



*A model of an*  
***Islamic Constitution***



IN THE NAME OF  
ALLAH MOST GRACIOUS,  
MOST MERCIFUL

**A model of an  
Islamic Constitution**

10 December 1983

6 Rabi al Awwal 1404

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ  
بِهِ إِنَّمَا أَنْزَلْنَاهُ لِلْهُدَىٰ وَلَا تَكُونَنَّ خَصَّائِصَ  
سُورَةَ النِّسَاءِ : الْآيَةُ ١٠٥

We have revealed to you the Book with the truth so that  
you may judge between people by that which Allah has  
shown you; so do not plead for the treacherous.

(Qur'an, An-Nisa 4:105)

أَفَكُمْ أَجَاهِيلَةٌ يَبْغُونَ طَرَاطِيلَةً وَمَنْ أَحْسَنْ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ  
سُورَةُ الْمَائِدَةِ : الْآيَةُ ٥٠

Is it the judgement of (the time of) ignorance that they desire?  
Who is a better judge than Allah, for men whose faith is firm?  
(Qur'an, Al-Maidah 5:50)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ  
حَتَّىٰ يُحَكِّمَ مُوكَلَّفِيهِمْ فِيمَا شَاءَ رَبُّهُمْ مُّثْمَدٌ لَا يَحْدُو  
فِي أَنفُسِهِمْ حَرَجًا إِمَّا قَضَيْتَ وَإِنْ كُلُّ مَا تَسْأَلُوا  
(سورة النساء : الآية ٦٥)

But no, I swear by your Lord, they will not be true believers until they make you a judge in all disputes between them and then find in their hearts no dislike of what you have decided and submit entirely.

(Qur'an, An-Nisa 4:65)

وَمَنْ لَمْ يَحْكُمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ  
(سورة المائدة : الآية ٤٤)

Those who do not judge in accordance with what Allah has revealed are the unbelievers.

(Qur'an, Al-Maidah 5:44)



## ***Introduction***

The contemporary Islamic world is passing through a period of creative tension; 'tension' because the real state of affairs, at individual, collective and state levels, is generally at variance with the ideals and norms of Islam; 'creative' because this tension has released forces positive and powerful enough to bring about an upsurge in the Muslim world directed towards making Islam the guiding light in the reconstruction of individual and social life.

The hallmark of contemporary Islamic resurgence is the Muslim peoples' conviction of the relevance of Islam to every age, of faith in and commitment to Islam as the most decisive force in reordering their individual and collective lives, their disillusionment with secular ideologies and their firm resolve to build their society on the foundations of Islam.

The forms and patterns of collective organisation inherited from the colonial era, based as they were on values integral to an alien civilisation, and tailored to serve the interests of the foreign powers, are disintegrating. There is a serious search for new forms of socio-political organisation which conform with Islamic values and principles, and are capable of meeting the challenges of our times.

The Qur'an has enunciated not only moral norms for the individual, and rules and regulations for family and social life, but also a number of civil, commercial, criminal, constitutional and international laws and principles of judicial conduct. Unless there is an Islamic state, parts of the Shari'ah will remain in suspension.

As long as the Muslim peoples were forced to live under alien rule, suspension of Islamic laws and prevalence of forms and patterns of rule in conflict with the norms of the Qur'an and the Sunnah would have been understandable. But continuance of the same state of affairs even after political independence can have no justification. Islam established an Islamic state — a social order wherein all its injunctions are to be realised at once — and girded it by a comprehensive set of Divine imperatives for all time. These make up the constitution of the state and project the goals of all human activity, which cannot be achieved without an Islamic state, which can be defined simply as a state which is based on the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him), and which makes the Shari'ah its system of governance in all walks of life.

Considering it its duty in response to the Islamic resurgence, the Islamic Council has proclaimed previously two important declarations:

- 1) Universal Islamic Declaration<sup>(i)</sup>
- 2) Universal Islamic Declaration of Human Rights<sup>(ii)</sup>

It now presents a third document in this series: A Model of an Islamic Constitution<sup>(iii)</sup>.

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(i) London 1980

(ii) Paris 1981

(iii) The basic Model will be translated into other languages, but the Arabic text is the original.

