THE POLITICS OF SHARIA IMPLEMENTATION IN NIGERIA: A STUDY OF KADUNA STATE (1999-2013)

BY

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DECLARATION

I, **AHMED BUBA,** with the Matriculation number **P15SSPS9046** do hereby Declare that apart from references to other people's intellectual works, which were duly recognized and acknowledged, this dissertation is the ultimate result of my own research efforts and this work has neither in whole nor in part, been presented for another Degree elsewhere.

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APPROVAL AND CERTIFICATION

This thesis has been read, approved and certified as having met the requirements, in partial fulfillment, for the award of Doctor of Philosophy (PH.D.) in Political Sciense of the Ahmadu Bello University,(A.B.U.), Zaria,

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DEDICATION

This thesis is dedicated to my parents, Alhaji Buba and Hajiya Hajara Aliyu Buba.

AHMED BUBA
2018

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ABSTRACT

Since 1978 the controversy for Sharia implementation had become a serious issue in Nigerian politics. It continued to be a subject of debate and politicking during the Second Republic, in the nineteen eighties (1980's).There was also a revisit of Sharia Law implementation controversy in 1999, with the declaration of Sharia by Senator Ahmed Sani Yeriman Bakura in Zamfara State.Some northen States later followed suit and formed various committees and tasked them with the responsibilities of initiating modalities for the implementation of Sharia Law. This study examines the politics of Sharia implementation in Kaduna State..The complex political, religious and ethnic characters had genered intra and inter religious rivalries and eventual struggle for power and dominance among other things. This is manifested in varius crisis that happened in the State:The inter play of so many factors had by no means transformed into what has become the Sharia frictions,where the protagonists and antagonists of the full Sharia Law implementation agitations were set up against each other. Available evidences proved that the disturbances were framed by some notable political elites.The study utilized both the primary and secondary data for the discriptive analysis. Some of the findings of this study are: the crisis is linked to the persistent southern Kaduna religious and political elites incessant struggle for power and recognition, the crisis was pre-planned and orchestrated by religious and polical elites, the government of Kaduna State had resolved the crisis through dialogue and reform measures that saw to the introduction of tripartite legal system, the creation of more chiefdoms and districts in both northern and southern Kaduna and partiall Sharia Law implementation. Similarly, the crisis created mutual mistrust between Muslims and Christians and segmentation of settlements on the basis of religion in Kaduna metroplolis and its environs.moreso, the 2002 Sharia Law is diversionary and counter productive,the politics of the Sharia Law implementation is part of the larger politics of Kaduna State and Nigeria Religious pluralism affected the chances of implementing full Sharia Law in Kaduna State.

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

The implementation of Sharia Law in twelve (12) Northern States in the wake of Nigeria's return to democratic rule in 1999 represents a significant epoch in the history of Nigeria. The development was set in motion by the official adoption of Sharia Codes by the government of Zamfara State. The Northern States that followed the foot steps of Zamfara are: Jigawa, Bauchi, Yobe, Gombe, Borno, Sokoto, Niger, Katsina, Kano, Kebbi and Kaduna State.

The Muslims of Kaduna State equally demanded an enactment of Sharia Law in views of its importance and democratic right. Muslims had the belief that the implementation of Sharia Law could equally lead to checkmating the excesses of the political elites. On the other hand the Christian followers were made to misconceive the Sharia project as a tactical scheming for domination and Islamizing Kaduna State and thus resisted it.

Demographically, the people of Kaduna State are divided into the followership of Islam and Christianity. In this regard, the disturbances that occurred in the 1980's and beyond--- the Kafanchan riot of 1987 which started in College of Education and spilled over to many parts of the State and the Zangon Kataf crisis of 1992 over the purported relocation of market place could not be isolated from the complex political, religious and ethnic character of the State.

Kaduna State Government had to grapple with Muslims contentious agitation for Sharia implementation and Christian opposition against Sharia Law implementation. This necessitated government's decision to consider the inevitable need for reforms,

which include enactment of the existing Sharia Law in the State.This, was to seemingly serve as a balanced political strategy for resolving the crisis that polarized the State along religious line. This study examines the politics of Sharia Law implementation in Nigeria, and Kaduna State in particular,where Muslims are having a majority in two senatorial Zones: Zone one and two, while Christians are dominant in zone three respectively. The southern Kaduna Christian elites had a long struggle for getting access to power and recognition because of perceived marginalization and segregation by the Muslim elites of northern Kaduna. This brought them into alliance with forces outside the State to launch an onslaught against Muslims in order to fulfill a long ambition for the acclaimed liberation from the Northern Kaduna domination under the cover of Sharia Law implementation controversy in the State. The unprecedented crisis created far-reaching consequences and record human and material loses in the State. The intensity and coordination of the Sharia crisis portrays the extent to which political elites manipulate religion for the mobilization of followers for achieving political goals. The crisis affects group relations of Muslims and Christians. The different faiths, ethnic groups and tribes of Kaduna State enmeshed into one another. It's necessary that the differnt groups should understand their differences and shun political elites divisive campaigns in the name of religion.

The southern Kaduna grievances and persistent agitations against the Emirate rule, especially in 1967 when the peasants Baju and Atyab (Kataf) were mobilized to resist the appointments of outsiders as district heads. The Emir of Zazzau conceded to the appointment of Bala Ade Dauke Gora as the first Christian indigenous district head of Zangon- Kataf in 1967. The grievances of the the southern Kaduna were to a large extent historic, as the alleged claim of domination and hegemony of the Hausa and

Fulani of the northern part of Kaduna which dated back to the pre independence era when the minority ethnic groups of the then southern Zaria was used by the Emirs as slave raiding camp. Coupled with the imposition of district heads, who did not know much about their distinct cultures, values, religion and unequal terms of trade on agricultural commodities. The southern Kaduna minority ethnic groups claimed that are were treated as second class citizens and deprived of basic infrastructural facilities and menities on religious ground by the majority Muslim Hausa and Fulani settlers in Kaduna State.(Yahaya A. 2012)

The ethnic minority agitations and politics heightened when the southern Zaria intellectuals addressed themselves as southern Kaduna people in written petition to the Emir of Zazzau in 1984. When peaceful agitations and demands bcame increasingly counter productive exercise the political elites thus resort to the use of violent revolts as the potent strategy for achieving their historic self aggrandizement. (Yahaya A. 2012). The politics of Sharia implementation in Kaduna State is by and large part of the complex social and political character and realities of the State.

1.2 Statement of the Research Problem

This study seeks to analyze the politics of the Sharia Law implementation in Nigeria, taking Kaduna State as a case study in order to unearth the connection between the grudges by the minority groups and the existing socio political structure in the country/State as a well as the role played by the religious and political elites in the competition for power in the national political space through the mobilization of sentiments in support for and, or,against the implementation of Islamic Sharia especially in Kaduna State. Suffice to say, twelve out of the nineteen northern States implemented Sharia. Why then, Kaduna experienced crisis that claimed thousands of lives and record destructions of properties, with over one hundred and twenty five

thousand people (125, 000.00) people displaced. Kaduna is not the only northern State with a large non Muslim population. The Sharia question underscore the inter-connection of local and national political elites contestations for political space and recognition in an arena where identity politics is utilized by the political elites in Nigeria.

1.3 Research Questions

For the purpose of the study, the following questions are raised:

1) What is the relationship between the 2000 Sharia crisis and the politics of Kaduna State?
2) How did religious and political elites coordinate the 2000 Sharia crisis in Kaduna State?
3) What is the connection of 2000 Sharia crisis to the national politics?
4) How did the government of Kaduna State manage the 2000 Sharia crisis?
5) What was the impact of the 2000 Sharia Law implementation crisis on the group relations of Muslims and Christians in Kaduna State?

1.4 Research Objectives

The main objective of this work is to examine the politics and intrigues of formulation and implemention of 2002 Sharia legal sysem in Kaduna State

The specific objectives are:

1. To describe the nature of minority groups grudges against the socio ploilitical structure in Kaduna State.
2. To determine the scale of politics at local, State and national levels as well as religious –political alliances there in.

3. To examine the nature and content of grievances and agitations of both advocates and antagonists of Sharia implementation in Kaduna State.
4. To analyse the extent of manipulation of the Sharia advocacy, implementation and resistence to it respectively by the religious and political elites involved.
5. To examine the impact of the 2000 Sharia crisis on the group relations of Muslims and Christians in Kaduna State.

1.5 Assumptions

For the purpose of this study the following propositions shall be looked into:

1) The 2000 Sharia Law implementation crisis buttressed the extension of religious and political elites struggle for power and recognition under the guise of minority agitations for equal rights in Kaduna State.
2) The 2000 Sharia crisis was orchestrated by the mischief of religious leaders and forces from wihin and out side Kaduna State.
3) The introduction of tripartite legal system, partial Sharia Law implementation and creation of more districts and chiefdoms in both northern and Southern Kaduna had resolved the Sharia crisis of 2000 in Kaduna State.
4) The religious pluralism of Kaduna State affected the chances of full Sharia Law implementation as demanded by the Muslims in the State.
5) The 2000 Sharia crisis intensified segmented settlements along religious lines and mutual mistrust between Christians and Muslims in Kaduna State.

1.6 Scope and Limitations of the Study

This study focuses on the politics of Sharia implemention in a plural society-Kaduna State. The ethnic, tribal and religious pluralism makes politics of Sharia Law implementation complex. The southern senatorial zone is dominated by non Muslims

and the other two senatorial zones are are dominated by Muslims respectively.This study addressed related developments and issues that culminated to shape the Sharia project and makes it a worth while subject for scholarly debate, discourses and empirical study. The crisis that preceded the implementation of the 2002 Sharia Law, the management of the controversy by the government in power and the impact of the religious and political elites involvement in the crisis are fundamental to this study.

1.7 Justification/Significance of the Study

The politics of the Sharia Law implementation could only be understood when the role of the key players to the crisis are known. The Sharia crisis is linked to the politics of the State. Discourses of the Sharia Sharia Law implementation revolved around group interests of Muslims and Christians----- the feasibility and problems of implementing the Sharia Law in a plural society. There is the need to go beyond this point in order to provide a clear picture of the realities that remained obscured. The inter connection of forces to the Sharia crisis buttressed the complex political, religious and ethnic character of Kaduna State and Nigeria. The empirical study of the Sharia project addressed the issues that are very vital but yet, over looked because of the diversionary and of course political elite manipulation of the Sharia crisis for obvious political gain. For intent and practical purposes the 2000 Sharia crisis affected group relations of Muslims and Christians. There is therefore the need to explore the dynamics of the crisis and the possible involment of destalizing forces with selfish agendas.

1.8 Chapterization

This thesis is divided into six chapters, sections and sub-sections. Chapter One serves as the introductory part of the research work. It contains the Introduction, Statement

of research problem, research questions, research objectives, assumptions, scope and limitations of the study, justification and significance of the study and organization of chapters. Chapter Two consists of literature review and theoretical frame work. Similarly, the methodology of this research work is discussed in Chapter Three. In the same vein, Chapter Four contains the analysis of the promulgation process of the 2002 Sharia Law implementation in Kaduna State---- with presentation of data on the opinions of Muslims and Christians on the agitations for full Sharia Law implementation in the State. In addition to the above, Chapter Five of this work focuses on the Politics of Sharia Law implementation in Kaduna State. Chapter Six, is meant for the summary, conclusion and recommendations respectively. References and Appendixes are reflected at the end of the work

CHAPTER TWO

2. 1 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The literature review here adopts a thematic approach.

The literature review focused attention on issues that are linked to the politics of Sharia Law in Nigweria. Similarly, the experience of Sudan is equally part of the review. This is done with the view to draw the lessons of Sharia Penal Code Law implementation of Sudan and linking it to Nigeria's experiences.

2.2 Power, Conflict and Intergroup Relations

Rosencrance (1963:20-24) in his book, entitled *'Action and Reaction in world Politics'*, described crisis as a situation which disrupts the system or some part of it, that is a sub system, such as an alliance or an individual actor.. He further maintained that, a crisis is a situation that creates an abrupt or sudden change in one or more of the basic legalic variables. The implication and negative consequences of crisis is to a large extent, much in such a way that it is unquantifiable.

Young (1967:10) perceived crisis as a set of rapidly, unfolding events which raises the impact of destabilizing forces in the general international legal or any of its sub legals substantially above normal level and increases the likelihood of violence occurring in the legal. Conflict is thus a State of disagreement over identify, resources, values and on the basis of so many things.

> *Conflict is an integral part of human existence. It takes place between individuals, groups and nations. It can also take place between the State and civil society or between State institutions. Four major causes of conflicts can be identified: (i) competition for resources (ii) clash of human values (iii) unhealthy psychological needs of individuals and groups and (iv)poor management of information not*

> *only by the media but also individuals, groups and the State*. Institute for peace and conflict resolution (IPCR-UNDP,2007 National Peace Project.

Similarly, Abdulmalik (2008:5), said that where disputes issues were involved, conflicts are likely to be intractable and by and large, could lead to behaviors that might seriously prejudice the physical and psychological security and the future development, of the individuals, groups, societies or nations concerned.

Weber, (1961:12) described conflict as a tension between two or more social entities, individuals, groups or large organizations which arises from incompatibility in actual or desired responses. Conflict therefore reflects a determined action or struggle over a goal, which may be overt or subtle, manifest or imaginary, conflict is a function of the mind set of parties in a relation to salient issues at stake.

> *Conflict is a State of discord caused by the actual or perceived opposition of needs, values and interests. A conflict can be internal or external. Conflict as a concept can help explain many aspects of social life and disagreement, conflicts of interests and fight between individuals or organizations. In political terms "conflict" can refer to wars revolutions or other struggles, which may involve the use of force as in the term armed conflict, without proper social arrangement or resolution, conflicts in social settings can result in stress or tensions among stake holders (retrieved from http://enwikipedia.org/wiki/conflict)*

Naturally, when two or more parties with perceived incompatible goals, seek to undermine each other's goal seeking capability, conflict could inevitably set in.

Alemika E.O., (1998:3) stressed that "conflict is a type of interaction that is characterized by antagonistic encounters or collisions of interests, ideas, policies, programme and persons or other entities"

Moreso, Ebo F. (1998) posited that conflict reflects a situation in which one identifiable unit is in conscious opposition to one or more identifiable units over what were perceived to be incompatible goals. Conflict was therefore the opposite of cooperation and characteristics of all social relations. Conflict reflects a determined action or struggle over a goal which may be overt or subtle manifest or imaginary conflict is a function of the minds set of parties in a relationship.

Dahrendorf, (2001: 149-151) posits that the fundamental sources of conflict lies on the basis of authority and social structure in human societies. Moreso, conflicts were no longer based upon the existence of the classes as identified by Marx, nor were they based upon economic divisions. And those occupying dominant positions had an interest in maintaining a social structure that gave them more authority and advantage than others. To this end, divisions, chaos and bickering in societies took their root from this angle.

Person, (1949) analyzed conflict in the context of Laws of social cohesion and also linked social cohesion conflicts to structural dysfunctionalism. The basic and all important issue was the enthronement of social order. Person, was more concerned about the normative structure which maintains and guarantees social order in society, conflict was viewed as having primarily disruptive, dissociating and dysfunctional consequences; conflict was regarded then a social menace to societies.

The Marxian conflict perspective, revolves around social relations of production which placed the owners of the means of production at an advantage position while the under privileged proletariats were subjected to the capitalist exploitation. Consequently, these inequalities create tension, poverty and dimensions of crisis among other things. Marx posited that:

(i) Socio political relations were determined by economic power and positions in human societies.

(ii) Owners of the means of production extract and enjoy surplus value from their productive activities in the factories.

(iii) Marx recognized revolution as the only possible thing and means that could be done to crush capitalist elements, and apparatus of class domination and influences.

(iv) He recognized the virtues of social justice, equity and fairness.

(v) Marx dialectics posited the inherent contradictions of human societies which were rooted in conflicting relations of struggles and domination.

(vi) He equally traced the evolution of social changes that occur over time right from slavery up to the capitalist and the eventual anticipated socialist revolution which was expected to usher in communism. (Marx capital, 1977, a critique of political economy)

Marx therefore, equates progress with revolution and that capitalist contradictions will create room for its demise. He posited that conflict was a means of achieving progress and thus, regarded conflict as being functional.

2.2.1. Globalization, Democracy, Federalism and political decentralization: Sharia Law implementation crisis in Nigeria

In fact, many reasons might have caused the advocacy for Sharia Law implementation in Nigeria.The federal arrangement of the coutry under a Democratic system gut more and more sophisticated with eminent challenges and quest for more of decentralization from the different paart of the ethnic groups that form the Nigerian State across the Geo-political zones. Decentralization takes the form of cultural self determination in Yoruba land –nationalism, it takes the form of new demands for confederatin in the Igbo land and in the Muslim North cultural self determination is taking the form of demands for the implementation of full Sharia Law- Shariacracy. In Nigeria Sharia is caught between the forces of federal Democratization and the forces of wider Economic Globalization affecting Nigera like many other countries in the world. This trend has among other things deepened poverty and marginalization of many people.

The situation fostered urbanization without indusralization. One of the triggers of the Shariacracy movement in some Norhtern States is perhaps Norhern resentment of being the periphery of the periphery even as Norhern elites held unto to power more than the Southern elites. Sharia is therefore not a new thing in Northern Nigera, what is new is Shariacracy---- the adoption of Sharia as the foundation of governance and its expansion into the domain of criminal justice system. (File//C/MPS/My Documents/ Ali---files/sharia – conf3.htm in Ali Mazrui, Schweitzer, Luthuli and Andrew 2001)

Against economic marginalization Sharia agitation could represent a passionate protest against encroaching globalization in all its ramifications. The globalization of the world economy has left mony States in difficult situatiions and thus attendant

unrest and social and political movements. The States are of casualties of international domination than and rather not genuine parners of the Western world. The Sharia implementation agitation of the Northern States of Nigeria was an exploration of an alternative to the Wesrten legacy.

Conflict may appear to be locally entrenched while still having national dimensions. The Sharia question is linke to many issues and scale, even as it started as local initiative in many northern States in Nigeria. The analysis of Sharia implementation agitations should be base on the emphasisi of the relations between local and the non local issues.The Sharia question transcend local and enmeshed in the national power contestation with national power relations. The central government had to manage it and strike a local balance of forces. The central government distanced it self from the Sharia conflict. Former president Olusegun Obasanjo said that "**Sharia would die. a natural death".** He blaimed the religious leaders for failing to guide their followers properly, and instead encouraged religious divide and conflict at the time of Sharia implementation controversy.(Henrik 2011)

The federation arrangement which allows decentralization and devolution of powers shows that national and sub national governments are mutually constituted in at least partly, the same sort of social and power relations. When the central government what confronted with the Sharia implementation issues, the country witnessed an escalation of identy based politics at sub national level and polity was thus heated up. This eventually led to the Sharia crisis in Kaduna State. Ideas about religion, custums and traditions were reinforced and politics tend to be more about identy issues at the expense national integration and peaceful co-existence

2.3 The Concept of Sharia

Sharia refers to the way Muslims should live and conduct themselves in accordance with the teachings and revelations of Allah which are enshrined in the Holy Quran and Hadith-teachings of Prophet Muhammad (S.A.W) as a divine Law for Muslims (Aliyu 2009: 11/12).

