

- 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.

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.

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 censoring 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;