This model contains the essential elements and principles of an Islamic constitution. Particulars and details relating to specific formal, technical and procedural considerations have been omitted deliberately, for them to be worked out by individual states, taking into account their special needs and preferences.

It is though perhaps appropriate to outline the most important concepts and principles upon which this model has been based:

- 1) submission to Allah alone, which can be realised practically only by the supremacy of the Shari'ah, which means making the Shari'ah the constitution and the law of the state;
- 2) the dignity of man as Allah's *khalifa* (vicegerent) on Earth;
- 3) the equality of man, there being no place for tribalism, racialism, or chauvinism;
- 4) strict observance of the Islamic code of human rights, which is inalienable due to its Divine source and cannot be violated in any way by any ruler, government or authority, and which no person has the right to surrender;
- 5) justice — which protects man's rights and obligations — tempered by mercy — which promotes kindness — as the basis of relations between men and of the security and stability of society;
- 6) *shura* as the method of governance and as the process for policy formulation, decision-making and exercise of authority;
- 7) the unity of the Muslim Ummah, based on common faith and creed, as a step towards achievement of the universal brotherhood of Man.

The compilation of this document is the result of prolonged effort by many eminent Muslim scholars, jurists, statesmen and representatives of Islamic movements. The Islamic Council expresses its heartfelt appreciation of their sincere and dedicated hard work. Their reward lies with Allah. We implore Him in all humility to bless this effort and to guide the Muslim Ummah along the straight path. Ameen.

Islamabad  
6 Rabi al Awwal 1404  
10 December 1983

Salem Azzam  
Secretary General  
Islamic Council



### ***Preamble***

WHEREAS Islam is a complete code of life suitable for all people and all times, and Allah's mandate is universal and eternal and applies to every sphere of human conduct and life;

WHEREAS every individual has his own personal dignity;

WHEREAS all capabilities, individual and collective, and all power are a trust to be discharged within the terms laid down by the Shari'ah, to qualify for fulfilment of the Divine promise of a life free from want and oppression, and blessed with harmony, plenitude, security, health and fulfilment;

ACKNOWLEDGING that the setting up of a social order based on Islam and its principles requires the complete application of the Shari'ah in the constitution and in the law, and that every individual under this order is able to undertake and fulfil his duty to himself, to his country and to all humanity;

We, the people of ..... , commit ourselves to make the following the prime values of our socio-political order:

- i) submission to Allah alone
- ii) freedom governed by responsibility and discipline
- iii) justice tempered with mercy
- iv) equality strengthened by brotherhood
- v) unity in diversity
- vi) *shura* as the method of governance

We, the people of ..... , therefore, hereby, by means of a referendum\* held for this purpose on ..... , assent to adopt this constitution, committing ourselves to the above principles and to a covenant to do our utmost to faithfully discharge our duties in accordance with them. And Allah is our witness.

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\* or by a resolution of a parliament or other competent body.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## Chapter I

### ***Foundation of Authority and Basis of Society***

#### *Article 1*

- a) Sovereignty belongs to Allah alone, and the Shari'ah is paramount.
- b) The Shari'ah — comprising the Qur'an and the Sunnah — is the source of legislation and policy.
- c) Authority is a trust which the people exercise in accordance with the Shari'ah.

#### *Article 2*

..... is part of the Muslim world and the Muslim people of .....  
are an integral part of the Muslim Ummah.

#### *Article 3*

The State and society are based on the following principles:

- a) the supremacy of the Shari'ah and its rules in all walks of life;

- b) *shura* as the method of governance;
- c) the belief that everything in the universe belongs to Allah and is a blessing from Him to mankind; and that everyone is entitled to a just share in this Divine bounty;
- d) the belief that all natural resources are a trust (*amanah*) from Allah and that man is individually and collectively custodian (*mustakhlaf*) of these resources. Man's economic effort and its reward are determined within the framework of this trust;
- e) inviolability of the Islamic code of human rights and obligation to support and defend the oppressed anywhere in the world;
- f) the paramount importance of inculcating an Islamic personality in the individual and in society, through Islamic education, cultural programmes, the media, and other means;
- g) provision of opportunities for work to all able-bodied members of society and guarantee of the provision of the necessities of life for the disabled, the sick and the old;
- h) provision of public services for all: health, education, cultural and social;
- i) unity of the Ummah and unceasing efforts for its realisation;
- j) obligation to engage in *da'wah islamia*.

