

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.

* 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

* 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 Shari'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 *diyyah*. 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.