Sharia deals with and encompasses a lot of things: as it touches on aspects of routine day-to-day life, such as Politics, economy, banking, business, family life, sexuality, hygiene and social issues. As Sharia represents divine ordained Laws, it is, therefore, understood as a blue print for societal balance and individual mutual sense of accountability (Bako, 2008:11 /12). Sharia is Islamic system of Laws-- which Allah legislates to mankind through Prophet Muhammad. Sharia regulates the conduct of the individual, group and societal aspects of Muslims. (Aliyu 2009:11).

Sharia deals with dispensation of justice in the Islamic Courts of Law recognized and takes cognizance of the above Stated sources. The Sharia legal system is aimed at attaining excellence and the best standard for societies by virtue of content and consideration. The legal system is characterized by its unique universality and integration of families, tribes, communities, States and nations. It entails all that a perfect and complete legislation may require in the way of judicial decisions. The provisions of the Islamic Sharia Legal system is divinely revealed from Allah to the noble Prophet for onward deliverance to mankind.All Laws issued from Islamic Legal system is indivisible and inseparable, not merely because their separation vitiates the objective of Islam, but also because there was explicit provision that prohibits people from adopting some Laws or believing in them.The revelations to mankind are meant to serve certain purpose to take care of spiritual, moral, economic, social and Political,

ethical needs to enable mankind to attain the highest State of satisfaction and fulfillment. (Dio, 1984:47)

Rahim (1997), posited that Sharia is effective in reducing the rate of crimes and produced far better result than those provided for in the operative modern criminal Laws. Sharia, therefore, covers all aspects of Muslims and as well as their relationship with Allah and fellow human beings and the society in general. Consequently, Sharia is therefore, buttressed as the complete universal Code of Conduct drawn by Allah to Muslims through prophate Muhammad (Sada, 2005).

2.4 Protagonists perceptions on the enactment and implementation of Sharia Law in Nigeria

In spite of the numerous problems that characterized the agitations for the enactment and implementation of Sharia Law in Nigeria, it is believed that Sharia Law could be reformulated and implemented in some Nigerian societies that desired it.

Adegbite, 1997 in an address to the Muslim Youth Organization, maintained that the present Nigeria's Socio-Economic legal was bastardized. He then called for the adoption of the Islamic Sharia Law implementation which was superior to the disastrous legal Law of a secular State.

Sadiqque (2006), maintained that it was the right of willing Muslims to submit themselves to the provisions of Sharia if they desired it. The State has a responsibility to provide support and access to such Laws, wherever practicable, not only in Zamfara but throughout the nation. The enactment and implementation of Sharia legal system should be done with caution and that so many things need to be taken into consideration in order to make it a success. The living conditions of the down trodden

masses the 'Talakawa' in Nigeria have been experiencing range of problems. The noticeable problems were more pronounced in the Northern Nigeria. This problem ranges from socio-economic and Political uncertainties. To be more specific, the Talakawa are experiencing difficulties and hardship because of leadership failures.

The agitatations for Sharia legal reforms should be accompanied with an improved living conditions of the downtrodden masses in Nigeria. Better living condition of the masses---- *'Talakawa'*. Is a prerequisite for the success of Sharia Law implementation in Nigeria. (Soyinka and Siddique 2000)

Gimba (2006), opined that if Soyinka one of the leading non-Muslim critics of Islam could recognize the characteristics of religion and recognized Sharia Law implementation, why do other non-Muslim critics have such disdain for Islam, Sharia and Muslims? Is the problem then with the Muslims or the non-Muslims? He heard all the acrid views of non Muslims about Islam, Sharia and non-Muslims fears about Shari'ah. They had their prejudice over the non-Muslims, and sometimes, they were hateful, ill-informed about what they don't know.

But why did they feel so with such passion of the reason that manifested the inexplicable irrationality of hate and prejudice of the non-Muslims towards Muslims? He maintained that they must re-examined themselves with serious insightfulness and in doing that a key factor must be among them to assess the fears expressed by the non-Muslims in order to determine their veracity or falsity. This self evaluation must be done with utmost objectivity and truthfulness. (Gimba, 2006)

Aboki and Adamu (2001, 1999) linked the implementation of Sharia legal system in Zamfara State to a number of social and economic problems: poverty, unemployment,

lack of functional social amenities and infrastructural facilities, armed robbery and other security Problems in the State. This therefore calls for the implementation of Sharia legal system. The success of Sharia Law implementation depends on objectivity, caution and sincerity in order to achieve its benefits. They noticed that capital punishments were not actually administered in Zamfara State.

Gimba,(2004) maintained that the establishment of Sharia in Nigeria was constitutional because the consttution provides for the right to freedom of thought, conscience and religion, including freedom to change or conversion to any religion and belief and to manifest and propagate religion. He argued that the timing of Sharia was in order. He believed that Islam, more than any religion in the globe, accommodate multi-culturalism and that, multi-culturalism could only be guaranteed and enhanced when each of the component cultures was allowed to maintain its dynamism in as long as it did not trampled or hurt other faithfuls. Moreso, he advocated for cultural accommodation. And that Sharia was not only limited to crime and capital punishment as it encompasses all aspects of Muslims life and emphasized on justice to both privileged and underprivilege, and to the non Muslims as well.

Ige, (2001) upheld the view that the implementation of Sharia in Nigeria was constitutional and that it was not in conflict with the constitution of Nigeria.

Ahmed, (1999), posits that Sharia is a way of life for all Muslims (He quoted section 4(7) and (3), 38, 277-278 and 38(1) of the 1999 Constitution of Nigeria to support and defend the constitutionality of the Sharia Law implementation in Nigeria. He maintained that every person should be entitled to freedom of worship, thought, conscience, religion, and conversion to any religion of choice, to propagate religion, teaching and practices as enshrined in the Nigerian Constitution.

Mohammed, (2003) posited that, ignorance contributed to the Sharia rancour in Nigeria. The dramatic turn of events in Northern Nigeria was alarming and intricate. He further said that, Muslims could only enjoy their fundamental human rights when Sharia Law is properly implemented. He commended Senator Ahmed Sani Yeriman Bakura for setting the ball rolling that was eventually emulated by a number of States in Nigeria.

In the same vein, he was convinced that the enactment and implementation of Sharia Law would tremendously serve as a panacea for solving social problems and ills of the societies. Sharia protagonists have made it clear that the Sharia system would only affect and governed the entire life of Muslims. The issue of fundamental human rights is relative as both Sharia and non Sharia implementing societies are still grappling with the problems of human rights abuses. (Mohammed, 2003)

Yerima, Hussain (2002, 2010), defended the enactment and implementation of Sharia Law in Nigeria. Non Muslims had no right to decide on the fate of Sharia implementation in the Northern States of Nigeria. Similarly, punishment which includes stoning to death for adultery, amputation for theft and Public flogging were legal under the Sharia Law and that it did not contradict the federal Laws of Nigeria. Muslims pledged their continued support for the Sharia Legal system as it was Allah's own way of checking and controlling aspects of Muslims and thus, Sharia had come to stay in Zamfara State.

According to Adamu and Aliyu, (2009:13) modern societies had to face the challenge of a struggle to divorcing religion from ungodly affairs of the people. The notion that Sharia was out of fashion and could not be implemented in Nigeria was, therefore, debatable and that the issue needs to be re- examined. An in-depth and careful

handling of the proposal is equally important, considering the fact that the issue of comprehensive Sharia undoubtedly raised a lot of problems in respect of its feasibility or otherwise. Misrepresentation of an acceptable value in legals might equally generate tension and uncertainties in the body polity of Nigeria.

Qayyim, (2009:14) posited that life and death was all about justice, mercy, welfare and wisdom.As Sharia is based on these virtues: oppression, harshness, misery and folly are not associated with Islam. Regrettably, the problem of poverty still persists in societies. An understanding of the virtues of Islam would go a long way in fostering a better coexistence between the Muslims and non Muslims in Nigeria. Proponents of Sharia implementation posited that the inculcation of moral values will by and large propelled the country to a greater height. How could Sharia fit a society that has been polarized along mutual hatred over the same Sharia implementation issues in Kaduna State?

Kurawa I.A. (2004) traced the root of Sharia Politics and implementation to the pre-colonial era, colonial years of Nigeria's imperial domination and the Post colonial Nigerian Political history and developments respectively, such that discourses of Sharia in Nigerian cannot be divorced from 19th Century Jihad of Usman Danfodio in 1804. The Jihad led to the establishment of Sokoto caliphate that incorporated all the Hausa States and other States – thus became the largest and perhaps the most prosperous polity in pre-colonial tropical Africa.

Islamic Sharia became the States machinery of administration during the life of Prophet Muhammad and his caliphates. The successive colonial regimes of Nigeria used their despotic positions to reshape the future of Nigerian jurisprudence and the legal system. Notable among the colonial officers was Lord Lugard who at the first

and early stage introduced British norms in legal practice of Nigeria. The Native Court proclamation of 1900, provided for the recognition and later control of the Native Courts. This, therefore, led to the foundation of the legal and gradual eroding of the Sharia implementation in Northern Nigeria. (Kurawa 2004) Sharia Courts were very much controlled and limited to native matters.

(Kurawa 2004) The antagonists of Sharia from government and in academica, corporate circles were benefitting from secular patronage. The introduction of Penal Code for the Northern States of Nigeria in 1960 was apart of the manipulative tactics of the ruling elites.The Penal Code accommodate aspects of Sharia Criminal procedure.The Penal Code is a moderate Sharia legal system that was designed to suit the peculiarities of the northern States that requires the implementation of Sharia legal system as part of Muslims religious fulfillment. (Kurawa 2004)

The scope of Sharia was limited, especially when subjected to adjectival rules of the dominant English Legal tradition. Thus, the chances of the Sharia Law implementation were however slim. He equally maintained that the 1999 Constitution of Nigeria failed to grant autonomous judicial powers to the States. States Sharia Courts lacked independent power. States Laws had to take cognizance of the Federal Laws, or otherwise stood null and void. Kurawa realized that Sharia and Islamic Law in the North was a popular rallying point and means for ensuring Political legitimacy. Immediately Zamfara State launched Shari'ah, the bandwagon effect set in. Many State Governors had to identify with Sharia even if they could not implement it. (Kurawa 2004)

Tayob, A. (2005, 27:57) posited that Islamic Sharia was a way or path, and a Code of Conduct or religious Law of Islam. And that most Muslims believed that Sharia is

derived from two primary sources of Islamic Law- Quran and Sunnah. Sharia encompasses all aspects of Muslims Socio-Economic and Political life of individuals conduct. There were varying interpretations and understanding of what Sharia was all about. The introduction of Sharia was a long deserving goal and aspirations of the Islamists movement in Nigeria.

He traced the evolution of Nigeria to the 1914 amalgamation of the Northern and Southern protectorates by the British imperial power. Nigeria was also blessed with abundant fertile land and a high population. Being the giant of Africa, its plural nature weakened its strength and image in Africa and beyond the introduction of Sharia by Sani Ahmed Yeriman Bakura in Zamfara State marked a turning point in the Political history of Northern States of Nigeria. The agitations intensified. The resultants violent clashes and loss of lives and property reached an alarming rate in Kaduna State. (Tayob, 2005)

Gwandu (2001), provided an explanation on Sharia and its origin in Nigeria, and the manner of implementation. Sharia was a watering place and a special way of practical aspects of Islam as demonstrated by the Holy Quran and Sunnah of the Prophet Muhammad (S.A.W). There had been Sharia in Bornu Empire under the rulers, otherwise known as the 'mais', particularly mai Ali Ghaji in the 14th century A.D. The rulers were personally involved in the spread and consolidation of Sharia in their domain and beyond. They led series of caravan for pilgrims to mecca for hajj.

Gimba (2005) enjoined Muslims to stay away from any act capable of tarnishing the image of Muslims. He made reference to the September 11th, 2001 incidence in the United States of America in which an organized terrorists coordinated attack hit and destroyed the World Trade Centre and other important places. Osama bn Laden was

alleged to have master minded the attack. In view of this, Muslims were stigmatized and perceived as potential terrorists. Muslims did suffer a lot of discrimination and treated with all sorts of suspicions in United States of America, Europe and other places alike.

Moreso, Islam symbolized peace, decency and guide for peaceful living and exalting of good conducts at all times. He also admonished Muslims to be good and shun extremism, fanaticism, militancy and terrorist's acts. Islam provided the best community for mankind. Rights of the individuals were preserved and protected by the Islamic doctrines-Law. Islam provides for peace, cohesion and a balance community without sacrifices of individual happiness. Gimba A. (2005)

Sanusi (2002) posited that Sharia implementation in Nigeria had been in place for over a century prior to the colonial subjugation of Nigeria in the early 1990's. Sharia was gradually suppressed by the colonial government through it's of indirect rule and putting the English common Law ahead of the Shari'ah. The Sharia Code was reviewed, and capital punishments of Sharia were made to decline and Sharia verdicts were subject to colonial approval. Successive regimes equally retarded the expansion of Sharia Code. This was made with much intensity during the Military Regimes.

The agitations and the implementation of Sharia in Nigeria was a welcome development in Nigeria's evolving federalism which guarantees the right to religious practices. He enjoined Muslim intellectuals to avoid perennial attack against non Muslims where implementation of Sharia became a debatable issue. Instead, intellectuals should examine the conceptualization and implementation of Sharia with a view to ascertaining its conformity or otherwise with Islam – the teachings of the Quran and Sunnah of the Prophet. He maintained that Sharia implementation

transcended the propaganda value of fundamentalist rhetoric – Sharia should be separated from the politicians approach and parochial considerations. If properly approached, it will yield desirable result. Sharia cannot be separated from Politics – Muslims were urged to accept Sharia and as well submit to its rules as stipulated in the Quran and Sunnah of the Prophet. Sanusi L. S. (2002)

Ladan (2003) examined the nature and Problems of Sharia implementation in Northern Nigeria, and the Problems revolved around Legal pluralism. The introduction of British Laws into Nigeria to co-exist with the indigenous legals was the beginning of the problem in Nigeria. Legal pluralism breeds confusion and acrimonies rather than stability.

Khaleel (2001) maintained that Lawyers did not take steps effectively after independence to provide the country with Laws which could bear any step of originality, but rather continue to perpetuate the application of Laws which were English in essence and substance. Consequently, judges and Lawyers in Nigeria could be considered social and cultural misfits. The Sharia Law in Nigeria had been battling with the issue of feasibility in terms of application across many States.. Problems usually surrounded Sharia implementation proposals and the comprehensive implementation processes in Nigeria.

2.5 Antagonists Perceptions on the Implementation of full Sharia Legal System in Nigeria

ElZakyZaky (2000: 9:25), cautioned the proponents of the Sharia advocacy in Nigeria. He maintained that the establishment of an Islamic State was the precondition for the success of promulgating Sharia in Nigeria. To him, partial application of Sharia was an aberration. Sharia could be established through gradual

process. Sharia'ah implementation is to a large extent constrained under a federal constitution and the plural nature of Kaduna State. He further challenged the credibility and competence of the Sharia advocates. That does not mean that he was against Sharia implementation in Nigeria. He was concern about the manner in which Sharia implementation issues were politicized by religious and political elites in Nigeria.

Umar (2004: 29/37), in her work entitled, '*Diversity of thought in the Development of Shari'ah',* presents a critical assessment of Sharia Law implementation in Northern Nigeria. She appreciates the fact that Allah (God) is all knowing and knew best and Muslims acknowledged the limitless infinity of the divine message. Human beings are by nature limited in their understanding and can never attain God's attributes. Sharia is a complex doctrines and diversity of scholarly opinions over wide range of issues over the years. Intellectual discourses deteriorated and paralyzed in some level, content and standard. Moreso, she opined that the present Sharia Law implementation in Northern Nigeria lacked normative value glaringly and the rules did not reflect the fundamentals of Islam. Islam has not been portrayed in its true beauty and nature.

She equally maintained that the advocates of Sharia Law implementation were too aggressive and failed to unveil the tolerant, forgiving, loving and humane teachings of the legal system. The Sharia Law implementation advocates were harsh and equally failed to follow the humbleness and humility of the teachings of the Prophet in his relations with the non Muslims. She maintained that Allah eased Islam and whatever caused hardship and misery is not connected to the Sharia Law implementation. Muslim scholars were inconsistent in the interpretations of what actually should ideal Sharia Law implementation be.

Umar also posited that, Northern Nigerian States had attempted to codify the Sharia Law but they failed to consider the injustices that were meted out to the underprivileged. And the Sharia Law was not in true sense implemented; the masses were at the receiving end of the punishments. A mention of social ills and injustices were made: rampant corruption, maltreatment of women, neglect of the poor and needy, double standard, unemployment, inflation among others. She faulted the cosmetic manifestations of Sharia by the States – separation of women transportation from men, girl child schools from boys. Sharia police (hizbah) harassment, conviction of poor by uninformed judges and destruction of alcoholic drinks owned by non Muslims.

She tasked scholars of Islam and advocates of Sharia to diligently engage in research for the truth and place specific and important issues in their rightful perspectives, devoid of individual's whims and caprices, personal reasoning and understanding. Divergent views, thought and knowledge should be considered in order to expand the frontiers of knowledge.

According to Okogie (1999), the call for the application of Sharia Laws in Nigeria was unacceptable. He also said that it was absurd for anyone that wished Nigeria well to advocate a unilateral imposition of Islamic Law. Muslims barely constitute half of the total population of Nigeria. Moreso, there was no guarantee that the Law would not be unilaterally and arbitrarily applied to Christians and other non Muslims alike to punish people unjustly. It was wrong for people to be ruled by the Laws that were at variance with their religious and moral beliefs that contravene the rule of Law and natural justice.He therefore opposed the idea of implementing full Sharia in Nigeria.

(Nwabuze 2000) posited that the continuity of Nigeria might be endangered so long as Sharia is implemented. There might be constitutional confusions. Even though the Constitution of Nigeria allows for State Laws and yet the Federal Laws are supreme. Worth noting is the fact that section (38) of the 1999 Constitution of Nigeria guarantee freedom of religion, worship and persons professing to any religious belief including the right to propagate and teaching of moral conduct. Twelve northern States base their arguments on this reformulated Sharia Law and at the end ran into the problem of implementation. He question whether the States, through their executive and judicial powers enact or codify the criminal aspects of the Sharia in multi religious States without running into serious problems?. The 1999 constitution of Nigeria Provdes avenue for where States could conveniently implement Shaia Law. That is why, some States are continuing to make claims with regard to the legality of the matter inquestion.

The advocates of Sharia enactment and implementation believed that the rate of social vices could reduce in Nigeria, especially as it relates to: Adultery, fornication, sodomy, rape, bestiality, stealing, homicide, incest and abortion are instances of moralities that are criminalized by the Sharia Codes. The major problem of this is that the flexibility of the Nigerian constitution allows people to enjoy certain degree of freedom. People have the right to behave the way they want within the limit of the constitution. In this regard, the chances of implementing and adhering to full Sharia Law will be a problem. Otherwise, political elite will continue to manipulate it. That is why the Sharia politics is persistent in Kaduna State.

Ogunge and Ladan (1999, 2003) maintained that the nature and Problems of Sharia implementation in Northern Nigeria revolved around federalism and Legal pluralism.

The introduction of British Laws into Nigeria to co-exist with the indigenous legals system is problematic. The combination of customary, Islamic Laws and the English Common Law produced a tripartite legal arrangement.The tripartite judicial arrangement is still Problematic and characterized with challenges. A revisit of Sharia Law implementation would continue to generate controversy in Nigerian Societies (Ladan 2003).