## Chapter II

### ***Obligations and Rights***

#### ***Article 4***

- a) Human life, body, honour and freedom are sacred and inviolable. No one shall be exposed to injury or death, except under the authority of the Shari'ah.
- b) As in life, so also after death, the sanctity of a person's body and honour is inviolable.

#### ***Article 5***

- a) No person shall be exposed to torture of body, mind or threat of degradation or injury either to himself or to anyone related to him or otherwise held dear by him; nor shall he be made to confess to the commission of a crime, or forced to act or consent to an act which is injurious to his or another person's interests.
- b) Torture is a crime and shall be punishable irrespective of the passage of time.

#### ***Article 6***

- a) Every person is entitled to the protection of his privacy.
- b) The right to privacy of home, correspondence and communication is guaranteed and cannot be violated except through the judicial process.

## *Article 7*

Every person has the right to food, housing, clothing, education and medical care. The State is to take all necessary steps to provide the same to the extent of resources available.

## *Article 8*

Every person has the right to his thoughts, opinions and beliefs. He also has the right to express them so long as he remains within the limits prescribed by law\*.

## *Article 9*

- a) All persons are equal before the law and are entitled to equal protection of the law.
- b) All persons of equal merit are entitled to equal opportunity, and to equal wages for equal work. No person may be discriminated against or denied the opportunity to work by reason of religious belief, colour, race, origin or language.

## *Article 10*

- a) Every person shall be treated in accordance with the law and only in accordance with the law.
- b) All penal laws shall apply prospectively and shall not have retrospective effect.

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\* It is forbidden according to this constitution for any law to be contrary to the Shari'ah. Thus, wherever reference is made to 'law' it means the Shari'ah, or that which is permitted by the Shari'ah.

### *Article 11*

- a) No act shall be considered a crime and no punishment awarded therefor unless it is stipulated as such in the clear wording of the law.
- b) Every individual is responsible for his actions. Responsibility for a crime cannot be vicariously extended to other members of his family or group, who are not otherwise directly or indirectly involved in the commission of the crime in question.
- c) Every person is presumed to be innocent until finally adjudged guilty by a court of law.
- d) No person shall be adjudged guilty except after a fair trial and after reasonable opportunity for defence has been provided to him.

### *Article 12*

- a) Every person has the right to protection against harassment or victimisation by official agencies. No one is liable to account for himself except for making a defence to charges made against him or where he is found in a situation wherein a question regarding suspicion of his involvement in a crime could be reasonably raised.
- b) No person shall be subjected to any form of harassment while he is seeking to defend personal or public rights.

### *Article 13*

- a) Every Muslim is entitled to found a family through marriage and to bring up children in conformity with the Shari'ah.

- b) Every husband is obliged to maintain his wife and children according to his means.
- c) Motherhood is entitled to special respect, care and assistance on the part of the family and the organs of State and society.
- d) Every child has the right to be maintained and properly brought up by his parents.
- e) Child labour is forbidden.

#### *Article 14*

- a) Citizenship shall be determined by law.
- b) Every Muslim has a right to seek citizenship of the State. This may be granted in accordance with law.

#### *Article 15*

Without any restriction unless imposed by law, every citizen has the right to freedom of movement to and from and within the country, and to stay within the country. No citizen shall be expelled from the country or prevented from returning to it.

#### *Article 16*

- a) There is no compulsion in religion.
- b) Non-Muslim minorities have the right to practise their religion.

- c) In matters of personal law the minorities shall be governed by their own laws and traditions, except if they themselves opt to be governed by the Shari'ah. In cases of conflict between parties, the Shari'ah shall apply.

### ***Article 17***

Every citizen over the age of ..... years has an obligation and a right to participate in the public affairs of the State.

### ***Article 18***

- a) Citizens have a right to assemble and to form groups, organisations and associations — political, cultural, scientific, social, and other — as long as their programmes and activities are consistent with the provisions of the Shari'ah.
- b) The formation and activities of such groups, organisations and associations shall be regulated by law.

