. He shall dress decently at all times, he must wear complete attire i.e. gown, jumper, trousers, cap, turban and shoes while discharging his official duties.
- ix. He shall control his temper and must not harass or embarrass parties to litigation.
- x. He shall not indulge in commercial business activities that are in conflict with his judicial functions.

**xix. Publication and Translation of Islamic Literature**

The Government should encourage the publication and translation of Islamic literature. Government institutions such as office of the Grand Kadi, Law Reform Commission, Board of Arabic and Islamic Education and individuals

should be encouraged to translate and publish authoritative Islamic literature, particularly Sharia books.

xx. **A Guide for Political Leaders, Sarakunan Musulunci, Religious and Community Leaders as well as Public Officers**

- (a) Our leaders must be honest, trustworthy and God-fearing in all their endeavours.
- (b) They must shun materialism, be dedicated and hardworking in the discharge of their duties.
- (c) They must shun corruption, selfishness and nepotism.
- (d) They should teach/enlighten their subjects on the need to eradicate evil and immoral behaviour more particularly on the dangers of copying immoral behaviour by our youths.
- (e) They must ensure peaceful co-existence among the subjects.
- (f) They must be tolerant and accommodating.

xxi. **Roles for Local Governments and Traditional Institutions**

The general public enlightenment for the successful implementation of Sharia in the State could be achieved through the efforts of the Local Governments and the Traditional Institutions. The government should take steps to utilise these institutions, which deal directly with people at the grassroots level. Preaching by means of media organisations should be further intensified so as to make people understand the importance of Sharia and its applications.

xxii. **Islamic Economic System**

There are number of Qur'anic injunctions which have encouraged Muslims to engage themselves in lawful and wide ranging activities in trade and commerce.

Government should encourage its citizens to earn their livelihood in a lawful manner and provide assistance in appropriate cases. The development efforts should be spread over the rural areas of our State.

Government should intensify efforts to standardise weights and measures in the market to conform with Sharia.

Government should welcome and encourage the establishment of interest-free banking system in the State.

In rendering its social services to the people, there is the need for Government to provide food items and other essential commodities etc. at affordable prices particularly during the month of Ramadan to serve as an assistance to alleviate hardships of its citizens.

xxiii. **Prayer Timings**

The importance of prayer in the life of a Muslim which is one of the five pillars of Islam cannot be over-emphasised.

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Government is to ensure that during office hours and at any of its official functions, prayer times are strictly adhered to. Consequently, the Committee recommends timing of prayers as follows: -

Zuhr Prayer 1:45 pm to 2:00 pm

Asr Prayer 3:45 pm to 4:00 pm

xxiv. **Hajj – Pilgrimage**

Muslims travelling to Makka for *hajj* for the first time in their lifetime to discharge this important obligation as ordained by Islam be given priority. The intending pilgrims should be given a basic training. While the difficulties associated with *hajj* operation shall as much as possible be reduced.

[numerals xxv-xxix omitted.]

xxx. **Religious Instructions**

There is the need to intensify religious instructions in our schools. The subjects to be taught among others should include Arabic language and *tajweed*.

xxxi. **Refresher Course for Alkalis and Sharia Court Personnel**

Sharia Court personnel be trained on procedure from time to time to make them work more efficiently for the successful administration of Sharia in the State.

xxxii. **Civil service**

Remuneration for civil servants should be improved to cater for their basic social needs. A special consideration be given to judges' salary and welfare to guard against corruption. Government should consider giving interest-free soft loans to civil servants to reduce the problems of bribery, corruption and misappropriation of public funds. Government should base all appointments on qualification and/or seniority, merit and fear of Allah

The independence of the Service Commissions should be maintained as provided in the law to ensure disciplined civil service.

xxxiii. **Welfare Scheme and Continuing Education.**

There should be social security scheme that will cater for the aged, the disabled and likes in our society. The Women Centre for Continuing Education should be established in each Local Government Area of the State. The activities of the Centre should be publicised with a view to promoting self-reliance as enjoined by Sharia.

**OTHER RECOMMENDATIONS**

- (a) Enlightenment of the general public on the importance of Sharia and its application is strongly recommended. The importance of seminars, workshops and *wa'azji* on Sharia cannot be overemphasised. The Committee is still recommending the conduct of such activities as per [Annex D](#) to ensure that the people understand what the Sharia is all about.

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- (b) The Government should map out strategies geared towards improving agricultural production through fair distribution of fertiliser to farmers, providing small, middle and large-scale support to farmers and engage itself in large-scale farming. The objective is to ensure self-reliance and food security in our society.
- (c) The government should direct Ministry of Works, in liaison with the Sharia Court of Appeal, to redesign and construct the court structures that are in conformity with the Islamic injunctions.
- (d) The State Government should establish a Ministry for Islamic Affairs which will be responsible for supervision, administration and co-ordination of matters related to Islamic affairs.
- (e) Code of conduct for political leaders, traditional rulers, public officers and alkalis should be enforced.
- (f) The Government should make a special arrangement to train adequate manpower in the health care sector. Efforts should be made to balance the shortage of female nurses, lab technicians, physiotherapists, pharmacy technicians etc. through mass recruitment in the health care sector.

**ACKNOWLEDGEMENT AND CONCLUSIONS**

The Committee is grateful to Almighty Allah for giving His Excellency, Alhaji Attahiru Dalhatu Bafarawa (Garkuwan Sokoto) the wisdom and courage to initiate the implementation of Sharia in Sokoto State. The Committee wishes to register its gratitude to His Excellency, the Executive Governor, and the people of Sokoto State for giving it the opportunity and support to serve in this assignment. The contribution of the members of the State Committee on Religious Affairs is worth noting. The Committee would like to extend its deep appreciation to those who have sacrificed their time and dedicated themselves to this cause.

May the Almighty Allah continue to guide, help, assist and protect us all.

Dated 16<sup>th</sup> day of December, 1999.

[here follow the names and signatures of the committee members.]

**ANNEX A**

**SHARIA COURTS (CIVIL PROCEDURE) RULES 1999**

1. When the parties appear before the court the judge must treat them on equal terms in seating, talking hearing and paying attention to them. There must be no discrimination regarding religion or position in life. The judge shall ask the plaintiff to state his claim. The claim must be realistic and unambiguous. If the subject matter of the claims is land, the plaintiff must mention its boundaries and its location. If it is money, he must tell the amount. If it involves animals he must mention them numerically and their descriptions. If it is something of money value he must mention the estimated value and if possible the object should be brought before the court. If the claim is not realistic in nature and if without substance, the judge should

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dismiss the case. If the claim, however, is not explanatory, the judge shall require the defendant to state what he knows about it. If afterwards it becomes clear that there is no definite claim to answer, the judge shall dismiss the plaintiff's claim.