Boer (2009), explored the nature of the relations between Muslims and Christians and the issue of Sharia implementation in Nigeria. He was hopeful that peaceful coexistence could be achieved and sustained in the relationship of the multi ethnic and multi religious societies of Nigeria. Muslims belief in Sharia and the Christians opposition on the basis that Nigeria had been a secular State and thus, reintroduction of Sharia might pose a threat to the stability and corporate existence of Nigeria. He urged Muslims to be aware of the deeper dimensions of the Christian faith than they may have observed so far.

The demand for Sharia came naturally to Muslims. Sharia might have been misapplied, abused, bastardized and even the very place where it was initially introduced. Furthermore, both Christians and Muslims have agreed that Sharia had a historical foundation and the legal system looked alien as it had been with the English common Law that has been in operation in the Nigeria's legal practice coexisting with the Sharia Penal Codes of Islamic Laws respectively. He, therefore, advocated that a mutual compromise should be reached. He concur with the reality that Nigeria is not a secular State, but a holistic and religious diversity had become a permanent feature.

Usman Y.B. (1977) maintained that the manipulation of religion obscured the Nigerian people from the fundamental aspects of reality and that the bourgeoisies cover themselves with religious and ethnic disguises. He advocated that the Nigerian State should be clearly separated from religion. The State should take the role of protecting the right of citizens to practice religious belief of their choice. But when governments identify itself with religion the possibility of religious discrimination, problems and chaos is inevitable. The influence of religious Laws in States that are plural might endanger corporate existence and stability if misapplied and misrepresented.

In another sense the pit falls of Sharia implementation revolved around the question of repugnancy test. This relates to striking down of court decisions found to be in conflict with the federal Laws. Appeal courts of the federation had more often than not repealed decisions of Sharia courts. This therefore represents a check on the Sharia court's decision. The scarcity of trained Sharia judges equally posed limitations to realization of the aspirations of elaborate Sharia implementation in the States where the Penal Codes are in place (Nwabuze 2000, Ladan 2005)

(Mazru and Schweltzer 2001), maintained that in each of the British colonies in Africa with a large Muslim population, there was triple heritage of concurrent Laws: Indigenous, Islamic and British-derived common Law. Sharia Law agitations and implementation conrovrsies had been there in Nigeria. What is new might be the quest for Sharia Law to be adopted as the foundation of governance and its expansion into the domain of the criminal legal system. The issue of implementing Sharia in its full form still remains contentious. Nigeria has the largest concentration of Muslims on the African continent. The population of Nigeria encompasses more Muslims than the

population of any Arab countries, including Egypt. The demand for full Sharia Law might be difficult in not only Kaduna State, but the whole country? (Mazrui, A. and Schweltzer A. 2001)

Archbishop of Abuja Province, Rev. Onoekan (October 12, 1999) advised the President of the Federal Republic of Nigeria to tell the Sharia advocates that they had gone beyond the constitutional provision of the Law. And States have no right to make Sharia the Law of the land on their own because Zamfara is not only for indigenes alone. It is part and parcel of Nigeria and if they did not want to be in Nigeria any more, they could apply to go elsewhere. According to Ogunge and Kukah (1999), Sharia is unconstitutional and could not be implemented in he perceived a secular Nigerian State. He further stress that Sharia would sow the seed of frictions and threat to the corporate existence of Nigeria. Moreover, the introduction of Sharia would amount to subjecting people to a legal system they did not believe in. worth nothing is is that the Sharia advocacy was calling for Sharia implementation to Muslims only and the non Muslims who consent to it.

The widening of the scope and full implementation of Sharia is critical and controversial in Nigeria. The Igbo Youth Patriotic Movement leader, Okechuku Obiola, maintained that as it were, Nigeria is a secular State. Everybody should be free to practice his or her religion and the State Law cannot be supreme to that of the federal. They were sure that Governor Ahmed Sani did not think of what his actions will result to the cherished peace and democratic setting. They called on the president to exercise the powers invested on him by the constitution to call him to order and if Yerima refused, State of emergency should be declared on Zamfara State and put a

non indigene to act as sole administrator to the State until another election is conducted (Nigerian Vanguard News paper 14th October 1999:6).

The situation is more confusing in Nigeria, as section 4(2) of the 1999 Constitution vested legislative and judicial power to States. This by implication means that both the federal and the State legislatures are empowered to establish courts and legislate on matters as permitted by the constitution. (Odukoye and Dambo 2000). The ambiguity of the constitution created room for the controversy that trailed the Sharia implementation project in Nigeria.

Fred A. (1999) argued that the introduction of Sharia is an imposition of a Law that had been quite different from the existing Law in the country and at the same time an opposition to modernism. Therefore, the imposition of Sharia legal system connotes a closed situation and such situation might subject a nation to isolation. Similarly, Odukoye and Dambo (2000) expressed their fear over the enactment and implementation of Sharia Law in Zamfara State. This is because the implementation of full Sharia could generate unnecessary tensions,and at the same time trampled on the rights of Christians.

Kukah (1993) posited that Northern politics was clouded by religion, class and ethnic factors. Northern elites used religion to manipulate and polarized plural societies to further their Political interests. Kukah further maintained that the Politics of Sharia in Nigeria started in the Constituent Assembly of 1977/78. The Head of State, Olusegun Aremu Obasanjo tasked the Assembly with the responsibility of drafting an acceptable blue print for the constitution of the Second Republic of 1979. This issue threw the assembly into serious religious debate regarding feasibility for the

introduction of Sharia Courts of Appeal at both States and Federal level. The mutual confusion and suspicions divided the Assembly along religious lines.

(Abikon 2003) maintained that the implementation of Sharia has raised serious problems about salient national issue among which is the National Youth Service scheme aimed at uniting Nigeria. Thus, it was not uncommon to observe that many corps members sent to work in Sharia implementing States developed cold- feet or go there with grudges. The adoption of Sharia could certainly be an obstacle to the realization of Nigerian federal union. The enforcement of Criminal Law procedure in Sharia Law impinges on the citizenship rights conferred on them in the federal union Abikan (2003), also argued that non Muslims are subjected to a different criminal Law within the same entity.

This argument is premised on the argument that freedom of religion does not guarantee some some States to create an Islamic legal system in Nigeria. More specifically, the Nigerian Constitution does not permit the adoption of Christianity or Islam as the State religion. Similarly, major contradiction is the fact that the elected officials were elected through a federal constitution. Officials swore to uphold the constitution at oath taken exercise. How then could the federal constitution be abandoned without the State experiencing the risk of upheaval and legal confusion in plural States? Idowu (1999) agreed that Sharia Law is subordinate to the constitution and to impose it is equivalent to violating the constitution. Contradictory Laws are likely to create fundamental problems, as such linked it to then to Sharia implementation agitations and experiences in Nigeria.

McCain, Kastfelt, (2005:1-7 and 1994), in their works entitled '*which road leads beyond the Sharia controversy.* A Christian perspective on Sharia in Nigeria: religion

and Politics in Nigeria. They posited that Sharia project is all about evangelism. Muslims wanted to take advantage of democratic values of freedom to advance their cause through Shari'ah. This could not be possible in view of diversity and plural nature of socities in Nigeria. They also argued that Politicization and eventual implementation of Sharia might threaten the unity and corporate existence of Nigeria. If Sharia were to be implemented in States where Muslims have numerical advantage, the minority Christians might be dominated and marginalized. Life would thus be made difficult for the Christians. They observed that Muslims prepared to stay in the North while the Christian counterparts were inclined to stay in Southern part of Nigeria respectively where there are Christian majority populations. This could never had been possible unless if the country were divided into Christian and Muslim entities.They urged Christians to be positive towards non Christians and treat them with kindness and fairness as propagated by Jesus Christ. They urged Africa and Nigeria in particular to learn to live together peacefully. They also cautioned government sponsoring of religious activities – the use of Public funds for shipping pilgrims to Saudi Arabia and Jerusalem should be stopped. Government should only coordinate the pilgrimage activities. Worth noting is the fact that United States of America and Nigeria differ in many respects such as in antecedences and individual peculiar historical experiences.

Former Vice President of Nigeria, Atiku Abubakar categorically Stated that *"**Sharia created a problem for national integration as several non Muslims are finding it very difficult to live in Sharia States for fear of intimidation"*** (cited in Aliyu, 2001:16). The Sharia implementation could serve as a polarization factor among the people of Nigeria, most especially if it is not managed with the intent of heralding a new order that will by and large, foster stability and meaningful development. It is

also wrong to jump into conclusion, especially when the philosophy and principles of the Sharia were not very much understood and clear to both the protagonists and antagonists of the agitated enactment and Sharia Law implementation matters.

Boer (2009) explored the nature of the relations between Muslims and Christians and the issue of Sharia implementation in Nigeria. He observed the manner in which peaceful coexistence could be achieved and sustained in the relationship of the multi ethnic and multi religious entity that looked somehow confused as Muslims believed that Sharia is an integral part of their life, no matter the type of country they live in. The Christian opposition was based on the notion that Nigeria had been a secular State and thus, reintroduction of Sharia might still pose a threat to the stability of Nigeria. He urged Muslims to be aware of the deeper dimensions of the Christian faith than they may have observed so far. Sharia implementation is not a new thing in the country especially Northern part. The question of reintroduction is misleading because there was no time it actually disappeared.

Similarly, Okogie and Fred (1999) equally conceived the call for the application of Sharia Laws in Nigeria as tantamount to a declaration of religious war on Nigeria because Nigeria is a secular State, with a Federal Constitution. He also posited that it was absurd for anyone that wished Nigeria well to advocate for a unilateral imposition of Islamic Shari'ah. Muslims barely constitute half of the total population of Nigeria. Moreso, there was no guarantee that the Law would not be unilaterally and arbitrarily applied to Christians and other non Muslims alike to punish people unjustly. It was wrong for people to be ruled by the Laws that were at variance with their religious and moral beliefs. This therefore contravenes the rule of Law and natural justice. The

position of Okogie further buttressed the extent to which the Sharia implementation project was vehemently opposed, even as Muslims yearned for it in Nigeria.

From all indications, the reintroduction of Sharia criminal Code and its implementation may continue to trigger explosive debates and bickerings in Kaduna State and Nigeria at large. In the same vein, Ogunge and Kukah (1999) equally maintained that the agitations for full Sharia Law and implementation is unconstitutional and could not be implemented in a secular State. Sharia would sow the seed of frictions and threat to the corporate existence of Nigeria. Moreover, the introduction of Sharia would amount to subjecting people to a legal system they did not believe in. And the involvement of State in religious matters contravenes the constitutional prohibition against the adoption of any State religion.

The foremost of all the declaration of the successive Nigerian Constitutions relates to the supremacy of their provisions. Section 1. of the 1999 Constitution provides: "**This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria."** Consequently, in a country that is plural the Islamic Law as a distinct legal system is hardly compatible with the express provisions of the federal Constitution which prohibits any Law that discriminates on grounds inter alia of religion (Agbede I.O.1989). The supremacy of the Nigerian Constitution is however serious obstacle to the implementation of the 2002 Sharia Law in Kaduna State as it applies to other Northern States of Nigeria that equally subscribed to the reintroduction of the Sharia Law implementation.

Umar M. (2004) opined that the present Sharia implementation in some Northern States of Nigeria lacked normative value glaringly and the rules did not reflect the

fundamentals of Islam. Islam is not portrayed in its true beauty and nature. Sharia approaches are supposed to be built on tolerance, forgiveness, love and kindness. The Sharia advocates were harsh and equally fail to follow the teachings of the Prophet in his relations with the non Muslims. The prophet exhibited humility and kindness to both Muslims and non Muslims. She maintained that Allah eased Islam and whatever caused hardship and misery was unconnected to the part of Shari'ah. Sharia Law implementation could only be implemented through compromise and consensus between the proponents and antagonists in diverse societies.

Shortly after Nigeria's return to civil rule in1999, some Northern States introduced Sharia Law. The process was marked by bloody clashes between Christians and Muslims in Kaduna State; tension and social unrest reigned across the State. There was the allegation that non Muslims were treated as second class citizens and tendencies for making Islam a State religion. The Sharia implementing States enforced Sharia Law that was perceived to be flagrant violation of the Constitutional rights of the non Muslims. Funding the propagation of Islam and conversion of people from Christianity to Islam and the existence of State funded Sharia police called 'Hisbah'. (Amadi S.2003). Most of the issues raised were mere allegations that were not substantiated in any way. There is the need for caution to be exercised before making comments o sentitive issue like this

The rise of modern States has raised new questions about the authority that can enforce Sharia Law, and how Sharia is to be enforced. Contest over the place of Sharia in modern societies that are plural have it a plank in political plat forms, a symbol for Muslim identities and values, and an object of intellectual debate. And

since Northern Nigeria is part of a larger nation, these have obviously become national questions in Nigeria (Denis M.2003).

The study of Sharia Law implementation should be based on the objective reality of the living conditions of the millions of Muslims and Christians who lived together peacefully and amicably. What is more, the living conditions of the people of the different faith deteriorated in Nigeria (Yola in Siddique 2002). The study and analysis of Sharia Law implementation should take cognizance of the inter play of inter connected issues that continued to shape the debate and realities of the obscured truth. The Sharia implementation project will continue to elicit variety of perceptions from various angles regarding its feasibilities, constitutionality, and timing of application and the tendency of the opportunistic elites to hijack it for achieving self political goals. The 2000 Sharia crisis in Kaduna State is a testimony of the fact that both religious and political elites capitalized on the Sharia controversy to unleashed an unprecedented wanting killings and destructions with fashion with the view to achieve self political aggrandizement and collective fulfillment in Nigeria.

2.6 The Politics of Sharia Implementation in Sudan

Just like Nigeria, Sudan had a history of colonial experiences and the long years of British colonial rule left the country with a legal system derived from a variety of sources: Sharia Law and customary Laws. However, different Laws were made in places governed by the British imperial power in the country. This, therefore, left Sudan with a constitution not purely based on Sharia Law, but Sharia had been the basis and guiding spirit. The Sharia implementation project of Sudan continued to generate problems and unnecessary tension between the Muslims radical elements and the Sudan People's Liberation Movement (SPLM).

Nigeria and Sudan…are plural States with a number of ethnic groups and religious diversity. 98% of the Northern Sudanese are Muslims while Southern Sudanese are mostly Christians. The issues that continued to polarize Sudan relates to issues of imposition of Arabisation in southern Sudan that was vehemently opposed. The perception that Christians were not excluded from Sharia injunctions and complaints of marginalization and discrination of south Sudanese in the civil service, unequal polilical rights and status among other things saw the seed of persistent frictions and civil wars that lasted for decades. The Sharia implementation tension and secessionists demand were strong in South Sudan and they were heightened in September , 1983 when former Head of State of Sudan Ja'afar an Nimeiri issued several decrees known as the September Laws. (Yola D. 2016) This was greeted with bitter resentments by some Muslim and the predominantly non Muslim Southerners. Judges who refused to pass judgements were summarily dismissed. In the wake of problems, Nimeiri was therefore over thrown in 1985 and the application of seemingly harsh punishments stopped.

Sharia implementation problems continued in Sudan, especially when president Umar El-Bashir decreed that Islamic Law would be applied in courts throughout the North, but not in the three sourthen provinces. Several Sudanese activists and pressure from the International Human Rights Groups forced a transition to civil rule constitution in 2005, and the National Congress Party (NCP) of El-Bashir became the ruling and dominant party in Sudan. After the secession of South Sudan in July, 2011, a group of radical Muslims threatened to unseat Al-Bashir if he failed to heed demands for a constitution based on Sharia Law implementation (http:/www.guardian.co.uk/commentisfree/2012/june/06/sudan-Shari'ah-Legal system, http://allafrica.com/stories/201202290514.html and

http://countrystudies.us/sudan/65.htm). Various Military governments have interfered with the judicial process. The Sharia Legal system is still partially implemented. Transition to civil rule and the independence of South Sudan left northern Sudan in the hard decision of how best the Sharia implementation could be feasible and sustained.

One of the biggest problems with Sharia implementation in Sudan is the multi - religious, multi- cultural and multi ethnic composition of the country. Inspite of the fact that Muslims are dominant in Sudan, still a certain percentage consists of non-Muslims. They are either Christians or other faiths. Both the Muslims and non Muslims must be constitutionally protected as citizens. This also brings some considerable problems of unifying the several ethnic groups under the Islamic legal system. (Factbook 1989, Gabriel W. 1990 and Parmer (2007)

Part of the problems of Sharia implementation in Sudan were the actions of President Al-Bashir's when he vowed to strengthen Islamic Law. This therefore, shocked the Christians. The Christian minority felt threatened by the remarks of the president. (Fluehr-Lobban C. 2012). As far as the religious minorities are concerned, religious federalism is a contradiction in terms since the religious ideology of the federal State undermines any federal protections against majority tyranny. (Manyok Z.2009)

The imposition of Islamic Law was bitterly opposed by even the moderate Muslims and the predominantly non Muslim southerners. The enforcement of *hudud* (capital punishments) aroused widespread opposition to the Nimeri Government in Sudan. Judges who could not apply the Sharia were summarily dismissed and replaced with men with little legal training but possessed excessive zeal for the full application of

hudud---Sharia capital punishment. This to some extent contributed to the virtual reign of terror in the court of Law. (Gabriel W. 1990)

The major changes in Sudan's legal system was controversial because it disregard existing Laws and customs, introduced many new legal terms and concepts from Egyptian Law without source material necessary to interprets the Codes. There was also the problem for legal education and training. The legal practitioners equally rejected Sharia legal system of Sudan because of the perceived Egyptian legal influenced. Following Nimeiri's overthrow in April 1985, the application of the harshest punishment was stopped. Nevertheless, none of the successive governments abolish Islamic Law and Sharia implementation. Both the transitional military government of Gen.Siwar adh Dhahab and the Democratic government of Sadiq al Mahdi, expressed support for the Sharia but criticized its method of implementation by Nimeiri. Consequently, by 1989 Sadiq al Mahdi indicated his willingness to consider the abrogation of the controversial Law and to meet with SPLM leaders to resolve amicably the country's civil war. (Factbook: Sudan, Collins R.2008)

The agreement is base on the consensus that Northern Sudan should preserve Sharia Law implementation, while South Sudan should be exempted from it and would enjoy the right of self-determination after six years, during which power and wealth would be shared between the government and Southern rebels. However, despite the fact that the agreement gave priority to unity, Southerners voted to secede from Sudan and establish an independent State in 2011. (factbook: Sudan. www.Sharia in Africa.net/ Sudan)

Heraclides (1991, 107:128), equally explained the dynamics and body polity of Sudan which is the largest country of Africa in terms of geography. He maintained that the

politics of Sudan was much influenced by the Egyptian and British colonial domination, especially in 1899-1956 when the Anglo-Egyptian condominium was completed. The signing of this agreement divided the country into North and South. The North was to be administered by the Egypt while the Southern Sudan remained under the care of Britain.