### ***Article 19***

The State shall grant asylum to persons who seek it, in accordance with the law. The State shall extend security, protection and hospitality wherever necessary to those given asylum and the facility of safe passage if requested.

## Chapter III

### ***Majlis al Shura***

#### ***Article 20***

- a) There shall be a Majlis al Shura consisting of ..... members directly elected by the people.
- b) The term of the Majlis shall be ..... years.
- c) The qualifications for membership to the Majlis shall be established by law.

#### ***Article 21***

The functions of the Majlis al Shura shall be:

- a) to legislate promoting the objectives of the Shari'ah, seeking the opinion of the Council of Ulema as necessary;
- b) to enact laws proposed by the government and by members of the Majlis al Shura;
- c) to approve the financial programmes and budgets and accounts of the government and public bodies receiving or using state funds;
- d) to review policies of the government and its different departments, by questioning and

interpellation of the respective Ministers; and to investigate or authorise investigation of departments and institutions established under law;

- e) to authorise the declaration of war or peace or national emergency;
- f) to approve treaties and international agreements and undertakings;

### *Article 22*

Members of the Majlis al Shura are free to express their views during the execution of their duties, and may not be arrested, prosecuted, harassed or removed from membership of the Majlis al Shura for so doing.

## Chapter IV

### ***The Imam***

#### *Article 23*

- a) The Imam\* shall be the Chief Executive of the State, who shall be elected by an absolute majority of the country's voters\*\* for a term of ..... years, commencing from the date the *bay'ah* is offered to him by the Majlis al Bay'ah.
- b) The Imam shall be accountable to the people and to the Majlis al Shura, as stipulated by the law.

#### *Article 24*

A person qualified for election to the office of Imam shall be:

- a) a Muslim not under ..... years of age
- b) of unblemished character
- c) known to be following the injunctions of the Qur'an and the Sunnah, committed to Islam, and knowledgeable in the Shari'ah

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\* The Imam could be called by any other appropriate title, such as Amir, President, etc.

\*\* Direct election is suggested here, but indirect election through elected representatives of the people is also possible.

- d) physically, mentally and emotionally fit to discharge the obligations of the office
- e) of courteous bearing and balanced behaviour.

### ***Article 25***

Before taking office, the Imam shall make a declaration of commitment, before a National Assembly (Majlis al Bay'ah) consisting of members of the Majlis al Shura, the Council of Ulema, the Supreme Constitutional Council, the higher judiciary, the Election Commission, and the Heads of the Armed Forces, to follow the Shar'i'ah in letter and in spirit, to uphold the message of Islam at all costs, to obey the mandate of the constitution and to defend the territorial, ideological, political and economic independence of the State, and the rights of the people, and to ensure justice to all members of the society without discrimination, and without fear or favour, and be available to them directly or through appropriate agencies for the redress of their grievances. On his making this commitment, all the participants shall offer him *bay'ah* on the above terms on their own behalf and on behalf of the people.

### ***Article 26***

The Imam is entitled to obedience by all persons even if their views differ from his. There is, however, no obedience if it involves disobedience of Allah and His Prophet (peace be upon him).

### ***Article 27***

The Imam shall enjoy the same rights as other citizens. He is subject to all the obligations of law, without any special immunity or executive privilege.

### ***Article 28***

- a) The Imam shall not purchase or hire any state property, nor shall he rent or sell his own property to the State, nor shall he engage himself in any business within the country or outside.
- b) Gifts presented to the Imam and his family or to other officials of the State in their official capacity shall be treated as public property.

### ***Article 29***

The Imam shall have no power to overrule the decision of a court, or to change or annul or delay the punishment a court has resolved against anyone guilty of the *hudud*, *qisas* or *diyah*. He may, however, exercise his power of clemency in all other cases.

### ***Article 30***

The Imam or his duly authorised representative shall enter into pacts, conventions, treaties and other agreements negotiated by them with other governments and with international organisations.

### ***Article 31***

The Imam shall assent to legislation passed by the Majlis al Shura and then forward it to the concerned authorities for implementation. He shall not have the right to veto legislation passed by the Majlis; however, he may refer it back to the Majlis only once, within 30 days from the date of receipt, for reconsideration with his arguments. On return of the legislation after

reconsideration, if passed by a two-thirds majority of the members of the Majlis al Shura, he shall assent to the legislation.