2. When the plaintiff states his claim, the judge shall ask the defendant to give a reply to the plaintiff's claim. The defendant may admit either in whole or in part that he is civilly liable in the action. The defendant may also deny liability.
3. (a) If the defendant admits liability, the judge shall enter judgment in favour of the plaintiff; provided that the defendant is an adult person whose admission is acceptable under the Islamic law i.e. he is not subject to any disqualification.  
(b) If the defendant keeps mute, the judge may try to get him to say something in answer to the claim. If the judge fails to get him to talk his silence may be construed as an admission of the claim and judgment shall be entered against him. The plaintiff shall not be made to take an oath in such circumstances.
4. Where the defendant denies the plaintiff's claim the judge shall determine the type of claim brought before him in order to decide who in fact is the plaintiff (*mudda'i*) and who is the defendant (*mudda'an alahi*) between the parties, so as to know on who the burden of proof lies. A party who cannot be helped by nature of his originality or custom is normally regarded as the plaintiff. Provided that in claims having connection with property or valuables; a house or a farm land; consummation of marriage so that a wife could qualify for full dowry; a divorce suit and dispute on child affinity which does not involve inheritance, the judge shall consider the nature of such claims, in order to assess which right may be established and which may not be by taking an oath.
5. In cases where the defendant denies liability, after the judge has determined who is a plaintiff and who is a defendant between the parties, the judge shall ask the plaintiff to produce evidence in support of his claim. If the plaintiff produces his witnesses the judge shall order them to be brought into open court one by one. He shall ask the first witness to state what he knows about the dispute between the two parties. If he does not testify anything the judge may discharge him. But if the witness gives evidence which supports the plaintiff's claim the defendant shall be allowed to cross-examine him. The judge shall allow a witness to defend himself against a challenge which may result in discrediting him or his evidence. If the defendant succeeds in discrediting the evidence given that evidence shall be discarded. But if he fails to succeed in discrediting the evidence that evidence shall stand. The judge shall allow witnesses in all cases to be cross-examined. Any judgment obtained in which a witness's evidence is not cross-examined shall be void. Provided the witnesses called to discredit evidence given by another witnesses shall not be subject to cross examination.

Examples of grounds for discrediting evidence are family affinity of the witness with the party on behalf of whom the testimony is given; marriage connections; allegation that a witness may as a result of giving evidence obtain some benefit or that he may remove some defects or loss from himself or that the witness is an



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enemy to a person against whom he has given the testimony; and such other instances that can disqualify a witness from giving evidence under the Islamic law.

Two witnesses shall be produced to discredit the testimony given by another witness. In the same way as a witness called to discredit the evidence of another witness shall not be cross examined, so also are the witnesses summoned by the judge himself to witness a confession made by the parties in open court not to be cross examined. The witnesses sent by the judge to witness the actual oath taking and the witnesses sent by the judge to ascertain the boundaries of a piece of land on which evidence has been given by some other witness or witnesses and the like shall also not be cross examined.

6. If an expert gives evidence in support of a claim either about a document or a thing the evidence shall be admissible under the Islamic law. Such a piece of evidence if given on a document the document itself must be produced before the court. No evidence can be given on a document without the production of the document before the court. The expert can give evidence on any matter orally before the court. Two experts may be produced to give evidence on a subject matter in dispute. The general accepted procedure, however, is to call one expert. Any fit and proper person including a non-Muslim may be called to give expert evidence. Where the expert cannot present himself physically before the court due to either ill health or for any strong reason which would make it impossible for him to appear in person the report on the matter shall be admitted in evidence by the court. The evidence of an expert can be challenged through cross-examination as to the extent of the expert's knowledge on the matter he has reported on. The expert can also be impeached that he has not given truthful testimony.
7. The judge shall give judgment in favour of the plaintiff if the judge is satisfied that the plaintiff has furnished him with sufficient evidence to support his claim, that is to say, he has produced two unimpeachable male witnesses or one male and two female witnesses or only two female witnesses in a matter which women have peculiar knowledge, for example, evidence on a child alleged to have been born alive. As a general rule no court shall base its decision on the evidence of one single female witness.
8. If the evidence in favour of the plaintiff does not satisfy the full requirements of the Islamic law, for example, in cases of dispute on a property where two witnesses are required, but only one gives evidence, the judge shall require him to take an oath in order to satisfy the requirement of the law. If the plaintiff agrees and takes an oath the judge shall enter judgment in his favour.

If he refuses to take an oath, the judge shall request the defendant to do so. If the defendant takes the oath the plaintiff's claim shall be dismissed. If however, the defendant himself refuses to take oath the judge shall enter judgment in the plaintiff's favour. (According to a maxim in Islamic civil procedure, whenever a litigant is asked to take an oath and if he refuses, the judge shall ask his opponent to take the oath in order to establish his case or absolve himself. If he too declines to take the oath the act of refusal by the opponent shall be construed as an admission by him of the first litigant's claim).

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9. If the plaintiff produces no credible witness to support his claim or he informs the court that he has no witnesses to produce in order to testify on his behalf, the judge shall ask the defendant to take an oath in order to rebut the claim. If he takes an oath he will be discharged and the claim of the plaintiff shall be dismissed. If however, the defendant refused to take an oath the judge shall offer the oath taking to the plaintiff and if the plaintiff takes the oath, judgment shall be entered in his favour. If the plaintiff declines to take the oath after it has been ordered to him that will be the end of his case and the claim shall be dismissed.
10. (a) Where the judge observes that each one of the opposing parties can be taken to be a plaintiff by the nature of the litigation e.g. where each one of them claims that he owns the subject matter in dispute e.g. a house, a farm, a piece of land, animals, clothing and house belongings which are suitable for the use of both male and female, in such situation, the judge shall look and see in whose possession is the subject matter in dispute, [if] it is in the parties' possession jointly, or in the possession of an independent person or in the possession of one of them. In all these circumstances the judge shall require each one of the litigants to produce his evidence. Anyone of them who can support his claim by evidence shall be given judgment in his favour and the whole subject matter in dispute shall be given to him. The judge shall dismiss the claim of any party who fails to support his claim with evidence.
- (b) Where both litigants support their claim with satisfactory evidence, the judge shall test the weight to be given to the evidence of each witness by finding which one of the parties' witnesses have given a more credible evidence. The judge will require that party to take an oath, as to the truth of his claim and then give judgment in his favour. A factor which is determined in establishing the evidence which carries more weight, is the consideration of length of history in which a witness knows the subject matter. The number of witnesses has no bearing to the weight to be attached to the evidence.
- (c) Where the judge tests the weight to be given to the evidence of each party and finds the weights of their evidence to be equal and none has more weight than the other in terms of credibility, in such a case their evidence will have to be discarded completely. They will be regarded as if they have told the judge at the beginning that they could not produce witnesses. In these two situations where the weight of evidence is proportionately the same and where from the start each one of the parties cannot produce a witness, the judge shall find out which of the parties in dispute is in possession of the subject matter, and give more consideration to that party. It can serve as cogent evidence for a party according to Islamic principles of law, if at the time of the dispute he is in possession of the subject matter. For this reason the judge shall require him to take an oath. If he takes an oath the judge gives judgment in his favour and dismiss the claim of the other party. If he fails to take an oath the judge then shifts the burden to the other party who is not in possession of the subject matter in dispute. If he takes the oath the judge shall give judgment in his favour. But if he fails to take an oath he forfeits his right, the judge will then give judgment in favour of the first