The much created dichotomous duality of a dualistic imbalance of Sudan in terms of territory population and development brought a far reaching and serious political implication for the country. Even after independence on 1st January, 1956 the dichotomous setting still portrayed elements of suspicion and fear. By and large violence raged when former president Jaafar al Niemayri officially announced the implementation of Sharia Law into the Penal Code of Sudan. The Northern part of the country was accused of dictating a new approach to the internal structure of Sudan. There was also unequal sizes of the north and southern regions and concentration of economic and political power in the hands of non representative northern elites. This further evoked strong criticism of the central Northern Sudan. (Robert C.2008 and Gabriel R. 1990)

The Northern Sudan is predominantly Arab speaking population and Muslims. This was as a result of their long relationship with the Egyptian merchants, even before the condominium of the nineteenth Century (19thC), the southern Sudan was inhabited by the black and multi-lingual Africans. The three main linguistic groups were; Nilotic, Nilo Hamitic and Sudanic followed by Shilluk Annuak, Zande, Didinga, Boya Toposa, Mundari and Bongo. The southern Sudanese took to Christianity as a result of the British influenced. (Merhab N. 1995)

The mutual fear and suspicion did more harm than good to the Sudanese. The southern Sudanese upheld a feeling of marginalization and domineering attitudes of the Northern and consequently the former developed a feeling of distinctiveness from the Northerners. The persistent complaints of inequality, cultural discrimination and Northern Sudan attachment to Islam and Sharia Law implementation, Arabism and the alleged treatment of the black Sudanese with contempt and intolerance galvanized the elite into action with a gradual tilt towards coercive, secession and particularly in the 1960s. (Khalid M. 2000)

In the light of this, a number of liberation movements were formed in reaction to the Sharia implementation and alleged feeling of domination of the South Sudanese that are largely Christians. Some of these include; the Sudan National Union (SANU), The Azania Liberation Front (ALF), Southern Sudan Provisional Government (SSPG), Nile Provisional Government (NPG) Southern Sudan Liberation Movement (SSLM) and the much recent Sudanese People Liberation Movement (SPLM) that was championed by J. Garang. Most of these movements lacked coherent and proper organization coupled with unclear ideology and mutual rivalry (Khalid M. 2003 and Abdullahi U. Y.1998). A broad coalition of trade unions, professional bodies and student organization and the elements of oppositions from south Sudan deposed al Numayri in April 6th 1985.

(Warbug G.1990) said that the major repercussions of the Sharia implementation in Sudan relates to the renewed hostilities between the North and south Sudan especially when Garang demanded for the abolition of Sharia Laws in Sudan. There was the allegation of North Sudan subjecting of the South Sudanese into second class citizens in their own country. There were cases of alleged social prejudice against women at

the expense of the South, Dafur, and Kordofan in the west and Beja tribal areas in the Red Sea hills in the east. Moreso, there was the emergence of Sudan People's Liberation Movement and Army (SPLMA) on May 16th 1983.

The long historical struggle and skirmishes raged Al-Bashir's government. Moreso he has been indicted by the International Court of Justice in 2008, for alleged sponsoring of the Janjawid militia fighters to unleashed ethno-religious cleansing in the Darfur region. The complex nature of Sudan led to secession of South Sudan to an independent nation in 2011. Mutual mistrust and issues relating to religion and Sharia implementation are likely to cause rift in plural societies if not properly managed. Nigeria's Sharia project may likely be similar to that of Sudan where the Penal Code Law arrangement continues to be in place because of the extent of religious pluralism in the States of Sudan and Nigeria.

The initiatives of the various governments, both democratic and military were said to be anti-Christians and anti secularism. The Nimeiri regime implemented Sharia Sharia Law in Sudan. This was however opposed by some Muslims and non Muslims respectively. The political and religious elites of Nigeria should be proactive, devort more time and continues pain staking exercise more the management of future Sharia Law implementation controversy. The secession of South Sudan was attributed to the issue of Sharia Law implementation among other things. Nigeria and Sudan had a similar experience of internal squabbles and religious pluralism.the experience of Sudan should serve as a lesson to Nigeria that is equally plural. The corporate existence of the States and the federation entity must be safeguarded.

2.7 Liberal Democracy and Constitutional Jurisdiction of Sharia Law Implementation in Nigeria

The debate and problems over the Sharia Law implementation in Nigeria is more pronounced when the country returned to Democratic rule in 1999. It's obvious because Democratic system of Government allows the exercise of Fundamental Human Rights, especially as it relates to choices among alternatives so long as the rights of others are not infringed upon. Thus, the basis of democracy and application could however place and link it to the 2002 Sharia Law implementation problems within the context of the nascent democratic development and changes respectively. Hence, the need should be a review on democracy and its traditional ideals.

Democracy could be explained as political system which allows constitutional changing of government through regular and consistent elections. It is a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for Political office (cited in Salisu, 2008). Consequently, Political parties and pressure groups are among the major components of Democratic practices. It's also a Political formula for deciding and determining Political direction in terms of representation in different elective positions displayed for contests.

Similarly, (Bentham, 1993, Umar, 2008) conceived democracy as, a mode of decision making about collectively binding rules and policies, over which the people exercise control, and the most democratic arrangement to be seen as that, where all members of the collectivity enjoy effective equal rights to take part in such decision-making directly- which realizes to the greatest conceivable degree, the principles of popular control and equality in the exercise. The key features of these positions are based on a

situation in which people are to be given the right to decide their faith by themselves on the basis of collective principle of equality, freedom and openness.

Three variants of democracy were however conceived as, direct or participatory democracy, where the whole bodies of citizens acting under procedures of majority rule are directly involved or participate in Political decision making on Public affairs, as was the practice in ancient Greece. Western liberal representative or Constitutional democracy which embraced representation within the framework of clearly defined rules and regulations, the system guarantees citizens enjoyment of their individual and collective rights among other things. This system is widely accepted more than any democratic system. While the other one relates to one party model that is more or less totalitarian. This was practiced in the former Soviet Union, Bulgaria, Hungary, Poland Czechoslovakia, East Germany, and Yugoslavia and of course some developing countries attempted to apply it. However, the challenges were enormous

Dahl, (1971:19) viewed democracy as **a system of government that was based on a reasonable, extensive and open competition for power and the absence of force in determining the Political direction of a society. The election or selection of Political actors is based on the basis of free, fair and regular elections, civil and as well extending of Political liberties to the people.**

Mbachu, (1994:12-13) posited that the essence of democracy revolved around the understanding that many aspects of human are met and the solution of common problems of people depends on how far people are given the opportunity to exercise their free will in determining their Political preferences among variety of options respectively. **Liberal Democracy is a self regulating system that provides check**

and balance with the view to checkmate excesses of leaders and re-shaping the output and behavior of the Political elites and the political system.

The most basic role of the citizens in democracy is active participation so that people stay closely with the political leaders. The electorate exerts some sort of control over decisions and intents and operation of the Political Legal. Among the many tenets of Liberal Democracy are:

i. Individuals are supposed to be valued equally, and equal opportunities are to be enjoyed without any bias.
ii. Minority rights are to be respected and protected. People are also expected to be tolerant of one another.
iii. Elected and appointed officers are to be made accountable to the electorate who elected them.
iv. Effective communication and transparency are to be ensured, in order for the government to be accountable.
v. Liberal Democracy is to make meaning if regular free and fair elections are held at an agreed time interval.
vi. Similarly, liberal democracy emphasized on citizens economic freedom so that people could owned property, choose businesses and join labour unions. Free markets should also be allowed where the State does not exercise some sort of monopoly over the economy.
vii. There should be limits to the powers of the branches, institutions and agencies of the government, independent courts and related institutions should be put in place to checkmate financial improprieties, corruption, judicial processes and regulating of the behavior of Public office holders.

viii. Moreso, people are to be protected against abuses of power by the government and corporate bodies, under the bill of rights regulations

ix. Another fundamental principle of liberal democracy is the respect of human life, dignity, freedom of expression and association among other things. This distinguishes liberal democracy from other legals.

x. Multi-partisanship allows for opposition parties to co-exist with the ruling party. Different view points on issues should be allowed. The electorates should be allowed to enjoy a variety of choices as per Political parties and policies to vote for.

xi. Liberal democracy emphasized that the rule of Law must be equally, fairly and consistently enforced. The Laws of the democratic State should be enforced without any bias and that the State Laws should have supremacy and to be accompanied with adherence to the fundamental rights of the individuals (Appadorai 1975 and INEC MODULE, 2007).

Democracy also presupposes the principles of limited State powers and clear cut separation of the Public from the private spheres. There should be autonomous sphere of citizen will formation, separate from the State and pluralism of power centers; it also recognized pluralistic ideas and opinions freely undertaken without sanctions, in the pursuit for public well being and progress of the society.

Democracy is built on the idea that people choose and decide on what they perceive as their priorities and not the dictates of 'expert' opinions. (Tanko, 2007:7). Democracies differ in nature. The developing societies are grappling to contend with the challenges of making democratic governance positive and result oriented in terms of tolerance and response to the yearnings of people for a relatively better life.

Adherence to these principles depends on the nature of democracies in place. Consequently Nigerian societies are grappling to contend with these challenges.

The problems of 2002 Sharia Law implementation in Kaduna State, is largely rooted in the plural nature of the State. Lidberal democratic system of government guarantees political, economic and social freedoms. In this regard, the 1999 Federal Constitution of Nigeria buttresses the extent to which this freedom could be enjoyed. The constitution is supreme and binding force on all authorities and persons throughout the nation. The constitution prevails and other Laws shall, to the extent of their inconsistencies, be declared null and void.

Sharia finds its place in Nigeria's Constitution only in a number of provisions relating to the Sharia Courts of Appeal of the federal capital territory and of any State that requires it. What is more eighteen Northern States have Sharia courts---in a sense recognizing elements of Sharia establishments and their detail operational activities. States are also allowed to legislate on certain matters not included in the exclusive legislative list of matters that are exclusively reserved for the National Assembly. (Amadi S 2003) Consequently, elevating any set of religious rules to States Laws may generate a level of controversy and acrimony. Technically, serious violation of the federal Constitution and its secular character in relation to Sharia Law implementation may to some extent be counterproductive and confusing. No wonder misgivings, problems and suspicions, continuing agitations trail the implementation of the 2002 Sharia Law in Kaduna State.

2.8 Sharia Politics and Disturbances in Kaduna

The Sharia agitations of 1999 in Kaduna State were however viewed with misgivings, and suspicions from the Christians. They alleged that the Sharia movement was

characterized by hidden agenda and an attempt to Islamize Kaduna State. There was the fear that State resources would be diverted to promote the cause of Islam. Moreso, the Christians may likely be treated as second class citizens in their State of origin. In a related development, Governor Ahmed Makarfi formed a committee and tasked them with the responsibility of sampling the opinion of people of Kaduna State on Sharia Law in the State. The committee was also mandated to come out with possible blue print for the Sharia implementation Project. (Abdu 2002: 142-177).

The Sharia crisis reached its climax when the Christian Association of Nigeria (CAN) organized a demonstration against the proposed Sharia implementation in Kaduna State. Muslims perceived the protest for deliberate provocation. Christian followers from different churches have been mobilized for a day protest match in Kaduna city. The protesters were allegedly said to have molested some Muslims. This, therefore, led to violent clashes. An atmosphere of free- for- all fight was created and lasted for days before the deployment of military to stifle the fight. (Abdu H. and Umar I. 2002)

In spite of the rancours, Kaduna State signed Sharia bill into Law in 2001. The implementation is, however, partial. Cosmopolitan areas are excluded from the Sharia implementation. Places that are less cosmopolitan and homogeneous and with clear majority Muslim populations are included in the 2002 Sharia Law implementation. The Law equally consented to the establishment of customary courts in areas where non Muslims are in the majority so that people could have a chance of being governed by their customs, norms and traditions. Consequently, a dual court legal system of both secular and Sharia courts operates side by side in Kaduna State (Mazrui A. and Schweirt A., 2001: 9-12).

The return of democracy to political governance in Nigeria from 1999 rekindled the fervor and agitations for Islamic legal system using the frame work of the operational 1999 constitution. However, the application of the Law in most parts of northern Nigeria was however partial. This is because of the plural nature of societies and historical antecedences overtime in the States.What then is the politics of the 2002 Sharia Law implementation in Kaduna State? However the group interests of protagonists and antagonists of the Law could not provide enough explanations needed on the issue. Agitations and resistence for Sharia implementation continues.

The application of the 2002 Sharia Law in Kaduna State is still a controversial and contentious issue. Consequently, more Sharia agitations and problems of implementation has become a permanent feature in Kaduna State. Level of illiteracy, destitution, child hawking, street begging and wide socio material gap still pervades the urban and rural centers of both the Sharia and non Sharia affected societies in Kaduna State.

2.9 Religion, Ethnicity and Politics

Babangida (2007:15), maintained that, as the nation democratized the polity ought to settle down and count on the lessons learned. Nigerians should accept that they are all part of Nigerian Political community emphasizing our communalities while working to resolve our differences. The politicization of religion and its violent manifestations are evidence of weak spots in nation building efforts. As members of the elites, it was a disservice to this country for anyone to exploit an issue of primordial identity on the bases of ethnicity and religious agendas for personal or Political gains. James and Boer (2008, 2009) equally posited that Nigeria was blessed with a lot of economic potentialities and, therefore, indigene settler

phenomenon and other primordial divisions should give way for national interests so that poverty, destitution and other forms of domination on the masses should be replaced with policies that will integrate Nigeria as a whole. Sharia Law implementation represent political ploy of the political elites for self aggrandizement (Aja Akpuru- A. 2007).

Alemika, Okoye and Muazzam (2005) in their article entitled, 'Religion and Politics in Nigeria' contended that political parties were hurriedly formed by the Nigerian 'Military juntas' in the late 1990's. With the transition to civil rule in 1999, P.D.P won the election. As the civil society groups and stakeholders vehemently made sacrifices, average Nigerians had the belief that the societal problems could be addressed. Leadership found a new identity in religion and the interaction of religion and Politics led to the politicization of religion. The re-introduction of Sharia in northern Nigeria was championed by the political class and Muslim scholars.

Owing to the heterogeneous nature of Nigeria, the issue of religion should be treated and handled with caution as rightly said by Muazzam, Okoye, Alemika (2005:21). That, **'as for the mass of the people when anomie is extreme the thought-after solace can also be extreme'**. Religious controversies could develop the tendencies of degenerating to an ugly scene. The fragile nature of the Nigerian entity could be attributed to colonial legacy. This therefore makes the nation vulnerable to manipulation, particularly on the basis of primordial factors.

Gumbi and Aliyu (2009:14) stressed that Nigeria was never a secular State. This was because a number of religions abound, with large followers.The Nigerian Constitution permits freedom of worship. Muslims were only interested in the sanctity of their religion and not federalization per-se.

Ethnicity and religion are twin issues that continue to affect and shape the social and political direction of Nigeria. This may not be limited to Nigeria. The Sharia Law implementation problems are the antecedence of the inter play of the forces of ethnicity and religion. These issues were sometimes camouflaged while a quite majority of people remained obscured from the objective realities. (Etannibi 2002, 2:3) Ethno-religious contests in Nigeria could also be situated in the context of struggle for the control of scarce resources and divergent interests alike. These thus combined in different degrees to produce inconveniences of varying intensity. He further asserted that scarcity of resources compelled groups to embattle one another with the view to get access to the scarce resources. Divisions and groupings were sustained and utilized for the intensified struggle, even if nothing tangible could come out of it. This is because the culture of violence had already been established. (Etannibi 2002, 2:3)

Martin (1998, 267:279) posited that ethnicity was a permanent and a critical characteristic of the modern States. When two distinct cultures collided, one inevitably and arrogantly thought of itself as superior to others as a rule. In the same vein, ethnic conflict had often prevailed within Europe itself and this position was supported by examples: world war II was considered as an ethnic cleansing motivated action, embarked by Adolf Hitler, the demised of Soviet Union in the 1990^{s} subdued long mutual bathing between various ethnic communities such as Chechnya separatist movements.Furthermore, Slan added that ruthless, unscrupulous and manipulative Political leaders often engineered and used religion as a sort of artificial and pervasive ethnicity that could be at every bit as competitive and violent. This could be equated with the intermittent Sharia Law implementation problems in Nigeria over the years.

The Turkish occupation of Northern Cyprus in 1974 presents another instance where Turkish minority in Cyprus had to be protected from what was perceived as the Political and economic domination of the Christian Greek majority. As a result of this, Cyprus remained a divided country and showed no likelihood of reuniting once again with the Turkey's federation as sought by the latter. Moreso, the case of Bosnian Croats, Muslims and Serbs shared the same history, spoke almost the same language and remained closed to each other. Yet, religious differences and ethnic divisions were capitalized and used as a means of perpetrating mischief by the disgruntled elements for achieving personal Political gains. Religion, combined with ethnicity, could inevitably became a catalyst for civil war if a minority felt that it was dominated upon or abused by a country's political centre. The spate of sectarian unrest was politically motivated in the country. (Martin 1998)

Kubai (2005) in his pamphlet "Being church in post-genocide Rwanda" captured the dynamics of ethnic Politics and scale of the 1994 Rwanda genocide that shocked the world. The sectarian crisis took a unique form, but ethnic factor became the prime factor since the society has been so homogeneous in terms of religious faith. The Rwandan massacre was so devastating to the extent that the Hutu extremists were all out to exterminate the Tutsi minority. The Hutu elites used the media propaganda effectively, to propagate hatred against the Tutsi group. In the organized genocide, rational and liberal Hutus were not spared. Moreso, priests were involved in the atrocities of killing Tutsi members of even their congregations who had sought refuge in church buildings in the belief that they would be protected by the clergy men and women of God. As such, the criminal conspiracy led to the annihilation of over one million Tutsi minorities. Religious and ethnic Political manipulations have a tendency

of heating up a polity. The intensity of civil strife is usually high where sentimental agendas overshadow rational reasoning in plural societies.

Alexis (1991, 107:128), provided an insight into the dynamics and body polity of Sudan which is the largest country of Africa in terms of geography. He maintained that the Politics of Sudan was much influenced by the Egyptian and British colonial domination, particularly, with the signing of Anglo-Egyptian condominium of 1899-1956. This development divided the country into North and South. The North was to be administered by the Egypt while the southern Sudan remained under the care of Britain.

Alexis (1991, 129:146), posited that the sectarian nature of the Kurdistan Iraq was one of the entities arbitrarily created out of the ruins of the Ottoman Empire by the British and France imperial powers. Notable groups in the country had been the Kurds Shia Muslim minority and the Sunni Muslim majority. The Kurds could be found in the North of the country, with tribal cleavages and fragmentation and as well consists of different dialects. Ethnic and sectarian divisions made the country more volatile and uncertain. The Kurds resented the way and manner in which they were treated by the Sunni rulership on grounds of inequality and discrimination and consequently develop into an armed secessionist movement. This movement gathered momentum in the 1940s under Mulla Mustapha Barzani, who formed the Kurdistan Democratic Party (KDP) as a flat form for achieving the targeted ambition. Moreso, the Kurds developed an armed secessionist movement in the nineteen eighties. Their objectives were unclear: from extended autonomy to a dual federation or a loose federation.

The organized ethnic Kurds movement remained elusive as they inhabited the oil Kirkuk regions and that the Arabs found it expedient to embark on eviction of the

Kurds from the oil rich regions and resettled elsewhere in order not to make Iraqi oil reserve non viable. The Kurds felt cheated and deprived of their rights and proportionate gains from their oil reserve. Their agitation attracted the international community, particularly Egypt, United States of America, Algeria, Iran, Turkey and the former Soviet Union who advanced moral and material backing to the cause of the Kurds. Saddam Hussaini and the ruling Ba'ath party suppressed and marginalized the Shii'ttes and Kurds tribal groups. In the pursuits of his Political adventure, Saddam manipulated the ethnic and Islamic sect differences. Political power was thus hijacked by the Sunni minority group of Iraq dictatorship under Saddam Hussein circle and cohorts. The post Saddam period exposed the polarized nature of Iraq on the basis of sectarian divide. (Alexis 1991, 129:146)

2.10 Gaps in the Literature

Some of the gaps that this study discovered from the reviewed literatures are:

(i) The study of 2002 Sharia Law implementation should go beyond group interests of Muslims and Christians in Kaduna State. Emphasis should be on the politics, with the view to put it in tis rightful position.