### ***Article 32***

The Imam shall appoint advisors, ministers, ambassadors and the heads of the Armed Forces.

### ***Article 33***

- a) The Imam shall be impeached if he intentionally violates the provisions of the constitution, or for wanton violation of the Shari'ah, by a resolution to that effect by a two-thirds majority of the members of the Majlis al Shura, and, if it is found that he has violated the *bay'ah*, the *bay'ah* would be annulled by approval of a two-thirds majority of the Majlis al Bay'ah.
- b) Rules and procedures to govern the impeachment and removal of the Imam shall be determined by law.

### ***Article 34***

- a) The Imam may resign his office under his own signature by submitting his resignation to the Majlis al Shura.
- b) In case of vacancy of the office of the Imam, the Speaker of the Majlis al Shura shall act as Imam until elections for filling the vacancy are held, within a maximum period of ..... days from the date of vacancy.
- c) In case of disability of the Imam, the Speaker of the Majlis al Shura shall act as Imam until the Imam resumes his duties within ..... days. Otherwise, the office of the Imam shall be considered vacant.

## Chapter V

### ***Judiciary***

#### *Article 35*

Everyone shall have the right to present a case before the courts.

#### *Article 36*

- a) The judiciary is independent and free from all influence of the executive and is responsible for the administration of justice and the protection of the rights and obligations of the people.
- b) The judges are independent and there is no authority above them except the authority of the law.

#### *Article 37*

Dispensation of justice shall be free and the law shall protect this dispensation from misuse.

#### *Article 38*

All court proceedings shall be in public and not in camera except when sanctioned by the court for protection of personal secrets or honour or out of consideration of national security or public decency.

### *Article 39*

- a) The establishment of special courts or tribunals is not permitted.
- b) However, military courts shall be established to try members of the Armed Forces for acts which constitute offences only under military law. They shall be tried in the civil courts for all other offences.

### *Article 40*

Implementation of court decisions is the duty of every concerned person exercising public authority, and slackness or failure to implement them is an offence liable to punishment, according to law.

### *Article 41*

In consonance with the principles contained in this constitution, the organisational structure of the judiciary, qualifications of the judges and procedures for their appointment, transfer and removal, relationships with the executive and legislature and related matters, shall be established by law.

## Chapter VI

### ***Hisbah***

#### ***Article 42***

There shall be an establishment of *Hisbah* for:

- a) the promotion and protection of Islamic values with a view to establishing what is right and forbidding what is wrong;
- b) the investigation of complaints by individuals against the State and its organs;
- c) the protection of individual rights;
- d) the review of the work of officials of the State, and rectification of cases of mal-administration, neglect or dereliction of duty on their part;
- e) monitoring and examining the legality of administrative decisions.

#### ***Article 43***

There shall be a Muhtasib Aam as the head of the organisation of *Hisbah* in the country, assisted by muhtasibs at provincial and lower levels, and the rules and procedures relating to this office shall be established by law.

### *Article 44*

The muhtasibs shall be able to act on their own initiative or on application or information received from others. They shall have the power to obtain relevant information and records from any government department or public agency, and officials shall be obliged to respond promptly and affirmatively to their demands.

### *Article 45*

If the Muhtasib Aam considers a law or regulation oppressive or unreasonable, in that it causes difficulty or undue hardship in obedience, or if it appears to be unconstitutional, he shall have the power to refer the law or regulation in question to the appropriate judicial authority for its annulment or amendment.

### *Article 46*

A muhtasib shall not take cognisance of a case of which cognisance has already been taken, or is being taken, by a court of competent jurisdiction.

## Chapter VII

### ***Economic Order***

#### ***Article 47***

The economic order shall be based on the Islamic principles of justice, equity, human dignity, freedom of enterprise, balanced relationships and prevention of extravagant spending. It shall seek to mobilise and develop the human and material resources of society, in a planned and harmonious manner, to satisfy the spiritual, material and social needs of all members of the community.

#### ***Article 48***

It is the duty of the State to develop all sources of energy and wealth and to put them to optimum use, and to ensure that they are not hoarded, wasted or kept idle. Individuals shall be permitted to participate in this process within the limits prescribed by law.