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party who refuses to take an oath and who is in possession of the subject matter in dispute (See Order 8 of these rules).

- (d) Where the judge finds that the subject matter in dispute is in the possession of both parties or that it is not in their possession [but] of someone else or that it is not in the possession of anybody, if the weight given to the parties' respective evidence in terms of credibility are on an equal basis or that none of the parties can produce any evidence, then, in these circumstance the judge will require each one of them to take an oath to support his claim. If all of them take an oath or all of them fail to take an oath the judge shall give judgment in their favour jointly and share out the subject matter in dispute between them. If, however, one of the parties declines to take an oath his right of claim is forfeited; the judge shall dismiss his claim and enter judgment in favour of the party who takes an oath.
11. If the claim brought before a judge is a suit against a deceased person's estate, or against someone who is away and his presence is impracticable, or is an infant or a lunatic, or the matter concerns an endowment right on the claimant, even if he can establish his claim by producing evidence without the judge directing the claimant to take an oath in addition to the usual practice. This is what is known as *yaminul kada'l*, the oath of payment. Once he takes an oath the judge shall give judgment in his favour. But if he declines to take this oath his claim is forfeited.
- A judgment debtor who is unable to settle his judgment debt whose poverty is proved by evidence, the judge will ask him to take an oath of *yaminul kada'l* before discharging him. The judgment debtor takes an oath that he has no means whatsoever to settle the debt and that whenever he acquires the means he will settle the judgment debt.
12. If the complaint brought before the judge is a matter concerning a claim based on strong suspicion made by the plaintiff against the defendant demanding some rights, the judge shall require the defendant to take an oath. If he takes an oath he is absolved. If he refuses to take an oath judgment shall be entered in the plaintiff's favour. The procedure of offering the oath to the plaintiff shall be exercised here. An example of such a case is where a suit is brought against a person entrusted with property like a shepherd or a businessman or a safe-keeper or storekeeper or a messenger, and the trustee reports that the entrusted property has got lost, but the owner of the property strongly suspected the trustees of negligence, mischief or misappropriation in causing loss. Such persons as are mentioned above are required to take what is called an oath of accusation before they are absolved. If such persons refuse to take oath the judge shall order them to settle the claim.
13. If a case becomes complicated or is a dispute between relatives or between important personalities which in the observation of the judge may result in disturbances of the peace or enmity the judge shall call upon the parties to submit to arbitration. If they agree to settle their matter out of court the judge will confirm such a settlement as agreed upon by the parties. None of the parties afterward can undo the settlement reached. Because it has already become a court judgment. But if they are unable to settle the matter out of court the judge shall continue with the

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case between them in the normal way and in accordance with the provisions of Islamic Law.

14. If the claim brought before a judge is not a claim for money or money value; for example, a marriage suit (not relating to inheritance) or divorce or Khul'1 or on cruelty to a wife or affinity (not relating to inheritance) or on manumission, in all these cases a claim cannot be substantiated unless male witnesses are produced. If the plaintiff fails to produce two male witnesses his claim cannot stand and the judge shall dismiss his claim. The defendant shall not be required to take an oath for this purpose.
15. In claims concerning matters in which males normally have no dealing or concern with, such as an allegation that a baby is born alive and that he cries after birth or an allegation that the period of menstruation has been observed or child delivery or a claim on conception or miscarriage or vaginal defect and the like, the evidence of two female witnesses are sufficient to establish the claim. And if the plaintiff produces two female witnesses who gave evidence on his behalf, judgment shall be given in his favour.

**PRESCRIPTION (HUZI)**

16. (1) If the claim brought before the judge is in respect of land ownership and the defendant has already been in possession of the land, for example a farmland or a house, the judge shall first take into consideration the rules governing prescription. If the party in possession of the land deals with it in all manners just like the owner for example, he demolishes it and rebuilds it or plants and harvests in it showing complete ownership like his personal property, the judge shall not entertain the claim of the other party if the judge is of the opinion that the period of prescription required by law has expired, provided that the original owner is present and has remained passive, making no claims and has not shown any reasonable cause which prevented him from doing so throughout the period of prescription.

The rule governing prescription is detailed below:

- (2) As a general rule the period of prescription under Islamic law is ten years. However, there are exceptions to the above rule as follows:
  - (a) Parties who are related through affinity or who are in-laws through marriage or who have joint ownership over the land in dispute, the period of prescription is forty years.
  - (b) In a situation where the parties are made up of men and women, a woman's right will not be forfeited however long her male relatives have been in possession of the jointly owned land.
  - (c) Relatives who are not on good terms with one another, the limited period of prescription for each one of them is ten years. This is an exception to the rule in (1) above.