(ii) Much of the debates were centred on the feasibility of implementation of Sharia in a plural State. What then is situation of Sharia Law implemented in Kaduna State?

(iii) Much of the Sharia study and analysis did not link it to the larger politics of Nigeria and Kaduna State. The linkage will provide understanding of the realities of the Sharia Law implementation controversies, crisis, vested interests and surrounding issues that complicated the Sharia project in Nigeria and Kaduna State in particular.

(iv) Much of the review overlooked the dynamics and pattern of residential settlements of Kaduna metropolis and environs and implicatioins on the inter group relations of Muslims and Christians in the post Sharia crisis in Kaduna State.

2.2.1 Theoretical Framework

This study adopts pluralism and group theories as a tool for analyzing the politics of 2002 Sharia Law implementation in Kaduna State. Pluralism presupposes the belief of individual liberty and the need for diffusion of power and healthy competition and neutrality of State in view of the complexities among other things.The theory also suggests the preservation of human liberty, order, and harmonious coexistence of people as well as neutrality of State on sensitive and competing matters that border on ethnic and religious contestations and divide. This therefore correlates the fundamental issues that characterized the politics of Kaduna State built around the ruling political elite struggle in the implementation of the 2002 Sharia Law in Kaduna State, with religious diversity and multiplicity of competing interests alike.

2.2.2 The Assumptions of Pluralism

Pluralism as a political theory developed as a criticism against the traditional school of absolute sovereignty of State and widely used in the United States in an attempt to explain the power structure and with the rise of organized religions and democratic States. It is however rooted in the general theory of society as developed by the classical liberal theorists. Pluralism is a belief in the commitment to diversity, the existence of party competition, multiplicity of ethical values and cultural norms. It suggests that diversity is healthy and desirable. This is aimed at protecting the rights and freedoms of individuals. The State should not be the only supreme institution and

that sovereignty is not the private property of the State. The State should be neutral as it's susceptible to the influence of various groups, interests and all social classes (Heywood A. 2000, Hirst p.Q. 1990, Isaiah B.1998)

Pluralism is centered on the issues of centralization of power, group interests, and sovereignty of institutions and organizations and neutrality of States from interference. In this regard, political power should be widely distributed among the competing interests groups operating there in. This implies that power should not rest on the government alone, but instead divided between government and groups. (Young C.1979, Heywood 2002, Stuart M. 2002, Crowder G. 2002)

The theory stressed on the diffusion of power and actors of governmental and non governmental organizations operate within a frame work of checks and balances. This is aimed at minimizing the abuse of power. This theory thus considers diversity as a desirable means of safeguarding individual liberty. Similarly, the approach subscribes to the notion of States and organizational autonomy. Since sovereignty is not the private property of the State, Pluralists support federalism because it will be difficult to locate where sovereignty lies. (Heywood 2002, Baghramian and Ingram 2000)

In another sense, pluralism sees States as neutral arbiters among competing groups and individuals in society. States acts in the interests of all citizens and represents the common good and interests of the public. This may also safeguard against encroachments of fellow citizens. Government tends to be depicted as a mechanism for mediating and compromising a constantly shifting balance between group interests rather than an active innovator or imposer of policies upon society. Given the multiple values, conflicts among people are natural and inevitable. All choices cannot be realized. Judging from the relative merits of values, it is difficult because a number of

values could not be compared or are in compatible with one another. (Thompson A 1992, Rorty A. 1990)

Pluralism recognizes differences in ethnicity, culture, language and religion. Though values are not equal, no value is always important enough to override other values. Moreso, achieving a good life means having a reasonable supply of choices as well as appreciating those choices and thus having more freedom—it does not mean fulfilling all possibilities or that people have a common goal that they reach by different means. Consequently, the theory recognizes the relevance of group and variety of group life which should be reckoned with in political life. The interests of the State must not always be identical with the interests of its parts.

2.2.3 Weaknesses of the Theory

It is observed that Lawlessness abound where in a society sovereignty is divided among various associations and group interest. In such situation chaos may be the end result. The classical pluralists have been criticized for parochial study of political life. Different sections of the society are equally relevant in this regard. Similarly, the notion that Law is to some extent superior to the State and thus State under the control of the Law is wrong and misleading because Laws are framed by the State. (Stocker M, 1990)

It is a mere fantasy to assume that associations and groups are equal in status to the States. Moreso, the State is needed for protecting people from the excesses of associations. It was also argued that visible exercises of power may disguise the fact that some groups wield power in less obvious ways and that expressed political preferences are not necessarily equivalent to objective or real interests. (Keke J. 1993)

It is logically inconsistent because it requires limits based on non plural criteria. It lessens the political power of people that could otherwise act in a united movement. This theory has a tendency of creating moral confusion. People shop for value systems that best meet needs, using this as excuses for unacceptable behavior and encouraging disintegration of core value legals.

2.2.4 The Group Theory

The intellectual root of group theory is pluralism, the theory developed by the early 19thC. the approach consider group as the basic unit of analysis in the study of politics – recognized and looked at the multiple pattern of group affiliations and loyalties and the political behavior of groups in relation to the social system where the political system coexist. A number of groups seek to achieve and maximize their interests.

Human society is dynamic; the theory is interested in knowing how it keeps going in spite of the persistent conflicts among competing groups. Each group is frantically pursuing its own narrow self interests. The advocates of the theory posits that societies include within them a large number of groups, which remain engaged in a perpetual struggle for power and domination over each other Therefore politics could best be understood and analyzed only in terms of interactions between various groups. The functioning of the State could also be understood through the network of the knowledge of the working relationships of various groups that are interacting and coexisting together. (Stefan P. 1998 and Benson J. 2000)

Groups are aggregation of individuals, united by, and on the basis of shared interests – pup up certain claims upon other competing groups in human society for the maintenance and enhancement of forms of behavior that are implied in the shared attitudes (Smith M. 2008). A significant analysis of the sharia controversies and its

corresponding developments could be viewed within the context or group interests of the contending forces – the political elites and the stakeholders who found solace in the existing groupings in the country and Kaduna State in particular. Political and religious elites utilized the so called group interests groups and further their acclaimed struggle for the emancipation of the dominated minorities as it was conveniently used in the many crisis that happened in Kaduna State. Consequently, pluralism and Group theories pvovide intellectual tool for the imperical and objective analysis of the politics of Sharia implementation in Nigeria and of course Kaduna State that experienced unprecedented crisis that recorded huge loses and shartered the long peaceful group relations between Christians and Muslims.

CHAPTER THREE

METHODOLOGY

3.1 Geography of Kaduna State

Kaduna State lies between the longitude 96^0E and 08 06^0E east of the meridian and between latitude 09 02 N "32N of the North of the equator. Kaduna shares borders with Zamfara, Katsina, Niger, Kano, Bauchi and Plateau States. It also shares borders to the South West with the Federal Capital of Nigeria – Abuja. It is conterminous to river Kaduna – the precise site chosen by Lord Lugard for the establishment of the city. A metropolis which lies within the territory of the kingdom of Zazzau (one of the ancient seven Hausa States of the pre-colonial era, and also home of Queen Amina the great warrior of Zazzau (Oyodele, 1987:160, Paden, 1986: 58, Dawa 2010:13 and Richard, 2006:20)

The State occupies an area of approximately 48, 472.2 square kilometer with a population of more than six million. (1996 population figures) The entire land structure consists of nine (9) undulating plateau with scattered settlements as one move to the southern part of river Gurara, Kagom River, Galma and river Wonderful in Kafanchan. Kaduna State is experiencing two major seasons: dry and rainy seasons respectively – lasting five to six months. Vegetation extends from the tropical grass land and up to Guinea Savannah to the Sudan Savannah in the North. Grass land covered southern parts of the State. Big and small trees of economic importance are there during the two seasons across (Oyedele, 1987:140) Being the capital of the defunct Northern Protectorate and Northern Region, 1913-1967. The 2006 population census of Nigeria indicated that Kaduna State's population stood at. 7.033.223, (Gonernment printers, Kaduna)

3.2 Study Population and Sampling Techniques

The study of politics of Sharia implementation of Kaduna State, with an approximate population of Seven Million Thirty Three Thousand and Two Hundred and Twenty Three people------ 7.033.223 (2006 population Census, Nigeria), requires reasonable sampling techniques for data collection. This study adopted a multi stage sampling techniques to suit the Quantitative and qualitative discriptive analysis of the Sharia implementation crisis, controversies and the attendant politics in the State. The administration of questionnares cut across the entire State. This was carefully done through the Senatorial Zoning arrangement-------- Zones; 1,2 and 3. We sampled three (3) from the twenty three Local Governments in Kaduna State------ one from each senatorial zone. We sampled the three Local Governments with the highest population across the Geo-polital arrangements. This was done in order to have a balance representation of the three zones and the groupings of the various societies of the State. The local Governments that we picked are; Igabi, Zaria and Zangon Kataf. The Local Governments had a population of:

1.	IGABI	-	498.753
2.	ZARIA	-	473.213
3.	ZANGON/KATAF	-	366.760
	Total	=	**1338.726**

We group the Local Governments in to A. and B. Group A. ---------- consists of Zone 1 and 2.------ with a predominantly Muslim population, while Group B------ Zone 3 has a predominantly Christians population. This was done in order to make a balance presentation of issues in the course of data collection, presentation and analysis.

GROUP A. Igabi and Zaria Senatorial Constituencies

GROUP B. Zangon/Kataf------- Zone Three: Senatorial Constituency

Questionnaire Distribution:

We distributed a total of 960 questionnaires to Group A. That is 480 each for Igabi and Zaria Local Governments------- 960

Returned Questionnaires --------- 915, for Group A. --------- Zaria and Igabi Local Governments

GROUP B

In the case of Zangon /Kataf--- We distributed a total of 442 questionnaires

Returned Questionnaires----- **418**

Total Questionnaires Distributed to Groups A and B

960, and 442 = 1402

Total Questionnaires Returned for Groups A and B

915 and 418 = 1333

3.3 Sampling of Respondents from the Local Governments

We used combined techniques for the sampling exercise—balloting, random and systematic sampling techniques for the purpose of sampling wards in the Local Government, house and picking of individual respondents respectively. We listed the number of all the Wards in all the three Local Governments selected. Similarly, we randomly sampled four (4) wards from each of the three Local Governments.

3.4 Wards Sampling Procedure

We adopted the simple random method for the sampling of the twelve (12) wards from the three Local Governments respectively. The following wards were however sampled.

Igabi Local Government: Birnin Yero, Igabi, Rigachikun and Rigasa

Zaria Local Government: Tukur –Tukur, Kaura, Gyalesu and Unguwan Juma

Zangon/Kataf: Madakiya, Zonkwa, Kamantan and Zaman Dabo

A total of Nine Hundred and sixty (960) questionnaires were administered to Group A----- Igabi and Zaria. One Hundred and twenty (120) questionaires were given to each of the eight (8) wards. In the case of Zangon/Kataf Four Hundred and fourty two (442) questionnaires were administered to Four wards: In this regard One Hundred and Eleven (111) questionnaires were administered to each ward.The quality and outcome of research depends to a large extent on the ability of a researchers to obtain a good and reliable data for analysis. Picking of respondents from the wards were done in a systematic and coherent manner. This was aimed at ensuring that every individual from the ward had equal chance of been selected from the study population.

The starting point of the ward sampling procedure in respect of the twelve (12) wards of the total wards across the three Local Governments had to do with demographic survey of the geographic distribution of the settlements of the twelve wards that were randomly picked. We noticed sub- divisions of some wards and listed major Roads and Streets. Houses were picked at regular interval in line with the legalic random selection. 0ne or two questionnaires were given to male or female respondents. This depends on the sizes of the sampled Houses. The structured

questionnaires were collected from the respondents after two or three days respectively.

The data collection exercise was only possible for me through the help of the research assistants that were recruited on temporary basis. I recruited four research assistants: two Christian youths and two other Muslim youths respectively. I sought for the assistants of the Natives of the Wards we sampled out. I however made arrangements for their payments. In this respect, we translated the open and structured English questionnaires into the local language that was easily understood—Hausa language.

For the secondary data collected, the following sources were effectively utilized: Newspapers, journal Publications, text books, write ups, reports, official and unofficial documents. Such as:

i. The 2001 Sharia Law policy of Kaduna State.
ii. The Constitution of the fed. Republic of Nigeria (1999).
iii. Annual volume of the Laws of Kaduna State, Nigeria(.2002)
iv. Kaduna State Almanac '*Government Printers Kaduna'(2010*
v. Kaduna State Government White paper on Sharia Law , June, 2000
vi. Human Right watch (2002)
vii. Olakanmi "Penal Code reported cases". No. 5 vol. 1, 1st edition reports.(2009)
viii. Samb *Sharia and Justice , Lectures and Speeches,* Zaria(2003)
ix. (Kaduna State government white paper, April, 2001)
x. Irikefe A., panel report to investigate into the issues of creation of more States and boundary adjustment in Nigeria, 1976.

xi. Willink's report of the commission to look into the fears of minorities in Nigeria and the means of allaying them by , printed for the Nigerian government by Her majesty's statioinery office, London. (1958)

xii. White paper April 2001, on the Report of judicial commission of inquiry into)Kaduna State Religious disturbances of February(2000)

xiii. Ojukwu's speech, at Hekan Church, Katsina road, Kaduna. January 2000

xiv. The 1996 Population Figures of Nigeria,

We conducted interviews to individuals in Kaduna metropolis and other places within Kaduna North, Kaduna South, Chikun Igabi and Sabon Gari Local Governments respectively. This is because the agitations and counter oppositions and the disturbances happened in the metropolis and suburb communities. Individuals and religious organizations were interviewed across the two major religions---- Islam and Christianity. The open ended questions were equally written in English and translated into the Hausa language. We focused our attention on the religious leaders, Political elites, resource persons in Islamic and Christian religions and religious organizations and religious groups. We were able to interview former Governor Ahmed Mohammed Makarfi and other stake holders in the Sharia project of the State--- the Supreme Council for Islamic Sharia Kaduna Branch and State legislators.

3.5 Islamic groups that featured in the interview

i. Shi'itte (National Movement in Nigeria)

ii. Salafiya group

iii. Izala group

iv. Darika group

The Islamic organizations that featured in the interview are:

1. Almanar Islamic Propagation Centre, Unguwar Rimi G R .A Kaduna.
2. Islamic Propagation and Scholarship Centre (Waff Road),Kaduna
3. Jama'atu Nasarul Islam National Head quarters, Ali Akilu Road Kaduna
4. Jama'atu Nasarul Islam State Head quarterrs Hamza zayyad building, 4th floor, Anguwan Sarki Kaduna.
5. Shi'itte preaching and Propagation Centre, National Head quarters (Baqiyyatu Husseiniya) Sokoto Road Sabon Gari, Zaria.
6. Salafiyya Education Institute, Kabala Doki Kaduna.
7. Islamic Trust of Nigeria (I.T.N.), Sokoto Road, Jama'a town, Zaria

It is important to note that direct interview requires a level of tentative plan, logistics, time and resources being paramount among other things. Having this in mind, the interview sessions commenced at a convenient time. Through the tireless efforts of the research assistants we were able to go round and book various appointments with the respondents respectively. However, the exercise was not so smooth. This was because: some respondents had tight schedules and thus, spared us limited times for the interview encounters; some respondents were skeptical and reluctant to grant interview for obvious security reasons. There was the fear that the information given might be used against them or that politicians must have sponsored the research to achieve self aggrandizement to the detriments of the interests of the larger society. We pledged to ensure confidentiality of their inputs and responses. However, we were very patient in the exercise. We allowed the respondents to take their time, in order to avoid a situation where pressure might push the respondents into providing skewed information required of them. Consequently, some bookings had to be rescheduled to suit the convenience of the respondents.

We took the opportunity and booked various appointments for in-depth face –to-face interview sessions with individuals from the following Christian Organizations and places of Worship respectively:

3.6 Christian Organizations

1. Headquarters, Catholic Diocese of Kaduna, Tafawa Balewa way, Kaduna
2. Headquarters Anglican Diocese, Ibrahim Taiwo Road, Kaduna
3. C.R.K. Department, Kaduna State University, Kaduna.
4. Christian Association of Nigeria(CAN), Kaduna Branch, Ibrahim Taiwo Road, Kaduna

3.6.1 Places of Worship

1 ECWA Good News, Narayi High Cost, Kaduna.

2 Living Faith Foundation, Constitution Road, Kaduna.

3 Eternal Sacred Order of Cherubim and Seraphim, Nnamdi Azikiwe express way Kaduna.

4 Eternal Sacred Order of Cherubim and Seraphim, Kigo Road, by Constitution Road, Kaduna.

5 First African Church Mission, Abeokuta Road. Kaduna.

6 First African Church Mission Galadima Street Sabon Tasha, Kaduna

It is normal for direct interviews to be characterised by a number of Problems as earlier said. Some of the Problems relates to difficulties in getting accessibility to the respondents. This was possible through the help of the two Christian research assistants as said earlier on. The respondents became suspicious of the exercise. We were able to disabuse their minds and suppressed the level of skepticism and misgivings over the exercise.

In the same vein, we were able to persuade and present enough evidence to persuade them. In spite of the challenges we were able to interview a considerable number of respondents across various denominations and organizations respectively. We utilized the limited time allotted to us for interview sessions. Some responses were brief while in some cases we had to adjust and listen to lengthy discussions even on issues that were not connected to the research objectives. These did not however derail our research objectives.

We used four radio recording machines. Two sets of optional questions were used---not all the respondents were fluent in English. Consequently, we applied both English and Hausa versions in order to take care of what might have been a serious communication gap. We simplified the questionnaires in order to ensure quick and better understanding across the various respondents because of their different educational backgrounds and exposure. We used timing techniques to the numerous questions that we threw to the respondents. However, it did not work in some cases. We transcribed and summarized the various interviews at the end of every individual interview session. Responses were collated and interpreted and used for the qualitative descriptive analysis of the study.The stress associated with this exercise underscore the relevance of the study we made the interview sessions lively.

CHAPTER FOUR

Back ground to the Geo- politics of Sharia Law implementation and promulgation in Kaduna State

4.1 The Geo -- Politics of Kaduna State

Kaduna State occupies part of the central position of the Northern part of Nigeria and lies between the longitude 96^0E and 08 06^0E east of the meridian and between latitude 09 02 N "32N of the North of the equator. Kaduna shares borders with Zamfara, Katsina, Niger, Kano, Bauchi and Plateau States. It also shares borders to the South West with the Federal Capital of Nigeria – Abuja (Dawa 2010:13 and Richard, 2006:20). It is conterminous to river Kaduna – the precise site chosen by Lord Lugard for the establishment of the city. It is described as the "Sabon Gari" of northern Nigeria."(Oyedele, 1987) A metropolis which lies within the territory of the kingdom of Zazzau (one of the ancient seven Hausa States of the pre-colonial era, and also home of Queen Amina the great warrior of Zazzau (Oyedele, 1987:160, Paden, 1986: 58).