#### ***Article 49***

- a) All natural and energy resources belong originally to the society as do enterprises and institutions established through the public exchequer.
- b) Private ownership of wealth is lawful and protected provided that it is acquired by means that are held legitimate and is retained and used for purposes allowed by the Shari'ah.

- c) No publically owned property or interest can be liquidated except in cases of necessity to the interests of the society; and no privately owned property or interest can be expropriated by the State except in cases of necessity to the public interest and on prompt payment of fair and adequate compensation.

#### *Article 50*

- a) Freedom of enterprise is guaranteed within the limits prescribed by law.
- b) All kinds of profit or spending contrary to the Shari'ah are forbidden.
- c) Confiscation of any legally and legitimately gained profit or entitlement is forbidden.

#### *Article 51*

Money being a medium of exchange and a measure of value, no monetary or fiscal policy is legitimate which destabilises the value of money or contributes to its erosion.

#### *Article 52*

All wealth and property not owned by private individuals or organisations shall vest in the State.

#### *Article 53*

*Riba*, monopoly, hoarding, profiteering and exploitation, and other such anti-social practices are forbidden.

### *Article 54*

The State shall take all such measures as may be necessary to terminate and prevent foreign economic domination.

### *Article 55*

There shall be an Economic and Social Council consisting of persons specialising in socio-economic affairs and the Shari'ah, which shall:

- a) participate in the economic decision-making in the country for the realisation of the socio-economic obligations stipulated in this constitution;
- b) advise the government and the Majlis al Shura on economic and social planning and budgeting and other socio-economic matters.

### *Article 56*

The composition of the Economic and Social Council, its rules and procedures shall be established by law.

## Chapter VIII

### ***Defence***

#### *Article 57*

- a) *Jihad* is a perpetual and inalienable duty.
- b) It is incumbent on every Muslim to defend the Land of Islam and the Islamic order.

#### *Article 58*

- a) The State shall be responsible for building viable Armed Forces consistent with its resources and capable of fulfilling the demands of *jihad*.
- b) The State shall take all necessary steps to enable the people to perform the duty of *jihad*.
- c) In addition to military training there shall be a programme of Islamic education and training to inculcate in the Armed Forces the concept of *jihad*.

#### *Article 59*

- a) The Imam is the Commander-in-Chief of the Armed Forces.
- b) He is empowered to declare war or peace or a national emergency on authorisation from the Majlis al Shura.

#### *Article 60*

A Supreme Jihad Council shall be established to formulate the strategy for war and peace. The composition of the Council, its rules and procedures shall be established by law.

## Chapter IX

### ***Supreme Constitutional Council***

#### *Article 61*

There shall be a Supreme Constitutional Council – an independent judicial body – which shall be the guardian of the constitution and of the Islamic character of the State.

#### *Article 62*

The Council's functions shall include:

- a) ruling on any question which arises of a law being repugnant to the Shari'ah;
- b) interpretation of the constitution and the law;
- c) deciding cases of conflict in jurisdiction;
- d) hearing and ruling on complaints against the Election Commission.

#### *Article 63*

- a) Rules and procedures for the composition of the Supreme Constitutional Council, qualifications of its members, terms of their appointment, removal or retirement, and related matters, and the mode of operation of the Council shall be established by law.
- b) The afore-mentioned law shall be passed or amended by a two-thirds majority of the members of the Majlis al Shura.

## Chapter X

### ***Council of Ulema***

#### ***Article 64***

The Council of Ulema shall comprise persons well-versed in the Shari'ah, who are known for their piety, God-consciousness and depth of knowledge and who have deep insight into contemporary issues and challenges.

#### ***Article 65***

The functions of the Council of Ulema shall be:

- a) the application of juridical *ijtihad*;
- b) to explain the stand of the Shari'ah on various legislative proposals before the Majlis al Shura;
- c) to fulfil the Islamic obligation of declaring the truth and pronouncing judgement without procrastination on issues affecting the Muslim Ummah.

#### ***Article 66***

Rules for the formation of the Council of Ulema, its composition, qualifications of its members and other relevant matters shall be determined by law.