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- (d) A party made up of a son and his father. The period of prescription will continue for a very long period of time up to sixty years (60).
- (3) If a party is silent over his right and does not ask for it until the period of prescription expires and later claims that the party in possession of the land is holding it on loan or for iskani (lodging) or for tenancy for life (ta'amiri) or on tenancy, his right of claim is not forfeited. The judge will investigate the claim and require proof from him by producing evidence. If he can establish his claim by adducing evidence the judge will enter judgment in his favour; but if he fails to establish the claim the judge shall require the defendant to take an oath in order to absolve himself.
- (4) If a party in possession of the land makes a counter-claim that he has bought it from the plaintiff or that he obtained it as a gift from the plaintiff the counter-claim shall be considered as proof provided that he takes an oath. The plaintiff shall not be allowed to call evidence in order to establish that the defendant has obtained possessed through a loan or a tenancy once the period of prescription has expired. The expiration of the period of prescription is regarded as evidence for the party in possession of the land.
- (5) If the period of prescription has not expired as in the situations mentioned above, the plaintiff is still within time and can claim his rights. In these situations the judge will take cognisance of his claim and make an investigation accordingly. The judge shall give judgment either in favour or against the plaintiff depending on the provision of the rules of Islamic Law.
- (6) If the party in possession of the subject matter in dispute acquires it through confiscation or through the influence of any person in authority he can [sic: cannot] obtain ownership through prescription however long the period of possession. The other party is at liberty to seek his right from him at any time. If he can establish his claim with evidence the judge can give judgment in his favour. If on the other hand the other party cannot establish the claims, the party in possession shall be required to take an oath in order to absolve himself. Whoever knowingly buys a property or obtains it as a gift from someone whose property has been acquired through confiscation, the decision on his case shall be the same as that of confiscator. Likewise whoever knowing that the property in his possession, in fact belongs to the plaintiff at the time he acquires [it cannot (?)] later claim its ownership through prescription.
- (7) If a claim before the judge is in respect of animals or clothes the judge is to take into account the duration or the extent of the prescriptive period imposed by Islamic law on them. The prescriptive limitation between parties who are unrelated through blood in respect of used clothes is one year. If the clothes are unused the limitation period is two years. The limitation period is two years in respect of animals. The limitation period in respect of animals or durable goods like carpets in cases where the parties involved are related by blood shall be ten years.

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- (8) If a person sells, or gives out as a present or on charity any property belonging to the claimant while the claimant is present and has the knowledge that the property is being interfered with but keeps silent, the judge will not entertain his claim should he afterwards sue on the property. The law will regard him as having slept on his right. Before if he claims for the proceeds of sale the judge shall take cognisance of his claim.
17. If a complaint brought before the judge concerns a dispute on pregnancy or child legitimacy, it is necessary for a judge to pay attention to the provision of the law about the minimum and maximum periods of pregnancy. The minimum period of gestation is six months while maximum period is five years. For the above reasons:
- (i) If a husband divorces his wife and if she does not remarry after the completion of the *iddah* period, and then gives birth to a child within five years of the divorce and she attributes the child to her former husband who had earlier divorced her, the judge would declare the child to be that of the former husband.
  - (ii) If a husband divorces his wife and she completes her *iddah* period after which she contracts another marriage with a second husband who has co-habited with her and after which she gives birth to a child before the completion of six months from date of her second marriage, the court would declare the child to belong to the first husband. The marriage of the second husband shall be dissolved, as it would appear that it was during the pregnancy period that the second marriage was contracted. But if she delivers after six months or more, the child would be declared to be that of the second husband and the marriage valid.

**LPAN**

18. (1) If a person finds his wife in a state of pregnancy or finds that she has delivered a child or finds her in the act of committing adultery and intends to disown the pregnancy or the child or intends to make a case that she has committed adultery the law will allow him to dispute the ownership of the pregnancy or of the child or of defamation of adultery against his wife by taking an oath of *li'ani* and that the oath must be based on good reasons. A person can at any time be allowed to take an oath of *li'ani* in order to disown a child or pregnancy: whether the marriage is still in existence or not; whether the wife is passing her *iddah* or not, whether she is alive or dead and whether the child is alive or dead. But the law will not allow a husband to take the oath of *li'ani* in order to disown a pregnancy until he proves that after the wife's delivery he has had no sexual intercourse with her; or that after she has observed her menstruation period after which he finds her with pregnancy or a child he has had no sexual intercourse with her. However, if the second child is delivered within six months after the delivery of the first child the former shall be regarded as a twin of the latter, and the father could not disown him.
- (2) If a person marries a woman and she delivers a child within five months and twenty four days after consummation, the child could be disowned by the

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husband automatically, without undergoing any *li'ani* oath. This is because the child has been born within the period of gestation.

- (3) If a person divorces his wife and she remains unmarried and then after the lapse of five years she gives birth to a child such an issue could be disowned by the husband without necessarily taking an oath of *li'ani*.
- (4) If the husband of a wife is a young person who has not reached the age of puberty or is a person whose penis has been cut off or when the marriage was contracted both the husband and the wife living in different places far away from each other and that there is no possibility of their getting together at all even secretly, and yet the wife becomes pregnant and claimed that the pregnancy belongs to the husband such pregnancy can be disowned without resorting to the *li'ani* oath.
- (5) If a wife delivers a child becomes pregnant or commits adultery with the knowledge of the husband and yet he afterwards has sexual intercourse with her; his right for *li'ani* has been forfeited. His right for *li'ani* shall also be forfeited if he delays an application for *li'ani* without any justifiable reasons for two days after his knowledge of the disputed delivery or conception.
- (6) The case of *li'ani* cannot be entertained anywhere except in an open court before a judge who will adjudicate in the matter. Thus if a wife and her husband agree to settle a case of *Li'ani* out of court such an act is regarded as illegal and void.
- (7) When a judge passes judgment of *li'ani* on a husband and wife they will be required to take an oath at Juma'at Mosque if the couple are both Muslims. But if the wife is a Christian or Jew, she will be taken to a place she regards as sacred to take her oath there. It is essential that the *li'ani* oath is taken in the presence of people of unquestionable integrity whose number should not be less than four persons. It is desirable that the *li'ani* oath should be taken in the late afternoon. It is also desirable that prior to the administration of the oath of *li'ani* those who are to take it should be admonished to cause them fear of Allah so that they may decline from taking the *li'ani* oath.

When the husband and the wife agree on taking the oath, each one of the couple will swear five times. As regard to eye witnessing an act of committing adultery the husband will testify saying, "I bear witness and swear by Allah that I indeed saw her committing adultery." He repeats this four times. As regards to disowning pregnancy he will also testify saying "I bear witness and swear by Allah that I have not put her in a family way". He repeats this four times and then concludes with the fifth oath saying, "Allah's curse be upon me if I am a liar." The wife then takes an oath in respect of an allegation labelled against her for committing adultery saying, "I bear witness and swear by Allah that he has not seen me committing adultery". She repeats this four times. As regards to disowning pregnancy she will testify also saying, "I bear witness and swear by Allah that he has put me in a family way". She repeats this four times and then concludes with the fifth oath saying, "Allah's wrath be upon me if my husband is truthful".