The State occupies an area of approximately 48, 472.2 square kilometer with a population of more than six million.(1996 population figures) The entire land structure consists of nine(9)undulating plateau with scattered settlements as one move to the southern part of river Gurara, Kagom river, Galma and river Wonderful in Kafanchan. Kaduna State is experiencing two major seasons: dry and rainy seasons respectively – lasting five to six months. Vegetation extends from the tropical grass land and up to Guinea Savannah to the Sudan Savannah in the North. Grass land covered southern parts of the State. Big and small trees of economic importance are there during the two seasons across (Oyedele, 1987:140).

4.2 Population

Being the centre of the defunct Northern Protectorate and northern region, 1913-1967, the population of Kaduna continued to increase and clearly became more plural. The State is composed of different tribes, ethnic backgrounds and religions. The 2006 population census of Nigeria indicated that Kaduna State's population stood at **7.033.223. (**2006, population census report) The population explosion was as a result of many factors among which were: the construction of new edifies to suit the status of the State,at strategic location. Another factor relates to the deployment of ex-service men who fought in the World War II. These service men settled and built houses and certainly made Kaduna their home. The descendants of the ex-service men were considered the indigenes of Kaduna Capital City. (Oyedele 1987, 2006 population figures, government printers, Kaduna)

Emigration is another contributing factor as far as the rapid population of Kaduna State is concerned. Young laborers moved to Kaduna city and Zaria in search of work and better living conditions. Rural urban migration was more pronounced during the dry season when farming activities lessened. The irony of the issue was that, a large number of immigrants remained in the cities and refused to return home even when the new farming season commences – the immigrants later turned to become technicians, masons carpenters and factory laborers. (Oyedele 1987)

Similarly, the spread of educational institutions of learning accounted for the rapid increase of population and growing prominence of Kaduna State. The schools are scattered all over A.B.U. Zaria, N.D.A, Kaduna, and Nigerian College of Aviation school, Zaria, College of Agriculture, Zaria and Samaru-Kataf, Polytechnics, Colleges

of Education and Vocational Centers. The liberal nature of the State in terms of accommodation to visitors had been one among the several reasons why Kaduna remained what it had been for so many years. (Oyedele, 1987: 46:50, Subeni R.T. 2002: 20/22).

4.3 Socio-Cultural and Political Backgrounds

Kaduna is one of the 36 States in Nigeria with its capital in Kaduna city. Kaduna State was created on February 3rd, 1976 by the Murtala/Obasanjo regime. The name 'Kaduna' is derived from the word 'Kada' – meaning crocodile, found in the popular river Kaduna in the early years. The old Kaduna State is made up of Zaria and Katsina province, until 1987 when Katsina State was created out of Kaduna by the Military Head of State of Nigeria, General Ibrahim Badamasi Babangida. (Rtd) (James, 1995:

Kaduna has a popular 'Nok' culture dated back to many centuries. Archeological discoveries had revealed that the 'Nok' culture had been one of the most significant and best known cultures in black Africa. The major festivals have been: Sallah celebrations – 'Eid fitr' and Eid Kabir for the Muslims and Maulud as well, while the Christians celebrate Christmas New Year and Easter respectively. All ethnic groups within a year held different festivals, but the notable ones are 'Tuk, Ham, and Afan and Durbar festivals. The famous art works were: pottery making, leather works, pit dyeing, basket, mat making, weaving metal and goldsmitting (James, 1995: 40/45).

The major ethnic/tribes of Kaduna include the following: Hausa, Fulani, Kamuku, Razai, Amawa, Fiti, Kanugu, Gure, Akurmi, Koro, Surube, Rumaya, Ruruma, Chawai, Anghan, Ikulu, Baju, Altakar, Atyap, Gbagyi, Kadara, Kutu Rimi, Jaba, Gwong, Fantsuwan, Gwandan, Anukon, Mada, Ninzom, Chat Tam, Mayir, Agorok, Ayu Numan Moro a (Hauwa E.Y. and Adefarakan Y. 2008, Oyedele 1987:301).

The multi- cultural, multi- ethnic and multi religious nature of Kaduna State makes it unique in comparison to many northern States of Nigeria. Amawa who speak Amua are located in Lere Local Government Area.

Kaduna State is divided into three senatorial zones: Zone one, Zone two and Zone three. Zone one consists of the following Local governments: Sabon-Gari, Zaria, Makarfi, Ikara, Soba Lere and Kubau. Zone two consists of: Kajuru, Chikun Kaduna South, Kaduna North, Birnin Gwari, Igabi and Giwa Local Government.Zone three consists of: Kachia, Kagarko, Jaba, Jama'a, Sanga, Kajuru, Zangon-Kataf and Kaura respectively (Dawa 2010:14).

Kaduna is a predominantly Muslim and Christian State. Muslims could be found mostly in the northern part of the State and Christians mostly in southern part. The Bureau for religious affairs was established with the view to promote peace, harmony, and understanding among the religious groups. Pilgrim Boards for both Muslims and Christians are in place in Kaduna State. Former Governor Ahmed Mohammed Makarfi set up committees on religious harmony with membership drawn from two religious bodies. Thus, in view of the cosmopolitan nature and the spread of institutions of learning and commercial activities, the State is nicknamed with a fanciful slogan of being a 'liberal and centre of learning'. (Hauwa'u E.Y. and Adefarakan Y. 2008)

4.4 Economy

Kaduna State is endowed with both human and natural resources which are awaiting development on large commercial scale at local and international level. The State extends from the tropical grass land- guinea savannah to the Sudan in the North. Agriculture is the main stay of the economy. About 80% of the State population

engaged in peasant and subsistence farming. Some of the crops grown include: Tobacco, Beans, Maize, Yam, Guinea Corn, Millet, Cassava, Ginger, Nice, Vegetables, and fruits of varieties-Sorghum, Sugar Cane and Locust Beans. During dry season, a considerable number of people in the State engaged in irrigation farming along some major rivers and dams. Animals are also reared: Cattle, Sheep, Goats, Pigs, and Poultry farming, Cattle and Sheep Skins were also tanned for export. Kaduna is second to Kano in terms of commercial activities in northern Nigeria. A number of industries and companies sprang up: textile industries in Kaduna Capital City, Peugeot automobile Nigeria Limited, Nigerian National Petroleum Company, Leventis,L.Brothers, Pertason Zoconics (pz), Zaria industries Textile Limited—ZILTEX (Umezue 2002:)

Kaduna enjoyed Local and international patronage. This usually came in form of the routine international trade fair – local and multinational companies did parade and assembled their products for sell in Kaduna City.This is usually done annually in a popular "Trade Fare Complex" (Ministry of Information Kaduna). The economic down of Nigeria reflected on the economic activities of the State. There had been international airports and major rail lines that linked up Kaduna with many cities: Kano, Lagos, Port- Harcourt and Gusau. In terms of small scale industries, Kaduna had been among the largest in Africa. Most of the industries are located in Kaduna and Zaria urban centers. Almost all the heavy manufacturing industries were concentrated in Kaduna Capital City. Human and natural resources are abundant in almost all the Local Governments of the State. (Loma E.A 1996: 10 Kaduna Almanac 2010 :)

The heterogeneous backgrounds of Kaduna State makes it a little bit unique compared to States like Katsina, Kano and Zanfara.The demographic setting is such that the ethnic groups and followers of the faith groupings--- Muslims and Christians enmeshed into one another.The societies could not be separated along religious and ethnic lines.

4.5 Back ground to the politics of Saharia Law implementation in Kaduna State.

The agitations for Sharia Law implementation predate the political independence of Nigeria. The British colonial government only whittled down the enactment and application of Sharia Law in northern Nigeria.Since 1978, the Sharia has become a serious bone of contention in Nigeria's politics. The debates during the 1978 Constitutional Assembly deliberated a lot on the issues of Sharia Law implementation. Muslims and Christian members differ over Sharia issues.In the wake of the controversies and stalement that emerged in the assembly led a walk- out by Muslim members in protest against the manner the issue was handled. At the end, General Olusegun Obasanjo declared Sharia to be a 'no go' area. What is more, the government then imposed what it considered to be a compromised version which allowed for the establishment of Sharia court of Appeals at States level for any State that required it. It also created an Islamic Law division in both the court of Appeal and the Supreme Court. Another round of debates occurred during the 1989 and 1995 constitutional conferences where the Sharia antagonists called for the total abrogation of Sharia Law and erosion of any word Sharia in the draft constitution. (Mahmud A.B. 1998, Yadudu A. H. 1991, Amadi 2003, Abdu H. and Umar 2002,)

The Sharia question developed into a major political issue on 27th October, 1999 when Zamfara State implemented Sharia Law. In view of this, some States in the

north followed suit and implement Sharia Sharia in their respective States. The attempt by Kaduna State House of Assembly to pass the Sharia Bill led to a series of demonstrations, first by Muslim supporters and then by Christian opponents. The anti-Sharia demonstrations by Christians on 21st February, 2000 led to a major conflict between the two groups resulting to massive killings of people on both sides. It was also characterized by the destructions of religious buildings, general arson and destruction of properties. This phenomenon led to major changes in settlement pattern of Kaduna city and its environs. The two groups--- (Muslims and Christians) congregating in areas where their religious faith are dominant inhabitants. The Kaduna riot buttressed the fundamental problems posed by the adoption of the Sharia legal system in the State. (Ostein P. 2007) This development however led to the implementation of the 2002 Sharia Law, which is aimed at resolving the contentious issues of the Sharia project in Kaduna State. The Geo-politics of the State is a testimony of the realities of complexities of the various groups with peculiar socio-political backgrounds and people of different faiths, and thus, shows the need for the adoption of a balance legal arrangement that could be accepted by the diverse groups in the State.

The Sharia implementation questions in Kaduna State could not be treated in isolation from many issues and factors such as, group identity, deliberate manipulation of negative perceptions by political leaders, competition for resources, weakness of political institutions and transition to democracy (www.ukm.my/geografia/images/upload/4,2011-2-suhana-english-1-28,4,11,1,pdf).

The issue of alleged domination and minority fears predates the political independence of Nigeria. Across the different parts of Nigeria, groups came out with

what may be regarded as articulated positions pertaining their grievances and plights. It came to a point where the colonial government had to form commissions of enquiry to look into the fears of minorities and proffer recommendations. The agitations cut across many northern States; Plateau, Benue, Nasarawa, IIorin and Kabba over boundary issues segregation and readjustment of the former middle Belt arrangement. There was the fear of Hausa and Fulani domination in the far north and Appeals directed through various channels. Proposals were equally made for the reform of the judicial administration among other things. Inspite of the fact that Muslims, Christians and pagans could live peacefully side by side, there was the growing concern for the creation of more States. Each of the three regions of Nigeria had recorded minority fears and hence the need for such grievances to be removed through the creation of more States, protection or that the complaints of the minorities be heard. (S. H. Willink's report, 1958)

The Nigerian politics is characterized by ethnic loyalty, mutual suspicion and hatred among the diverse groups that makes up the entity over time. In this regard the defunct north central State, now Kaduna State witnessed minority agitations for creation of States. The southern Zaria purpotedly minority groups tabled before the Irekefe panel of 1975 a proposal for merger with some minorities of Benue and plateau to constitute Nasarawa State. The panel realized that southern Zaria is not a homogeneous ethnic group, but rather geographical description of numerous communities located within an area in the old Zaria division.(Irekefe report, 1975)

The people of southern Kaduna minority groups share common grievances that revolved around their alleged Hausa and Fulani domination, persecution, local government system based on emirates, appointment and posting of districts heads to

serve in the southern Zaria. The panel pointed out that district head is more of administrative position and could not be politicized and thus outside the jurisdiction for State creation. In the absence of genuine demands, the panel decided that the relationship within southern and northern Zaria province is maintained. The State was commended for its fairness to all communities. What the minorities need was social honour and political respect which should translate to guarantee local autonomy. (Irekefe report, 1975)

Furthermore the Justice Donli report of 1988 came out with revelations which show among other things that the the 1987 Kafanchan disturbances had remote and immediate causes. The panel understood that the remote causes of the crisis were not only religious sentiments but rather a combination of social, economic and political. This thus manifested the perceived over reaction of southern Kaduna people against discrimination and or uneven sharing of the 'State cake'. They were therefore inspired to rise and challenge the existing social structure. The panel suscintly itemized the remote causes of the crisis as follows:

a. Mistrust between the Hausa and Fulani and non Hausa and Fulani groups
b. Lack of equitable distribution of social amenities in southern Zaria
c. Application of quata system
d. Siting of industries
e. The issue of land disposition
f. Mode of contract award
g. The effect of structural adjustment programme (S.A.P.)
h. Domination of economic activities by some groups
i. Unemployment
j. Appointment and posting of village and district heads

k. Emirship of Jama'a (Rulership)

l. Appointment into key positions in government (Radiance Magazine March,1988)

The immediate causes were thus enumerated as follows : the displaying of an inciting banner, which borne the inscription ' welcome to Jesus Campus' , marking the pre-rally activities of the fellowship of Christian Society, ' Mission 87'. The banner was said to have angered members of the Muslim Students Society. (Radiance Magazine March,1988)

The dynamics and pattern of crisis in Kaduna State are to a large extent similar. They took their root from socio-economic and political factors. The general public expects that justice would be dispensed when the causes of the disturbances were established for the maintenance of everlasting peace. It's quite unfortunate the panel reports and recommendations were mostly swept under the carpets. That is why the Key players and perpetrators of the heinous crimes are always ready to take advantage of slitesd provocations, misinformation and at times creat tension and framed religious crisis in order to take advantage of the situation for achieving long dream of championing a cause for the actualization of group interests.

That was part of the reasons for Kaduna State government reforms for the creation of seven teen (17) new chiefdoms, one hundred and seventy (170) new districts and upgrading of the three second class emirates and chiefdoms to first class status is more often than not aimed at allayiny the already notion of alleged domination in the absence of tangeable claims which coincided with the Sharia controversies and intended frictions which claimed innocent lives and wanton distructions.(Vanguard news paper 15sept, 2000, government white paper)

The 2000 Sharia controversy is part of the larger politics of Kaduna State.The long articulated grievances of the minority southern Zaria communities was also buttressed in the subsequent 1992 Justice Rahila Kuje's panel on the investigation into the Zangon-Kataf crisis between the Hausa/Fulani and the Kataf communities. Panel reported that the immediate causes of the crisis revolved around the disputed proposal for the relocation of weekly market issue provided a convenient opportunity for the out pouring of the Kataf resentment of Hausa and Fulani perceived domination of cultural, political and economic life in Zangon Kataf. (Justice Rahila Kuje's report, 1992)

The Commission submitted its report to the Kaduna State Government, in June 1992. The recommendations of the commission include the following proposals and measures respectively:

(i) The President of the Federal Republic should take appropriate disciplinary actions against the chairman of the Zangon Kataf Local Government, Juri Babang Ayok. Ayok was indeed removed as chairman on 21 May, and charged for murder before a federal tribunal which, however, acquitted him.

(ii) Appropriate disciplinary action should be taken against other persons implicated in the riots, including members of the police force, and the Kataf and Hausa communities. In particular, the activities of Kataf ex-servicemen within and outside Zangon Kataf should be investigated with a view to ascertaining their roles in encouraging, funding and equipping Kataf rioters.

(iii) The police should conduct a comprehensive security search in Zangon Kataf in order to curtail and control the possession and use of firearms and other dangerous weapons in the area.

(iv) The controversial market should be moved to a neutral site and provided with basic infrastructures or facilities, while a new weekly market day, other than Thursday, should be adopted.

(v) A committee should be set up to verify claims for compensation by individuals and groups displaced during the disturbances.

(vi) The Zangon Hausa community, in particular, should be resettled and rehabilitated (The Federal Government eventually released the sum of N*25* million for the reconstruction of houses destroyed in Zango town). Further more, police barracks as well as a detachment of the National Guard should be stationed in the rehabilitated Zango town.

(vii) A more suitable location should be provided as an Eid praying ground for the Hausa community of Zango town.

(viii) Derogatory references to the Kataf as ”Arna” or ”Kafirai” (unbeliever or pagan) should be discouraged.

(ix) The Kaduna State House of Assembly should look into the issue of the establishment of a Customary Court of Appeal in the State (Kujes report in, *Citizen,* 15 June 1992:13).

On the crucial issue of demands for chiefdoms by the Kataf and other southern Kaduna groups, the Commission called on the Kaduna State Government to accede to

the demands in deserving cases, provided that they adjudged that the grant would guarantee peace and stability in the State (Kujes report in, *The News, 7* June 1993:20).

The recommendations have clearly depicted the perpetrators of the disturbances. Government failed to take appropriate action. The arrests and eventual release of the alleged perpetrators did not help matters. Precedence had been created and most likely the trend may continue. Political elites may expediently utilize primordial and divisive factors for accomplishing goals in the State.

The build up to the Sharia controveesy, the grievances of the southern Kaduna minorities and the role played by the political and influential elites were more often than not akin to the Zangon- Kataf and other major crisis that happened between Muslims and Christians. Relationship between the Hausa and Fulani and Christian minorities in southern Kaduna is such that primary identities are constructed around religion, especially during crisis situations.When ever communities fought over issues, they were automatically treated with the template of communal clash.

The background of the politics of Sharia implementation in Kaduna State is a reflection of the complex religious, ethnic, cultural and political character which manifests in the serious disturbances high lighted in the aforementioned instances and related cases respectively.

4.6 The Promulgation Process of Sharia Law in Kaduna State

The promulgation processes were elicited through structured interviews in order to depict the dynamics and divergent views of both stake and non stake holders in the Sharia implementation project in Kaduna State.

4.7 Interview Sessions with the Kaduna State Legislators

The members of Kaduna State House of Assembly were interviewed in order to get insight on the intrigues of the formulation processes of the Sharia Law in Kaduna State: the following legislators obliged to interview requests respectively.

The structured interview questions revolved around the following:

(i) The politics of the formulation processes of the 2002 Sharia legal legal in Kaduna State House of Assembly. The intrigues, complexities of societies and vested interests that characterized the passing of Sharia Bill in Kaduna State House of Assembly.

(ii) The House of Assembly members approach to the politics of the agitation and oppositions in the formulation process of 2002 Sharia Law in Kaduna State

(iii) Interactions between State House of Assembly members and the executive on the 2002 Sharia Law formulation process in Kaduna State.

(iv) The House of Assembly members manangement of the Sharia Law formulation debate in the State Assembly.

At the beginning of the interview with members of the State House of assembly, they said that the intense formulation process of the Sharia Bill began when the report of the Ad-hoc Committee House Committee was presented by the Chairman Hon. Ibrahim Ali, on the investigation and sampling of the Muslims opinions about Sharia Law demand in Kaduna State. To mark the beginning of the unfolding drama, Muslims from all the twenty three Local Governments sent delegations to Kaduna to register their support for the enactment of Sharia Law in Kaduna State. In this regard, memoranda were received from both Muslim and Christian organizations indicating support and oppositions against legislations for the introduction of full Sharia Law in Kaduna State.

The Ad-hoc Committee sampled the opinions and yearnings of people across the Local Governments of Kaduna and reported back to the House of Assembly, with a recommendation that Muslims desired an enactment of full Sharia Law and implementation in Kaduna State. The House thus took decision and passed the Sharia Bill. At the same time Christians of Kaduna State were equally encouraged to come up with a proposed Bill for a Law to be promulgated to govern their ways of life. The House of Assembly members made reference to section 38, of the 1999 Constitution of Nigeria and in affirmative terms stood by their decision for the enactment of the Sharia Law in Kaduna State.