## Chapter XI

### ***Election Commission***

#### ***Article 67***

There shall be an independent permanent Election Commission consisting of ..... members.

#### ***Article 68***

The functions of the Commission shall be:

- a) to organise, supervise and hold elections to the office of the Imam and to membership of the Majlis al Shura and other offices in accordance with the law;
- b) to organise, supervise and hold referenda;
- c) to ensure that candidates for elective offices fulfil the conditions stipulated by law.

#### ***Article 69***

- a) Members of the Commission shall be appointed from amongst the sitting members of the senior judiciary of the State.
- b) Any person while a member of the Election Commission shall be ineligible for any other post.

### *Article 70*

The rules and procedures concerning appointment to the Election Commission and other allied matters shall be provided by law. This law, while making provisions for organising, supervising and holding elections, shall: determine the qualifications of the electors and assure fair delineation of constituencies, filing and determining of nominations, voting procedures, declaration of election results and assure secrecy of ballots.

### *Article 71*

All public authorities and public servants shall act in aid of the Election Commission to enable it to discharge its constitutional obligations, and obey its commands directly and promptly without leave or consent of any other authority.

## Chapter XII

### ***Unity of the Ummah and International Relations***

#### ***Article 72***

It is the duty of the State to strive by all possible means to seek the unity and the solidarity of the Muslim Ummah.

#### ***Article 73***

The foreign policy of the State and the conduct of its international relations shall be based on the principles of freedom, justice and peace in the world and shall strive to attain the welfare and well-being of mankind.

#### ***Article 74***

The State is opposed to all actions, policies and programmes based on inequality, and is committed to strive actively against them to the best of its capabilities.

#### ***Article 75***

In addition to the above, the State is duty-bound to fulfil the following obligations deriving from the principles and injunctions of Islam:

- a) to protect the freedom of man throughout the world;

- b) to struggle and to strive to end oppression and persecution of the people wherever and whenever it occurs in the world;
- c) to protect and observe the sanctity of all places of God's worship.

#### *Article 76*

- a) The State is obligated to refrain from engaging in wars on grounds of difference in religious belief, or for the exploitation of other people's resources and to control their economies.
- b) War is permitted to defend the faith, the territorial and ideological integrity of the State, to defend the oppressed and persecuted of the world, to protect the honour, dignity and freedom of man, and to preserve peace in the world.

#### *Article 77*

The State shall oppose power blocs and groups seeking the exploitation and domination of weaker nations.

#### *Article 78*

The State shall not allow the establishment of foreign military bases or the provision of military facilities to foreign powers which might in any way impinge on the sovereignty of the State or be prejudicial to its interests or to the interests of other Muslim states.

#### *Article 79*

The State shall honour and implement international treaties, pacts, agreements and obligations in letter and in spirit.

## Chapter XIII

### ***The Mass Media and Publications***

#### ***Article 80***

The mass media and publications have full freedom of expression and presentation of information so long as they respect and adhere to facts and to the norms and values of Islam. The freedom to publish newspapers and journals shall be permitted within these limits and the closing or censuring of the news media shall be through judicial procedure, except in times of war.

#### ***Article 81***

The mass media and publications are obliged to:

- a) expose and protest against oppression, injustice and tyranny, regardless of whomever is guilty of such acts;
- b) respect the privacy of individuals and refrain from prying into their personal affairs;
- c) refrain from inventing and circulating slander, calumny and rumour;
- d) express the truth and scrupulously avoid spreading falsehood or mixing the truth with falsehood or knowingly concealing the truth or distorting it;
- e) use decent and dignified language;

- f) promote the right conduct and ethical values in society;
- g) strictly refrain from the dissemination of indecency, obscenity and immorality;
- h) avoid condoning or glorifying crimes or acts repugnant to Islam;
- i) refrain from suppressing evidence except in so far as it might cause harm to the interests of society;
- j) avoid becoming instruments of corruption of any kind.

### *Article 82*

The executive organs of the State shall have no authority to take any administrative action against or to penalise the media or publications in any way except to prosecute violations in a court of law. Similarly, media and publications' personnel are protected in the performance of their professional duties.

## Chapter XIV

### ***General and Transitional Provisions***

#### ***Article 83***

*Hijrah* is the official calendar of the State and the official language is .....  
If Arabic is not the official language, it shall be the second official language.