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- (8) The husband shall be asked to take the oath first and if he declines to do so the pregnancy will conclusively be attributed to him, and he will be given eighty lashes as *badd* punishment for imputation of adultery to his wife. If he takes the oath he will be absolved against defamation and the pregnancy of the child will not be attributed to him. The wife will then be liable for punishment for adultery if she refused to take an oath. After the husband has taken the oath the wife will be requested to take the oath. If she takes the oath she will be absolved from the allegation of committing adultery and her marriage with the husband will be declared dissolved and she will be prohibited from marrying him forever. If at the beginning the husband refuses to take the oath but later comes back and says he agrees to take it he will not in that circumstance be allowed to do so. But if it is the wife who refuses to take the oath but later agrees to take it she will be allowed to take it so as to clear herself from the allegation of committing adultery, as her first refusal is regarded as an admission made by her that she has committed adultery. This is because whoever makes a confession for committing adultery but later decides to withdraw his confession the law will allow him to do so.
- 19 (1) The mode of taking the oath for confirming a right or for refuting an allegation is given in the words *Billabil lazji la Ilaha Illa Humu*. No matter of the faith swearer whether a Muslim, Christian, Jew or Pagan. If a civil claim amounts to a quarter of a dinar or three dirhams or an estimated value of one of them it is necessary that the person taking the oath must take it in the Jum'at Mosque and at the time of taking it he must be standing and facing *al-kibla*. If one of those conditions is missing the oath is incomplete and must be repeated[. The person] against whom the oath is to be taken can allow it to be taken outside the mosque (in court). While taking the oath Muslims hold the Holy Qur'an. Christians and Jews hold their Holy Books, Pagans hold the objects they respect as holy. Any swearer takes the oath in the place of worship which he regards as sacred. A Jew will have in addition to the above-mentioned mode of oath, the following words, "The Lord who revealed the Old Testament to the Prophet Moses ( may peace be upon him)". The Christian will also add the following words: "The Lord who revealed the New Testament to Jesus (may peace be upon Him)". If a civil claim does not amount to a quarter of a dinar or three dirhams, the judge can order a person to take the oath anywhere, without necessarily going to a place of worship.
- (2) If a judge orders one of the parties to take an oath, that party takes the oath in the presence of the other party against whom the oath is to be taken. If the party against whom the oath is to be taken refuses to be present at the place of taking the oath to witness its performance the judge shall appoint two male witnesses who will watch the oath taking and the witnesses will be required later to testify in open court that the oath was in fact taken. Any reason or ground forwarded by the other party to reject the oath later will not be accepted.
20. In Islamic law for the court to accept the evidence of a witness he must have the following qualifications: He must be of unquestionable integrity, Muslim, adult, sane



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not a slave and not one who is heretical of the accepted doctrines of Islam and he must be a conscious man.

21. If a cause of action brought before a judge is a matter regarding inheritance (distribution of estate), it is necessary for a judge to make a full inquiry [into] five matters before he starts to distribute the estate. These are:
- (i) He must confirm the death of the deceased person whose estate is going to be distributed;
  - (ii) He must inquire into affinity of each of the legal heirs in relation to the deceased;
  - (iii) He must confirm the deceased's exclusive ownership over the estate;
  - (iv) He must inquire whether the deceased owes any debt; and
  - (v) He must inquire whether the deceased made any will.

Debt settlement comes first before the distribution of the estate. If any will is made by the deceased it will be complied with. But if the will is in respect of property it must be satisfied from one third of the whole estate only. A will cannot be made on the estate in favour of a person who is himself a legal heir.

22. After the judge has taken all the proceedings i.e. the parties have been heard and witnesses have given evidence and they have been cross-examined, it is necessary for the judge to give a chance to the party against whom judgment is to be passed by asking him whether he has something more to say for his defence before judgment is passed. If he says he has nothing more to add for his defence the judge calls one or two persons to testify that a chance of defence has been given to that party. Then the judge can pass his judgment.

But if the party says that he has something more to say, the judge shall allow him to say more and shall continue with the proceedings. After the hearing the judge will again request that party to state any thing more in his defence as before, and then the judge gives judgment.

23. If a judge finds that the aforementioned rules do not cover or adequately cover any Islamic procedure in any particular case, such judge shall be at liberty to apply any other rule of Islamic procedure which he considers appropriate to the case before him.

## ANNEX B

### PROCEDURE ON ISLAMIC CRIMINAL LAW OFFENCES UNDER ISLAMIC LAW

The position of Islamic law on enforcement of punishment [is] aimed at preventing the accused from committing further or similar offence and deterring others from drawing near such offence. Islamic law legalises the punishment of an offender for an offence to which no defined or standard punishment had been prescribed. This is known as *ta'azir* (correctional punishment). Under this type of punishment a judge is allowed to use his

discretion in awarding appropriate punishment where the offence does not warrant *badd* punishment.

**Rationale behind *badd* punishment:** The reason behind *badd* punishment is to prevent the vandalisation or destroying all those things recognised by all revealed religions on the need to protect them such as lives, religion, sanity, wealth and property.

The following are the essence of *badd* punishment:

- (a) Revenge execution of death sentence, prevent occurrence of homicide and bodily injuries.
- (b) Amputation of a thief's hand is a protection of wealth of others.
- (c) Stoning to death or caning adulterer purifies affinity.
- (d) The punishment for an alcoholic protects sanity.
- (e) Punishment for defamation is a protection of integrity.
- (f) Punishment for apostasy guards against religious abuse.

#### **Offences and the Procedure to be Followed in Proving their Commission**

There are seven types of criminal offences under Islamic law (Sharia) and each has a procedure to be followed in proving its commission before sentence.

#### **1. Qisas**

##### **a. Homicide**

The rule is that a person shall not be sentenced to death unless under the following circumstances.

i. There must be two reliable male witnesses: evidence of a single male and two females are not sufficient to convict in homicide cases. But such evidence is enough in payment of compensation provided there is no contradiction in the evidence of the two witnesses as to how the killing occurred.

##### Example:

Where one of the witnesses said "I saw him burn him" and the other witness said "I saw him slaughter him" if the suspect denies this, the punishment cannot be carried out provided the representatives of the person killed have accepted the evidence of the two witnesses above.

But where the representatives accept the evidence of only one of the two witnesses, then they will swear (*gasama* oath) and the suspect will be executed. This is because both the suspect and the complainants did not accept the evidence of one of the witnesses.