The House members reiterated their commitment to the propsed Sharia Bill in Kaduna State. The legislators foresaw fundamental challenges relating to superemacy of federal Laws, the plural and complex nature of Kaduna State, absence of moral institution for the enforcement of the Sharia Law.They equally realized the dimension of unethical and immoral decadence among both Muslims and non Muslims in the State.

They also observed that the State Sharia Penal Code and Criminal procedure of 2002 could resolved the controversies of implementing the Sharia in Kaduna State. The legislatures realized that the State executive deliberately altered the Sharia Bill sent to them for assent. They tactically altered the Sharia Bill in order to accommodate religious pluralism and diversities in Kaduna State. Instead the approved Law States that criminal cases and matters should be adjudicated by the Sharia Courts and any other court in the State. Moreso, the excepted Southern Kaduna Local Governments, even where there are sizable Muslims population in places like: Kafanchan, Kachia, Zango Kataf and Jere. Metropolis: Kaduna North and

South, places where there are federal institutions of learning and federal establishments, police and Military barracks were also excluded from the 2002 Sharia Law implementation in Kaduna State. The legislators appretiate the adjustment made by the executive and the endorsement of the new Sharia Law and implementation in 2002.

Inspite of the management of the Sharia project by the government, the House Members realized that a level of public cricisms trailed the formulation process of the Sharia Law. They were accused by both the protagonists and antagonists of the full Sharia Law implementation in Kaduna State.

Christian members declined involvement in the Sharia committee assignment. They equally staged several walk out in the House debate on the Sharia issues. Security measures were beefed up during House sittings in order to avert possible security threats against the members. In view of this Goverment signed and implemented a new Sharia Law in 2002 in Kaduna State.

4.8 Interview: Senator Ahmed Mohammed Makarfi (13th December 2013 at 2pm at his house in Kaduna)

Former Governor, Ahmed Mohammed Makarfi is the key actor as far as the politics of the 2002 Sharia Law formulation and implementation processes are concerned in Kaduna State. Hence, the need for oral and open interview session in order to obtain data for the empirical analysis of the politics of the Sharia project in Kaduna State.We, therefore, raised issues to Governor, (Ahmed Mohammed Makarfi) in relation to the management and implementation of the 2002 Sharia Law in a multi religious society--- Kaduna State, the related developments and challenges he

encountered during his tenure as the Governor of Kaduna State. We asked the following questions:

1. Reasons why he implemented the 2002 Sharia Law in Kaduna State
2. The challenges and politics of the formulation and implementation processes in Kaduna State.
3. How he was able to overcome the daunting challenges of striking a relative balance between the demands of the protagonists and antagonists of the full implementation of Sharia Law in Kaduna State.

Former Governor Ahmed Makarfi posited that, the decision to implement the 2002 Sharia in Kaduna State was informed by the agitations of Muslims and Christian oppositions in Kaduna.. The State Assembly Adhoc Committee Report indicated that Muslims of Kaduna State required a new version of Sharia Law and Christian opposition on the other hand in Kaduna State. Moreso, he also maintained that the challenges were however daunting and serious, particularly the Christians who perceived Sharia as a way of further dominating the Christians in the State. With Persistent pressure from various quarters on the Sharia project in the State. He met with the various Muslim groups and Christian leaders in order to come out with an acceptable Sharia policy. This was aimed at ensuring reasonable management of the formulation and implementation processes of the Sharia Law in Kaduna State. In this regard, he decided to form an all encompassing Sharia Law implementation committe, with representations from the religious organizations with the view to strike balance in the implementation matters in the State. In order to overcome the challenges, he embarked on mass public mobilization exercise of both Muslims and Christians with the view to solicit for cooperation and support of the people of Kaduna State. This had

among other things reduced the tension created at the beginning of the controversies and debates over time in Kaduna State.

Former Governor Ahmed Mohammed Makarfi involved personalities and various stake holders in the implementation processes like: Sheikh Zubairu Suraj, Sheikh Umar Suleiman, Dr Aliyu Abubakar, Secretary General Jama'tu Nasril Islam, National Headquarter Ali Akilu Road, Kaduna, Grand Khadi of the State. He sought for the advice of various Islamic organizations and bodies in the course of the enactment and implementation of the 2002 Sharia Law project in Kaduna State. He further said that professional and academic legal practitioners were part and parcel of the success story of the 2002 Sharia Law enactment and implementation processes in Kaduna State. Governor Makarfi was proud of the way he approached the Sharia issues in the State. He considered the application of partial Sharia as the best option for a plural society like-- Kaduna State. He equally maintained that Sharia should not contravene federal Laws. He therefore decided to implement a partial Sharia Law that could suit the peculiarities of Kaduna State, while at the same time to ensure peace, security and peaceful coexistence of the protagonists and antagonists of the full Sharia Law implementation in Kaduna State. The implementation of the 2002 Sharia legal system in Kaduna State shores the extent of polical initiatives of Kaduna State government for fashioning the new Sharia that addressed the religious pluralism of Kaduna State

4.9 Supreme Council for Islamic Sharia Implementation in Nigeria, Kaduna Chapter responses to Sharia Law implementation in Kaduna State (13th June----17th July, 2012)

The supreme Council for Islamic Sharia in Nigeria was involved in the attendant politics of the enactment and implementation of 2002 Sharia Law in Kaduna State. The council is directly involved in matters dealing with the Muslims agitation for full Sharia implementation in Kaduna State. Governor Makarfi involved them in the implementation process. We conducted an open interview with the following members of the aforementioned Council:

1. Sheikh Zubairu Suraj, Tudun Wada----- 14th June, 2012
2. Sheikh Umar Suleiman, Unguwar Kanawa, Kaduna, member State Sharia Implementation Committee------ 16 June 2012
3. Dr Aliyu Abubakar, Secretary General, Jama'tul Nasril Islam, National Headquarters, Kaduna. 28 th June, 2012
4. Engineer Abdulrahaman Hassan, Chief Imam FRCN/NTA, Secretary, Supreme Council for Islamic Sharia in Nigeria. 17th July, 2012

They were stakeholders in the persistent agitations for the formulation and implementation of Sharia Law in Kaduna State. To this end, we conducted series of interviews. The interview revolved around the following issues:

i. The role and extent of the Council's involvement in the implementation of the 2002 Sharia Law in Kaduna State
ii. Their assessment of the government approach to the implementation of the 2002 Sharia Law in Kaduna State.
iii. The possibilities of implementing full Sharia Law in a religious plural society--- Kaduna State.

iv. The council's opinion on the approved partial Sharia Law implementation to the Muslims of Kaduna State.

The Council members are equally stake holders in the Sharia implementation project in Kaduna State. The respondents expressed delight over some achievements recorded by the partial Sharia Law implementation in the State. Relative reduction in moral decadence, open prostitution, gambling, and public drinking has subsided in the Sharia affected Local Governments in Kaduna State.

The Sharia Council urged the Kaduna State Government to be more committed to the implementation of Sharia Law in Kaduna State. They argued that full Sharia Law implementation would be beneficial to both the protagonists and antagonists of the Sharia Law implementation in the State. At the beginning, the council embarked on public enlightenment campaign on the implementation of the Law in Kaduna State. The council members were part of the Sharia Law Committee that subdivided the Sharia Implementation Committees into the Women 'Da'awah' Sub-Committee, the 'Islamiya' Committee and General Purpose Committees. The implementation was However, characteri'zed by logistical problems. Inspite of their involvement in the implementation of the 2002 Sharia Law in Kaduna State, they however advised for the upgrading of the 2002 Sharia Penal Code to meet up with the expectations of Muslims that so much requires for the implementation of full Sharia Law that would cover the application of capital punishment to Muslims in the Sharia affected areas in the State.

The respondents expressed optimism on the implementation of the Sharia project.The Council was delighted with Governments consideration of the Muslims demand for a renewed Sharia Law implementation in the State.They consider their involvement in

the implementation committee as a step in the right direction. They reposed their confidence on the government. The council members were thus practically involved in the implemention of the 2002 Sharia Law in State. This therefore, underscores the government's political shrewdness for embracing the council in the implementation of the 2002 Sharia Law in Kaduna State.

4.10 Muslim Scholars, Organisations and Followers opinions on the agitations for full Sharia Law Implementation in Kaduna State (October- Decem, 2013)

The transcribed interviews revolved around issues that were very much central to the understanding of the Politics of 2002 Sharia Law implementation in Kaduna State. In this regard we were able to interview twenty five Muslim personalities--- Scholars and followers from different groups and organizations.

The above mentioned respondents were taken to task on the following issues respectively:

i. Their assessment of the implementation of the 2002 Sharia Legal system in Kaduna State.
ii. The Muslims perceptions of the government decision for partial Sharia implemention in Kaduna State.
iii. The impact of the 2002 Sharia Law enactment and implementation process on group relations of the people of Kaduna State
iv. The reasons why Muslims are still demanding for full Sharia Implementation in Kaduna State.
v. The feasibility of implementing full Sharia Law in a religiously plural society ------ Kaduna State.

The structured interview responses were recorded, transcribed and tabulized in accordance to the questions thrown to the respondents. The details of this could be seen in the attached Apendix

The interviews were conducted with a view to measuring and assessing the opinion of the Muslim scholars and Islamic organisatiions about the formulation, implementation and what follows after the implementation of the 2002 Sharia Law in Kaduna State. Their opinions relatively vary. However, there were common trends in responses to many issues regarding the Sharia Law implementation in Kaduna State. The majority of the respondents wanted an implementation of full Sharia legal system in Kaduna State as an exercise of fundamental human rights as stipulated in the 1999 Constitution of Nigeria. Since Sharia is an important way of life for all Muslims. Muslims are entitled to their chosen ways of life. Therefore, government should consider it and yield to their demands in Kaduna State. Moreso, the respondents believed that the implementation of full Sharia Law would equally guarantee social justice, righteousness, peace, security and good governance in Kaduna State. This thus, galvanized intense public enlightenment campaign exercise for the mobilization of Muslims to forge a united front in their demand for full Sharia implementation in the State.

About 43% of the respondents were not very comfortable with the 2002 Sharia Law of Kaduna State and Penal Code of northern States of Nigeria.This is evidently presented in table 5.1.They however, appreciate the State government's decision fors a revisit of Sharia Law implementation in Kaduna State. The respondents were divided on the State's preparedness for the implementation of full Sharia. Majority of the respondents had the belief that the State is ripe for full Sharia Law

implementation. Similarly, some respondents were of the view that the implementation of full Sharia Law may only be done through evolutionary processes. The respondents widely believed that full Sharia Law could be implemented through public enlightenment campaign of both the protagonists and antagonists of the projects. The respondents were unequivocably skeptical of the partial Sharia Law implementation in Kaduna State.

The coexistence of the common Law and the Sharia Law has always been an issue that characterized discourses on the Sharia implementation in Kaduna State. To many respondents, the 2002 Sharia Law coexisted with the English Common Law in Kaduna State.Some respondents were of the opinion that the dual legal system is counter productive and couple with alien democratic values. Legal pluralism has been a subject of debates and perhaps breeds confusion in the polity. In view of this the dual arrangement had perhaps resolved controversy of Sharia implementation in a religious plural society-----Kaduna State. While some respondents believed that the coexoistence of Sharia Law with English common Law may be difficult in Kaduna State.

Thirty eight (38%) of the respondents were optimistic that full Sharia Law implementation would ensure peaceful coexistence between Muslims and Christians and that the benefit would be to both Muslims and Christians in the State. With a reference to the life of the Holy Prophet Muhammad (S.A.W.) was cited as reference point, in order to justify the virtures of Sharia Law implementation. How the prophet lived and co-existed with the non-Muslims at Mecca and Medina. Most of the respondents Appealed to the government for more commitment to the cause of Sharia implementation in Kaduna State. This could be realized under the liberal democratic

government in Kaduna State. Most of the respondents were convinced that partial Sharia implementation could be used as a threshold of beginning in the quest for full Sharia Law implementation in Kaduna State.

There had been a common belief among the Muslim clerics and Islamic organizations that full Sharia implementation demand is sacrosanct.Muslim respondents rejected the partial Sharia Law implementation. It was thus, considered to be manipulation of the State in the wake of the controversy that surrounded the State over time. A fundamental right of the Muslims and it should be implemented in Kaduna State. Inspite of mixed reactions over the agitations and the eventual implementation of partial Sharia, majority of the respondents appretiates the management of the agitations, oppositions and resolving of the controversy by the government of Kaduna State.

4.11 Christians opinions on the agitations for full Sharia Law implementation in Kaduna State

In order to present a balanced discussion we interviewed seventeen Christian personalities----- clerics, followers and organizations in Kaduna State.

The responses revolved around:

i. Christian's perceptions and opinions on Sharia Law implementation in Kaduna State.
ii. The security of Christians under full Sharia Law implementation in Kaduna State
iii. The impact of the 2002 Sharia Law implementation on the lives of Christians in Kaduna State.
iv. Christian's assessment of the partial Sharia implementation in Kaduna State.

The interviews were conducted with the view to obtain the opinion of the Christian scholars and Christian organisatiions about the formulation and implementation of the 2002 Sharia legal system in Kaduna State. From the Christian respondents point of view, Sharia Law implementation is a Muslims affair. It may not work well under in a multi religious State. That is why the proposal for full Sharia implementation is characterized by inconviniances and problems. This is because the State is multi religious and Christians were not comfortable with it. They believed that Christians will be at the receiving end and dominated as well in Kaduna State. They were also skeptical of the 2002 partial Sharia Law implementation in Kaduna State. The partial Sharia Law implementation had been liberal in nature. As it had among other things resolved controversies that preceded the formulation and implementation process in Kaduna State.

Similarly, the respondents were not comfortable with Muslims persistent demand for the implementation of full Sharia legal system in Kaduna State. The respondents accepted a level of ignorance about Sharia Law implementation. They felt that full Sharia implementation may possibly discriminate against the Christians in Kauna State. Moreso, full Sharia implementation may further divide Kaduna along religious lines and culminate to frictions. In view of this the government of Kaduna State had to establish a new Sharia Law in 2002.

The respondents believed that the 2002 Sharia, policy had been integrated into the legal system of the State. The respondents cautioned that the Sharia should not contravene the federal constitution of Nigeria. It should be base on mutual compromise of Muslims and Christians respectively. Significantly, Majority of the Christian respondents did not care to know much about the philosophy of Sharia and

its full implementation in a plural society----- Kaduna State. Most of the respondents understanding of Sharia Law implementation revolved around the application of capital punishment to both Muslims and Christian indigenes of Kaduna State. A significant number of the respondents urged government to retain the 2002 Sharia Penal Code Law implementation of Kaduna State since it has more often than not takes care of what may lead them getting involved in the application of capital punishment in line with the real Sharia Law dictates.

Most of the respondents were however ready to challenge any attempt by the State to expand the Sharia to cover the application of capital punishment to the people of Kaduna State. The respondents were not unhappy with the flexible Sharia policy that came on board in 2002 in Kaduna State. The new policy is applicable selective local governments, federal establishments and institutions in the State.

The majority of the Christian respondents maintained that the 2002 Sharia Law implementation did not impact on their social and economic lives directly in Kaduna State. The expansion of the Law to cover criminal prosecution and indictment may not augur well for the State that had a history of ethno/religious crisis over the years.

In view of the different perceptions of the Sharia project between the protagonists and antagonists and the attendant frictions that preceded the formulation and implementation processes of the Sharia Law, the government was left with the only option of adopting the partial Sharia that could be accepted by the indigenes of Kaduna State. Stake holders were however consulted for their opinions ------ Muslim scholars and Christian scholars, politicians, and leaders of religious organizations, professional bodies, opinion leaders and traditional rulers.

4.12 Percentages and Frequency Distribution Tables

The frequency distribution tables are subdivided into two groups. This arrangement succinctly captured the opinions of the two major contending forces—Muslims and Christians that featured prominently in the Sharia implementation debate and rancours in form of protagonists and antagonists positions. Group A. tables buttressed the opinions of the Muslims respondents , while group B equally depicted the positions and opinions of the Christian counter parts respectively.

GROUP A

MUSLIM RESPONDENTS

Table 4.1: the 2002 Sharia Law and Muslims persistent for full Sharia Law implementation in Kaduna State

	Frequency	Percent
2002 Law is Excellent	120	**13.1**
2002 Law is Clear	96	**10.5**
2002 Law is Confusing	396	**43.3**
2002 Law is Misleading	303	**33.1**
Total	**915**	**100**

Source: Field work 2013

Muslims respondents are not comfortable with the politics that saw to the implementation of the 2002 Sharia Law in the State. They are interested in full Sharia implementation rather than partial application. Full Sharia application will incorporate criminal procedure among other things. This is evidently clear as 396 respondents; representing 43.3% believed that the 2002 Sharia Law of the State is confusing rather than clarifying related issues.

Table 4.2: Muslims opinions on the impact of 2002 Sharia Law in Kaduna State.

	Frequency	Percent
2002 Sharia Law impacted posively	12	**1.3**
2002 Sharia Law is reliable	30	**3.3**
2002 Sharia Law is diversionary	69	**7.5**
2002 Sharia Law is misleading	372	**40.7**
2002 Sharia Law unproductive	432	**47.2**
Total	**915**	**100**

Source: Field work 2013

Muslims respondents have indicated their displeasure over the partial Sharia implementation in Kaduna State. They expect the Law to address fundamental issues that touches their lives at interpersonal relationships, coexistence, discipline, social control and order, discipline social justice and enforcement the Sharia without bias among other things. Mere mention of the Sharia policy is not enough. This thus shows that Muslims are yet to realize their dream of full Sharia Law implementation in Kaduna State. Table 5.2 above shows the percentage distribution of the respective opinions.

Table 4.3: Muslims opinions on the future of the partial Sharia Law implementation in Kaduna State.

	Frequency	Percent
The Law is in adequate it	138	**15.1**
should be reviewed	267	**29.2**
To be upraded	63	**6.9**
New Shariia Law needed	447	**48.9**
Total	**915**	**100**

Source: Field work 2013

A large number of Muslims are uninterested with the partial Sharia implementation in Kaduna State. Much of the respondents expressed their displeasure over the 2002 Sharia Law. Muslims are likely to register their demand for the abrogation of the Law so that a new version of the Sharia Law should be put in place. 48% of the respondents were interested in a new Sharia policy that would supersede the one in place because of its short comings.

Table 4.4: Muslims opinions on the immediate causes of Sharia crisis in Kaduna State

	Frequency	Percent
misinformation	132	**14.4**
media reports	249	**27.2**
incitement	363	**39.7**
No idea	171	**18.7**
Total	**915**	**100**

Source: Field work 2013

The immediate causes of the 2000 Sharia crisis could be linked to sensational media reports, incitements and misinformation by the Christian religious and political elites. The respondents believed that Christians were possibly mobilized into confrontations with Muslims. The respondents attest to this as shown in the percentage distribution table. (5.4)

Table 4.5: Muslims expectations from full Sharia Law implementation in Kaduna State

	Frequency	Percent
No response	6	**0.7**
Richness	42	**4.6**
Societal Balance	165	**18.0**
Good Governance/ Fairness and Peace	651	**71.1**
Elimination of Crime and Criminals	51	**5.6**
Total	**915**	**100**

Source: Field work 2013

71% of the Muslim respondents were opstimistic that the Sharia implementation could ensure peace, good governance and fairness. This therefore buttressed the reasons why Muslims overwhelmingly indicated their supported for full Sharia Law implemtation in Kaduna State. This is depicted in table (5.5) above. The agitations for full Sharia implementation are far from over in Kaduna State.In the same vein, government should be ready to accommodate and manage full Sharia implementation agitations and counter oppositions in the State.