#### ***Article 84***

- a) The Imam or the Majlis al Shura may propose amendments to this constitution.  
Amendments may only be made if approved by a two-thirds majority of the members of the Majlis al Shura.
- b) Any amendment which might endanger the Islamic character of the State, or which violates the tenets of the Shar'i'ah, would be void.

#### ***Article 85***

- a) The legislative, executive and judicial authorities and all bodies, institutions and organisations existing at the time of the coming into effect of this constitution shall continue to exercise their functions and activities until the establishment of substitutes in accordance with the provisions of this constitution and the assumption of functions by such substitutes.

- b) All laws, regulations and decrees in operation at the time of the coming into effect of this constitution shall continue to be in operation until annulled or amended in accordance with the provisions set out in this constitution.
- c) After the adoption of this constitution, and in keeping with the provisions of this constitution, the existing legislative authority shall, through an appropriate law, take necessary steps to establish the first Majlis al Shura, the first Election Commission and the first Supreme Constitutional Council.

### *Article 86*

There is an imperative obligation on everyone concerned to ensure that the provisions of this constitution are implemented effectively and without delay so that the constitution becomes effective in its entirety as soon as possible after its adoption.

### *Article 87*

This constitution is applicable from ..... , the date on which the results of the referendum were published (if adopted by means of a referendum) or the date it was adopted by the country's constitutional body.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّمَا كَانَ قَوْلُ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمُ  
بَيْنَهُمْ أَن يَقُولُوا سَمِعْنَا وَأَطَعْنَا وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

(الآية ٥١ : سورة النور)

*The only response of the believers when they are summoned to Allah and His messenger to judge between them is to say: We hear and we obey. Such (men) shall surely prosper.*

*(Qur'an, An-Nur 24:51)*

## ***Glossary***

<b>Amanah</b>	A trust from God.
<b>Bay'ah</b>	The pledge of allegiance to the ruler of a Muslim community within the frame work of the Shari'ah.
<b>Da'wah Islamia</b>	The call to Islam.
<b>Diyah</b>	Compensation paid according to law or mutual agreement in cases of murder or physical injury.
<b>Hijrah</b>	The migration of the Prophet and his companions from Makkah to Madina in 622. The Muslim lunar calendar is dated from this event.
<b>Hisbah</b>	The institution for supervising and safeguarding the fulfilment of right norms of public behaviour. Its purpose is to enforce what is right ( <i>Ma'ruf</i> ) and forbid what is wrong ( <i>Munkar</i> ).
<b>Hudud</b>	(Plural of <i>Hadd</i> ). The specific penalties prescribed by the Qur'an and Sunnah for certain specified crimes.
<b>Ijtihad</b>	The exercise of independent judgement to ascertain the appropriate Shari'ah ruling.
<b>Imam</b>	Leader of the Muslim community or head of a Muslim state.
<b>Jihad</b>	Literally striving and struggle: mental, moral or physical. It has come to mean engaging in a just war for the defence of the faith, of the Islamic state, or of the rights of oppressed people.

<b>Khalifa</b>	Representative. In the Qur'an (2:30) the title <i>Khalifa</i> has been given to Adam and by extension to all mankind, and signifies that God has made mankind His representative or vicegerent on earth with limited authority to fulfil His will.
<b>Majlis al Bay'ah</b>	The body which, representing a Muslim community, formally offers the oath of allegiance to the ruler.
<b>Majlis al Shura</b>	Consultative Assembly.
<b>Majlis al Ulema</b>	Council of religious experts.
<b>Muhtasib</b>	In charge of Hisbah.
<b>Muhtasib Aam</b>	Chief Muhtasib.
<b>Mustakhlaif</b>	Khalifa.
<b>Qisas</b>	Just retribution in cases of crime against person.
<b>Riba</b>	Usury. Fixed interest.
<b>Shari'ah</b>	Islamic law governing all aspects of human life.
<b>Shura</b>	Decision making through consultations.
<b>Sunnah</b>	The traditions of the Prophet, comprising what he said, did and approved.
<b>Ulema</b>	Religious experts.
<b>Ummah</b>	The Muslim community.

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