But where the accused confessed that he had slaughtered the deceased but the complainants are convinced on the evidence that said the deceased was burnt, if in the opinion of the judge the evidence carried weight, they will be asked to swear and based on this evidence the accused will be burnt in accordance with the view that *qisas* can be carried out on a person by way of burning him if the death he caused was by fire.

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Where however, the other evidence that said the deceased was slaughtered corroborated with the confession of the accused, then he will be asked to swear and will then be slaughtered.

ii. Where the accused person confessed the commission of the offence provided he is sane, and not an infant, then the sentence will be carried out.

iii. By way of *qasama* oaths:

- (a) Where the deceased made a dying declaration (*lausi*) i.e. where the accused [sic: deceased] before his death named somebody as the one who killed him.
- (b) Where there is one witness who witnessed the killing of the deceased by the accused.
- (c) Where there are two witnesses who testified that the accused caused injury that resulted to the death of the deceased.

In all these circumstances the accused will be killed.

**Procedure for *qasama* oaths**

This oath (*qasama*) is initiated where the person wounded made a dying declaration before his death. There are seven conditions to be satisfied before an accused can be sentenced to death under this procedure.

1. That the complainant alleges that it is the accused that killed the deceased with convincing evidence of one witness where the accused did not confess.
2. That the person killed is not a slave.
3. That the person killed is a Muslim.
4. That the complainants allege killing not injury.
5. That the complainants allege intentional killing.
6. That all the complainants have attained puberty.
7. That they are all sane.
8. That all complainants demand the revenge of the death of the deceased.
9. There should not be less than two complainants alleging intentional killing.
10. That along [with] their allegation there are other things to support their allegation such as evidence of one reliable person who saw when the deceased was killed or saw the deceased lying in a pool of blood while the suspect was still near him with an indication that he indeed did the killing.
11. That the complainant(s) must swear fifty (50) times before retaliation. It's the same oath if they are asking for compensation on an unintentional killing.

**Exception**

*Qasama* oaths cannot be administered in the following cases:

- (a) Where retaliation of injury is demanded if there are two witnesses on intentional injury, in this case retaliation is allowed.

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If it is unintentional then compensation is allowed. But where there is only one witness, the complainant(s) should swear to qualify to receive compensation if the cause of the injury occurred by mistake. But where it is intentional, *qasama* oath will be administered and revenge effected.

- (b) There shall be no *qasama* oaths for a slave and a non-Muslim.
- (c) There shall also be no *qasama* oaths where the deceased is found in between two congregations, one of Muslims and the other for non-Muslims and the killer not identified.

**Prove**

To secure conviction the following must be proved:

- (a) That the accused is sane and not an infant.
- (b) That he is not an enemy of war.
- (c) He is not a slave.
- (d) He is a Muslim.
- (e) He indeed beat the deceased to whom he was not father.
- (f) That deceased is not the one who is legally permitted to be killed.

**2. Robbery (*birabah*)**

This is to mount a roadblock in order to forcefully confiscate the wealth of others, in such a way that it will be difficult for:

- (a) A victim to escape;
- (b) Or to use anything that will terrify a person for the purposes of taking away his belongings;
- (c) Or to deceive an infant by taking him to a strange place to kill him in order to take away what he possesses;
- (d) Or to stay in the night or day time in a hidden place for the purposes of confiscating other people's wealth forcefully or killing another person instantly without his knowledge. The punishment for any of these is that the accused should be killed.

But where the accused did not kill his victim, the judge has discretion to order for any of the following:

- (a) To kill him; or
- (b) To kill him and then crucify him;
- (c) Or to amputate his hand and leg diagonally in order to restrain him;
- (d) To banish him.

**3. Adultery**

The offence of adultery can only be established:

- (a) Where the accused confessed the commission of the offence and did not retract up to the time he is to be executed.

- (b) Presentation of four reliable witnesses that witnessed the penetration of a male organ (penis) into the female organ (vagina) at one act. Where three out of the four witnesses testified the above but the other one witness did not, the three witnesses will be subjected to punishment for defamation.
- (c) The existence of pregnancy on an unmarried woman will subject her to *hadd* punishment even if she alleges that she was compelled unless if:
  - (i) she produces at least one reliable witness who testified that he saw somebody forcefully carrying her away;
  - (ii) or that he saw her crying holding whosoever she alleges had sexual intercourse with her; or
  - (iii) he saw her bleeding (from her private part).

In all these three circumstances she will not be subjected to *hadd* punishment for adultery.

#### **Conditions to prove adultery**

The punishment for adultery can only be enforced if the following conditions are satisfied:

- (1) That the accused is a matured person.
- (2) He is sane.
- (3) He is a Muslim.
- (4) That the offence is voluntarily committed.
- (5) That the offence was committed on or with a human being not an animal.
- (6) That the female co-accused is up to the recognised age for such cohabitation.
- (7) That the male co-accused must not have any claim or right over the female he was accused with or that he knows that the sexual relationship with her is prohibited.
- (8) That the female is not an enemy to the accused or a trusted unbeliever (under a treaty).
- (9) That the female with whom the offence was committed must not be dead.

#### **4. Stealing (*sariqab*)**

Dishonestly taking away the property of another without his knowledge with intention of depriving him of it.

##### **a. Punishment of stealing**

The punishment for stealing is *hadd* punishment by way of amputating the hand of the accused from the wrist, if the following conditions are satisfied. Amputation for stealing can only take place if:

- (i) That the accused is sane.
- (ii) That he has attained puberty or reached the age of 18.
- (iii) He is not a slave of the person he steals from.
- (iv) He is not a father to the person he steals from.

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- (v) The stealing must not be out of necessity such as hunger.
- (vi) That the property must be the type that can be lawfully sold.
- (vii) That the property stolen must not be in possession of the accused such as stealing his mortgaged property or stealing something equivalent to his due for a service rendered to his employer.
- (viii) That the property stolen must be up to the measure of  $\frac{1}{4}$  of dinar or 3 dirhams or their naira equivalent.
- (ix) That the property stolen is kept in a place suitable for its custody such as a house, shop or on an animal or ship. It must not be placed where custom does not permit.
- (x) The property must have been removed from its original place of custody.
- (xi) The property must be stolen not confiscated.

**b. Justification for carrying out the punishment**

- (i) Right of Allah (SWT). It's a divine injunction that a thief's hand be amputated from the wrist of the right hand. If he repeats, the left leg will be amputated. If he repeats further his left hand will be amputated. If he commits it further, his right leg will be amputated. If he repeats further he will be beaten and detained.
- (ii) Right of individual. It is the right of the individual whose property was stolen to be compensated.

**c. Conditions to prove stealing**

- (i) Confession by the accused; or
- (ii) Presentation of two reliable male witnesses where a male and two females are presented or only one witness and oath, they are sufficient for payment of compensation.

**5. Intoxication**

Voluntary consumption of a substance by a Muslim, which leads to the loss of senses.

**i. Prove for the offence of intoxication**

(a) Presentation of witnesses that saw the accused while drinking alcohol or that smelled it. The witness must be one who knows what is alcohol. Evidence of one witness is sufficient.

(b) Confession by the drinker.

**ii. Punishment**

He will receive 80 strokes of cane if he is not a slave. If he is a slave he will receive 40 lashes.

**iii. Conditions for proof**

There are seven conditions to be satisfied before the punishment can be carried out on a drinker:

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- (a) He must have attained puberty or reached the age of 18.
- (b) He must be a Muslim.
- (c) He must be sane.
- (d) That the drinking was not for any reason or condition.
- (e) He knows what he drunk was alcohol.
- (f) That the drinking was voluntary.

**iv. Procedure for punishing a drunken person**

The lashing is done with a moderate cane that is neither soft nor hard. The accused will kneel down and will not be tied. He will be beaten on his back and shoulder but if he refuses to stay at one place, he can be tied up so that he can feel the effect of the beating.

Woman can be beaten on a wrapper that will not prevent her from feeling the pains of the beating.

A drunkard will not be caned until he regained his senses so also a sick person until he recovered. Similarly, lashing cannot be effected during a hot or a seriously cold weather for fear of the life of the accused.

The executioner must hold his fingers tied leaving second to the last and last fingers free (not stretched them) advancing his right leg and suspending his left leg then bend his forefinger up to the palm and then place his thumb on the cane to hold it while beating.

The cane described by Sheikh Jazuli should be made from single leather not two and should be soft.

**6. Apostasy (*ridda*)**

This is renunciation of Islam by a Muslim. The punishment is execution by death after the accused had been given 3 days to re-embrace Islam and he refused. He will be killed as unbeliever, with no funeral or bath and will not be buried in a Muslim's burial ground.

**7. Defamation (*qadhf*)**

This is to attribute to a person regarded as a complete gentleman, Muslim, adult or a virgin of marriageable age that they are adulterers or that they have no affinity or that they are a product of adultery, etc.

There are certain conditions that a person defamed should satisfy:

- (i) That he is a Muslim.
- (ii) That he is not a bastard and not a slave.
- (iii) If the defamation suggests the denial of affinity he must prove that he is an adult, sane, of good behaviour and possesses male organ, if the defamation is to the effect that he is an adulterer.

**Punishment**

If these conditions are satisfied, or proved by way of evidence, the defamer will be given eighty strokes of cane.

## ANNEX C

### TA'AZIRATU (CORRECTIONAL PUNISHMENTS)

Under Islamic law, there are no specific provisions regarding *ta'azir* punishment. It has not limited the extent of punishment to be awarded to an accused person, unlike *hadd* punishment for intentional murder or payment of compensation.

Example:

- Islamic law has prescribed as punishment for alcoholism, 80 strokes of cane.
- The killing of one who kills another intentionally and a revenge where injuries are inflicted, provided it did not amount to killing the accused.
- Islamic law has also stipulated how the payment of compensation is done.

On the other hand, Islamic law had identified certain offences that require correctional punishment and had vested powers to prevent or deter the commission of certain acts or to enforce the performance of certain things on the leaders for the purpose of protecting the rights of others and the right to live in peace etc.

*Provided that* those things prevented or enforced are not those that are prohibited or mandatory under Islamic law or renown aspect of it or a principle of Islamic law.

The rule is that punishments are classified according to offence. It starts punishment from a lesser to a most grave punishment and vested in the judge the discretion to punish the offender commensurate to his offence.

This rule does not apply where there exists a limit on the discretion of a judge to choose the type of punishment to be awarded on the offence or that the judge suggests a punishment which in his opinion is the type of punishment for what he perceived as an offence. A judge can only be permitted to enforce the punishment where the offence is established or where there has been prescribed, for every offence some punishments from which the judge will choose one and punish the offence based on it

There is also nothing that prevents *ulul-amr* (Muslim leaders) from prescribing punishment of lesser magnitude while prescribing, which the judge must follow in awarding punishment.

#### **REFERENCES<sup>1</sup>**

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*Al-Tashri'u al-Jana'i al-Islami* vols. 1-2  
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*Al-Abkam al-Sultaniyyah* by Abi Ya'la  
*Al-Abkam al-Sultaniyyah* [by Mawardi]  
*Ihkamul Abkam* commentary on *Tuhfa*

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<sup>1</sup> For further information on the works listed here see the "Bibliography of Islamic Authorities", Part IV of Chapter 6 of this work. The short titles given here are as in the bibliography.



**ANNEX D**

**[On the campaign of mass publicity: first page of Annex D missing from source.]**

**d. SUNDAY PHONE-IN PROGRAMME**

Programmes should be scheduled and conducted on Sharia for the next two months. The composition of the participants is as follows:

- i. 2 malams
- ii. 1 lawyer
- iii. 1 representative of the State Government

The participation should be on rotational basis.

**e. ENGLISH PROGRAMME**

The station should arrange 30 minutes English programme on Sharia.

**f. FILATANCI**

The station should arrange to incorporate the issues on Sharia in its *filatanci* programme for the benefit of the Fulani who cannot understand either Hausa or English.

**2. NIGERIAN TELEVISION AUTHORITY, SOKOTO**

**a. Discussion Programme**

A 30 minutes discussion programme on Sharia should be scheduled and conducted by the station in Hausa and English.

**3. NATIONAL NEWSPAPERS**

Articles on general issues of Sharia should be produced and published from time to time in the following national papers;

- i. New Nigerian
- ii. Weekly Trust
- iii. Guardian
- iv. A Yau
- v. The Path

The essence is to promote awareness and understanding on the issues of Sharia and its guiding principles.

**4. WORKSHOPS**

The workshops are designed to enlighten and re-orient the lawmakers, policymakers and public officers on issues of Sharia and its importance as a complete way of life for a Muslim. The workshops should be scheduled as follows:

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1. His Excellency and some individuals of his choice can arrange a designated venue and time together where the chosen lecturers can conduct the workshop for them.
2. **CATEGORY A**  
Participants – Hon. Commissioners/Special Advisers and Permanent Secretaries only.
3. **CATEGORY B**  
Participants – State Legislators only
4. **CATEGORY C**  
Participants – Local Government Chairmen & Local Government Secretaries only.
5. **CATEGORY D**  
Participants – Heads of State Parastatals
6. **CATEGORY E**  
Participants – Directors in the State Public Service
7. **CATEGORY F**  
Participants - Women
8. **CATEGORY G**  
Participants – Trade Unions

TOPICS:

- i. Muhimmancin Shari’ar Musulunci a rayuwar Musulmi
- ii. Shugabanci a Karkashin hukumar musulunci
- iii. Tabbatarda adalci a cikin al’ummar musulmi
- iv. Kauda zalunci da cin rashawa a cikin al’ummar musulmi
- v. Muhimmancin Shawara da nasiha ga shugabanni
- vi. Muhimmancin da matsayin ilmin addinnin musulunci ga shugabanni
- vii. Koyi da halayen Manzon Allah Annabi Muhammadu (SAW)
- viii. Tsare lokuttan ibada da na mu’amala
- ix. Yiwuwar aiwatar da shari’ar musulunci a karkashin tsarin mulkin Nijeriya
- x. Abubuwan da ya kamata gwamnati tayi kamin zartarda shari’ar musulunci.

LECTURERS:

- (a) Prof. A. A. Gwandu
- (b) Dr. Sambo W. Junaidu
- (c) Alh. Abdullahi Maccido, Grand Kadi
- (d) Sheikh Sidi Attahiru Ibrahim
- (e) Ujmaru Dahiru Esq.
- (f) Ustaz Muhammad Mansur Ibrahim
- (g) Justice M. H. Binji
- (h) Ustaz Muhammad Isa T/Mafara

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- (i) Ustaz Mode Abubakar
- (j) Ustaz Sidi A. Sidi

5. **SEMINARS**

Seminars should be scheduled and conducted to enlighten the general public on the issues of Sharia and its importance in our society. The seminars are widely open to the general public.

**THEME:**

Dacewar Shariar musulunci ga kowace al'imma a inda anka fito da inda ake yanzu da inda anka do sa.

- i. Shariar musulunci, manufofinta da fifikonta akan sauran Shari'o'in zamani.
- ii. Laifukan da suka cancanci haddi da matakan da Alkali ya kan dauka kamin kai ga zartadda hukuncinsu.
- iii. Tattauna laifukan da ake wa horon tsawatarwa da kuma hikimar iyakance wadannan laifukan ga horon ta'azir kawai.
- iv. Matsayin wadanda ba musulmi ba a karkashin hukumar musulunci.
- v. Matsalolin hulda da kuma yin kara tsakanin musulmi da wanda ba musulmi ba, tare da hanyoyin walwale wadannan matsaloli.
- vi. Yancin dan adam a karkashin hulmar musulunci.
- vii. Muhimmancin zakka ga al'ummar musulmi da wadan da suka cancanta a baiwa.
- viii. Yanayin da ya kamata hukuma ta samar kamin zartadda hukumcin Sharia akan al'ummarta.
- ix. Gudummawar al'umma ga hana ayukkan assha.
- x. Bayanin shugabanni magabata da suka shahara da aikata adalci a lokacinsu da yadda ko yaushe aka tuna su ana kuma yi musu addu'a ta alheri.
- xi. Manufar siyasa da tsarinta a musulunci
- xii. Matsayin majalisan shawara a Shariar musulunci da gudummawar yan majalisa don kare Shariar musulunci
- xiii. Matsayin zartadda hukunce-hukunce da ba na musulunci ba akan al'ummar musulmi
- xiv. Alhukkan mata a cikin musulunci
- xv. Tarbiyar duya a cikin musulunci
- xvi. Muhimmancin tattalin arziki da kuma dogaro da kai a musulunci
- xvii. Dangantakar dauloli a tsarin mulki na musulunci
- xviii. Muhimmancin abubuwan da tsarin mulki na musulunci ya kunsu
- xix. Matsayin mata musdulunci a siyasar zamani
- xx. Gudummawar limmaman masallatan jumu'a wajen ilmantadda al'ummar musulmi da hadin kan su.
- xxi. Kasuwanci a cikin musulunci
- xxii. Masana'antu da bankuna a cikin musulunci

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xxiii. Yiwuwar aiwatarda Shari'ar Musulunci a karkashin tsarin mulkin Nijeriya

**LECTURERS:**

Prof. A. A Gwandu	Prof. Aminu Mika'il
Dr. Sambo W. Junaidu	Dr. Sule Ahmed
Sheikh Sidi Attahiru Ibrahim	M. Yahaya Na Malan Boyi
Ustaz Mode Abubakar	Dr. Dahiru Mohd Argungu
Ustaz Muhammad Mansur Ibrahim	Barrister Nuhu Adamu
Ustaz Sidi A. Sidi	Umaru Dahiru Tambuwal Esq.
Dr. Abdullahi Sifawa	Yahaya Mahmood Esq.
M. Abdullahi Shehu Sokoto	Justice Bello Abbas
Dr. Umar Bello	Alh. Abdullahi Maccido, Grand
Dr. Jafar Makau Kaura	Kadi
M. Bello D/Malan	Hon. Kadi Abdulkadir Tambuwal
Ustaz Muhammad Isa T/Mafara	Hon Kadu Muhammad Dan Tsafe
M. Hamza Suleiman	M. Aliyu G/Kanawa
M. Sambo Yusuf	M. Mansur Saidu – Faculty of Law
M. Sani Umar Musa	M. Mohammad Mode Shuni
Dr. Umar Lab'do	

The Committee agreed that all Islamic Organizations in the State should be co-opted to assist and participate in the conduct of the public enlightenment and the schedules programmes.

**6. WA'AZI**

- The Statewide *wa'azi* was conducted at Shehu Kangiwa Square and more *wa'azi* should be encouraged by the Government.
- A national *wa'azi* should be conducted in Sokoto at a date to be determined by the government.
- Continuous *wa'azi* at Sultan Bello, Shehu mosques and other strategic places in the metropolis and at Local Government level should be encouraged by the Government.
- Wide incorporation of all preachers to participate is required.
- Workshops should be conducted by each Local Government comprising V/Chairman, Councillors, Directors, District Heads, Village Heads, Malams and other functionaries.