Table 4.6: The impact of democracy on Muslims demand for full Sharia Law Implementation in Kaduna State

	Frequency	Percent
Sharia not possible	216	**23.6**
Sharia possible	474	**51.8**
Not sure	225	**24.6**
Total	**915**	**100**

Source: Field work 2013

The persistent agitations and oppositions for full Sharia Law implementation were galvanized by democratic freedom. Muslims demand for a full and renewed Sharia Law implementation was rekindled when Nigeria transited to democratic rule once again in 1999. 52% of the respondents believed that democracy provided yet another opportunity for Muslims to show case their long and historic demand for full Sharia Law implementation in Kaduna State.

Table 4.7: Assessment of Muslims opinion on the partial Sharia Law implementation in Kaduna State

	Frequency	Percent
Much aware of it	330	**36.1**
Not aware of it	105	**11.5**
Not much aware of it	267	**29.2**
Little knowledge of it	213	**23.3**
Total	**915**	**100**

Source: Field work 2013

The Muslim respondents are not unaware of the partial Sharia Law implementation in Kaduna State. In this regard, it is obvious that the agitation for full Sharia implementation will continue in as much as Muslims reject the 2002 Sharia Law. Government should be ready to manage a repeat of the controversy if it so happens in Kaduna State again. There is the possibility of impending controversy for Sharia implementation. were not satisfied with 2002 Sharia Law implementation in Kaduna State. Reconciliation of different group interests is paramount in a religious plural State—Kaduna.

Table 4.8: The larger impact of 2002 Sharia Law implementation on Kaduna State.

	Frequency	Percent
No response	18	**2.0**
There were significant changes	165	**18.0**
There were few changes made	141	**15.4**
There were no insignificant changes	297	**32.5**
No changes noticed	294	**32.1**
Total	**915**	**100**

Source: Field work 2013

Muslims of Kaduna State are unhappy with the 2002 Sharia Law implementation in Kaduan State. This is becaue it did not bring significant changes as expected by the Muslims. Muslims anticipated positive societal changes. This has been dashed away. Muslims continue to question the relevance of the 2002 Sharia Law in place in Kaduna State. About 33 % of the respondents attest to this as depicted in the table above.

Table 4.9: Socio-economic conditions of the people and demand for full Sharia Law implementation in Kaduna State

	Frequency	Percent
No response	15	**1.6**
Yes	162	**17.7**
No	336	**36.7**
To some extent	276	**30.5**
Not at all	123	**13.4**
Total	**915**	**100**

Source: Field work 2013

The respondents believed that the implementation of the 2002 Sharia Law in Kaduna State is yet to translate into providing economic opportunities, Law and order, sanity and restructuring of societies for better life of the people in the State. Muslims believed that the 2002 Sharia Law of Kaduna State is counter productive and in active. Thus the need for a revisit of the Sharia policy in the interests of not only Muslims, but the entire people of Kaduna State.

Table 4.10: Muslims opinion on the agitations for full Sharia Law implementation and group interests in Kaduna State

	Frequency	Percent
No response	21	**2.3**
To interested Muslims only	156	**17.0**
To both Muslims and Christians	351	**38.4**
Muslims only	150	**16.4**
To religious and political leaders	237	**25.9**
Total	**915**	**100**

Source: Field work 2013

Rrespondents believed that both Muslims and Christians will benefit from full Sharia Law implementation in Kaduna State. Thefore, the agitations is timely and justifiable. That does not mean that the Sharia project is completely isolalated from the politics of the State. More than 38% of the respondents upheld to the the view that Muslims and Christians would be carried along in the event that full Sharia Law were to be implemented in Kaduna State.

Table 4.11: Muslims opinions on the obstacles to demands for full Sharia Law implementation in Kaduna State

	Frequency	Percent
No response	9	**1.0**
Traditional Rulers	63	**6.9**
Islamic Scholars	93	**10.2**
Organized Christian opposition	603	**65.9**
Political Elites	147	**16.1**
Total	**915**	**100**

Source: Field Work 2013

The respondents had the belief that Christians are the stumbling block to the implementation of full Sharia Law in Kaduna State. This thus breeds controversy, mutual animosity and mistrust between Muslims and Christians in the State. Muslims believed that organized Christian opposition constrained the possibility of implementing full Sharia Law in Kaduna State. 66% of the respondents concur to this, as shown in the table above.

GROUP B

Christian respondents opinion on the formulation and implementation of Sharia Law in Kaduna State

Table 4.12: Christians opinions on the agitations for full Sharia Law implementation in Kaduna State

	Frequency	Percent
Interest of both Christians and Muslims	36	8.6
Interest of Muslims only	276	66.0
Interest of few elites in the State	86	20.6
Interest of the masses	20	4.8
Total	418	100

Source: Field work 2013

As far as the Christian respondents are concerned, the implementation of full Sharia will promote the interests of the Muslims and perhaps aginst the Christians who are the minority in numerical strength. in Kaduna State. This spurred bitter opposition and resentment against the Sharia implementation project in Kaduna State. Table 5.12 buttressed that a significant percentage of the respondents upheld to this view. Government recognized the need for carefull management of the Sharia project in the State.

Table 4.13: Christian opinions on the persistent agitations for full Sharia Law Implementation in Kaduna State.

	Frequency	Percent
It is not attainable	284	**67.9**
It will be difficult	88	**21.1**
No response	18	**4.3**
It may not	28	**6.7**
Total	**418**	**100**

Source: Field work 2013

Christian respondents believed that the agitations for full Sharia Law implementation will not be possible in Kaduna State. Table 5.13 shows that 68% of the respondents were unequivocally opposed to the implementation of Sharia Law. Religious pluralism and complexities of the State necessitated Government efforts to reconcile the parties involved in the controversy and as well come out with the idea of partial implemention of Sharia Law in order to resolve the crisis and ensure the stability and peaceful coexistence of the people of the State.

Table 4.14: Christian's awareness about full Sharia Law implementation

	Frequency	Percent
I don't know it	96	**23.0**
I don't know much	200	**47.8**
I want to know it	80	**19.1**
I know a little of it	42	**10.0**
Total	**418**	**100.0**

Source: Field work 2013

The respondents don't know much about full Sharia Law implementation. Perhaps, Christians were mobilized into stiff opposition against Muslims agitations for full Sharia Law implementation in Kaduna State. Table 5.14 shows that 49 % of the Christian respondents are ignorant of the full Sharia Law implementation. this thus, means that the Sharia implementation project is characterized by multi-viriant interests in the State.

Table 4.15: Christians opinions on the partial Sharia Law implementation in Kaduna State

	Frequency	Percent
Not acceptable at all	68	**16.3**
Not acceptable	60	**14.4**
Fairly O.K.	152	**36.4**
Acceptable	138	**33.0**
Total	**418**	**100**

Source: Field work 2013

Christian respondents are not very much comfortable with the partial implementation of Sharia Law in Kaduna State. Even as peace reigns in the State over time, Christians resentment against Sharia Law implementation has been there. The Sharia implementation project will is an issue that may likely be revisited in the State over time. Christian felt that it is their duty to resist Sharia implementation in Kaduna State. Inspite of the partial Sharia Law implementation, 36% of the respondents were not comfortable with the the new policy in the State.

Table 4.16: Christian opinions on full Sharia Law implementation and the question of unity in Kaduna State.

	Frequency	Percent
It may be possible	52	**12.4**
Not sure	10	**2.4**
Not possible at all	262	**62.7**
It may cause friction	94	**22.5**
Total	**418**	**100**

Source: Field work 2013

The Christian respondents disagree that full Sharia implementation could ensure a level of integration of the Christians and Muslims in Kaduna State. This is depicted in Table 5.16. (63%) of the respondents could not sees how full Sharia implementation could integrate the people of Kaduna State. In this regard, Muslims agitation for full Sharia Law implementation would be rejected and opposed by Christians in the State. there fore, a revisit of Sharia Law implementation would continue to generate controversy and tension in Kaduna State.

Table 4.17: Christians opinions on the causes of the Sharia crisis in Kaduna State

	Frequency	Percent
Incitment	84	20.1
Provocations	192	45.9
Misinformation	50	12.0
Media propaganda	92	22.0
Total	**418**	**100**

Source: Field work 2013

Christian respondents maintained that the Sharia crisis happened because of what they thought to be linked to provocations of the Christians by the Muslims in the wake of the explosive agitations and controversies that surrounded the Sharia project in Kaduna State. As such, 46% of the respondents believed that Christians were provoked and as aresult engaged in the unprecedented fight with the Muslims in the State.

Table 4.18: Impact of implementation of partial Sharia Law on the activities of Christian organizations in Sharia affected places in Kaduna State

	Frequency	Percent
No problem at all	168	40.2
No response	54	12.9
No problem	134	32.1
I don't know	62	14.8
Total	**418**	**100**

Source: field work 20123

The partial Sharia Law implementation has not affected the activities of various Christian organizations in Kaduna State.The Law is applied in places where Muslims are dominant and non Muslims are not affected by the Law in places where Sharia is implemented. Non Musliums who consent to Sharia Law are allowed to adhere to it is practices, especially in judicial matters. Table 6.18 depicts that 40% of the respondents indicates that the Law is not jeopardizing the activities of their organizations.

Table 4.19: Christian oppositions against the agitations for the implementation of fulI Sharia Law in Kaduna State

	Frequency	Percent
Application of Islamic Laws	64	**15.3**
Harassment and intimidation	98	**23.4**
Injustice	120	**28.7**
Domination and application of capital punishment	136	**32.5**
Total	**418**	**100**

Source: Field work 2013

Christians opposed the agitations for the implementation of full Sharia Law in Kaduna State. A lot of issues were raised in the explosive controversies that happened in 1999 and 2000. That was part of the reasons why Christian followers were mobilized to protest against planned implementation of Sharia Law that is perceived to be unjust, unfair, domination and harassment and intimidation of Christians in the State.

4.2.1 Findings

The findings of this study are as follows:

1. The study discovered that the politics of Sharia Law implementation is part of the larger politics of Kaduna State. This was justified by the antecedents of related minority agitations for equal righs and a proposal for secession from central State that was tabled at the 1975/1976 Irekefe panel of enquiry into minority agitations and complaints in Nigera.

2. The Sharia crisis was preplanned and orchestrated by religious and political elites in Kaduna. This was evidently proved by the inciting and hate speech of late rebel leader, Emeka Odumegwu Ojukwu, at Hekan Church, January, 2000 at Katsina road, Kaduna

3. The study found that the 2002 Sharia policy of Kaduna State is diversionary and counter productive. And government resolved the Sharia crisis through sound initiatives for dialogue and reform measures that led to the creation of more chiefdoms and districts in both north and southern Kaduna and the introduction of tripartite legal system,

.

4. Religious pluralism affected the chances of implementing full Sharia Law in Kaduna State. This was evidently buttressed in the controversies that preceded the implementation of the 2002 Sharia Law in the State.

5. The Sharia crisis created mutual mistrust between Christians and Muslims and challenges of integration of the various communities in Kaduna State and as well intensified segmentation of settlement along religious lines in Kaduna metropolis and its environs.

CHAPTER FIVE

THE POLITICS OF SHARIA LAW IMPLEMENTATION IN KADUNA STATE.

5.1 Background

The threshold of the analysis of the politics of the Sharia Law implementation in Kaduna State should begin with the understanding of the Sharia Penal Code Law in northern region and the debates over its constitutionality in Nigeria.

5.2 The 1963 Sharia Penal Code Law and Constitutional Arguments in Nigeria

The Penal Code Law of 1963, is a complex legal system of personal and Criminal Law procedure established for the Northern region of Nigeria. Both the 1963 Penal Code and the 2002 Sharia Law of Kaduna State are almost identical, except that the latter embodied criminal procedure in the personal life of Muslims who consent to the Law and acclaimed partial implementation of the Law in Kaduna State.The agitations for full Sharia Law implemention has become a recurrent decimal in northern Nigeria. (Richardson 1987)

The 1963 Penal Code Law of Northern Nigeria has many things in common with that of Sudan. Sudan had been a plural State with divergent interests and complexities. The politics of implementing the Sharia Law became a serious problem and thus led to dimensions of unrest and mutual misttrust between the Northern and Southern Sudanese for a long period of time among other things. (Richardson 1987)

In each British colony in Africa with a large Muslim population, there was triple heritage of Laws; Indigenous, Islamic and British-derived criminal Law. Sharia implementation demand and controversy is therefore not a recent development in

northern Nigeria. What is new is 'Shari'ahcracy', which literally means, the adoption of the Sharia as the foundation of governance and its inclusion into the criminal justice legal. (Mazrui and Schweltzer 2002:1)This has always remained a major issue to both the States that are interested in implementing it. Similarly, the desire for Sharia Law implementation can also be seen in the context of articulated demands in the country as consequences of wide political gap created by the Military Rule. (Abdul: 2009, Mauzzam and Ibrahim.2000)

The origin of Penal Code Law of Northern Nigeria could be linked to the work of a Committee of eminent Nigerians and some other professors from the United Kingdom Sir, Norman Ander and Sir. Kashim Ibrahim, the ex Governor of northern Nigeria in 1958 recommended to the Government of northern Nigeria the introduction of the Penal Code which would apply uniformly to all persons living within the northern region. Following the London Constitutional Conference, the northern elites agitated for a criminal Code Law that would be in tender with the religious requirements and other local peculiarities of the region. Since 1960, there had been some amendments of the Penal Code Law – related to punishments rather than of much substance. When northern Nigeria was broken into ten States by the Military government in 1967, the Laws of the northern Nigeria 1963 were deemed to be in force in Bauchi, Bornu, Gongola, Kaduna, Kano, Kwara, Niger, Plateau and Sokoto States respectively. As the Penal Code was substantially adopted by many States in the core north, thus, operating side by side with the Penal Codes of those States. In this regard, Penal Code Law of northern Nigeria contains the substantive applicable criminal offences, defiance, principle and related concepts within the geographical entity called the northern Nigeria (Chukol K.S. 1963 and 1993, Gled Hill A. 1963, Richardson S.S., 1987).

The Penal Code has been an embodiment of the general explanations and definitions of key terms and as well principles planning such as intended act to commit grievous offences by consent or otherwise punishments and compensations. The issue of crime abatement and prescribed liability for an abettor is also explicit and highlighted in the Penal Code Law. Another important aspect of the 1963 Sharia Penal Code relates to criminal conspiracy, breach of trust and offences against Public peace – unLawful assembly and public disturbances. Recommended punishable Penalties are also provided in the Penal Code. Offences that relates to Public servants conduct or unwanted acts – taking of gratification in return for service deliberations is very much pronounced in the Penal Code. Similarly, the Penal Code dealt with the case of contempt of the Lawful authority and offences relating to the administration of justice in the courts of Law and as the case may be. Detailed court procedures and Penalties are enshrined in the 1963 Penal Code Law. (Richardson 1987).

Moreso, offences that have to do with public nuisance, loitering and gambling are equally embodied in the said Code. Cruelty to animals is an offence under the Penal Code, as for other offense that has to do with cases affecting human body, dignity, culpable homicide and hurting of innocent people equally attracts relevant Penalties. In the same vein, the 1963 Penal Code touches aspects of forgery, theft, extortion, criminal breach of contract of service. Procedure for handling of these cases and offences were very much enshrined in the Code. In addition, the Penal Code embodied explanations and punishments to offences relating to vagabonds, marriage, criminal intimidation, insult, annoyance, drunkenness, religion and incest among other things. Other matters relate to the offences and cases of persons involved in causing miscarriage, injustice to unborn children, exposure of infants, cruelty to

children and concealment of birth, offences affecting life, resistance to arrest and escape and joint criminal offence were equally part of what was enshrined in the Penal Code Law. Individual's right to private defense has also been recognized here. (Chukol K.S. 1963 and 1993, Gled Hill A. 1963)

A cursory look at the specific offences and defenses, it is very much clear that the 1963 Penal Code Law is an embodiment of English Common Law of crimes with slight expansion and modifications that failed to adequately cater for the Sharia Law needs of the Muslims in the northern Nigeria. The Penal Code Law of northern Nigeria is a product of various historical epochs and British Colonial legacies and of course the judicial reforms initiated by both Military and civilian administrations of respective States across the northern States of Nigeria as it relates to their individual peculiarities (Richardon 1967 and Olakanmi 2009). Muslims prefer full Sharia implementation to the existing Penal Code in northern part of Nigeria because of the non enforcement of capital punishments— amputation of convicted thieves, punishments for blasphemy and adultery, whipping of Muslims caught drinking alcohol, gambling, slanderous acts against innocent people among other things. More importantly the deplorable socio- economic conditions of the masses at the threshold of democratic transition in 1999 might have spurred Muslims to seek solace in Sharia as an option for addressing their plight.

5.3 High Lights of the 2002 Sharia Penal Code Law in Kaduna State

Under the re-established Sharia Law , new Courts –State Sharia and Upper Sharia Courts have been established , to apply the full range of Islamic Law, civil and criminal, to Muslims and on all those who, though non-Muslims , opt to subject themselves to the Sharia Law. Appeals from the Sharia Courts in all matters have

been directed to the State Sharia Courts of Appeal. Vital piece legislation in this regard was the Executive Bill presented by the Kaduna State Government to the State House of Assembly to confer additional jurisdiction to the Sharia Court of Appeal of the State to cover Civil and Criminal matters on all aspects of the Sharia in accordance with the provisions of section 277 of the 1999 constitution.

Government also accepted the Sharia committee's recommendation that a Sharia Court should be established in each of the affected local governments of the State and in such other places where it's necessary, while an upper Sharia Court should be established in each Local Government headquarters. All capital offences shall be administered by the Upper Sharia Court (Kaduna State Government White paper, June 2000). With regard to the jurisdiction of Sharia Law Courts, government accepted the recommendation of the Sharia committee that the Sharia Courts shall be competent to hear and determine all civil matters and causes where all the parties are Muslims, including any proceeding involving: Marriage under Islamic Law, guardianship and maintenance, succession, will, gift, endowment, preemption, trust, land Law, contract, tort, commercial Law and company Law. (Kaduna State Government White paper June 2000)

The Sharia Courts shall, in addition, hear and decide all criminal cases in which suspects or accused persons are Muslims including homicide, robbery, theft, defamation, drunkenness, causing grievous hurt, homosexuals, adultery, lesbianism, bestiality, perjury, offering and receiving gratification, criminal breach of trust, mischief, cheating, receiving stolen property and given false evidence among other things. To achieve this, Government set up machinery to amend about one hundred and fifty two (152) operational Laws --- regulatory and administrative in Kaduna

State so as to bring them in comformity with Sharia Law. Similarly, the Penal Code was amended by the Kaduna State House of Assembly to bring about such Penalities for the offences therein as are recognized by the Sharia Law.

The 2002 Penal Code is an off shoot of the 1963 peneal Code of northern Nigeria. However, the 2002 Sharia Penal Law was expanded to cover the criminal Sharia jurasdictions of Sharia courts and making the Sharia applicable to Muslims only.

In view of the controversies that greeted Kaduna State in the wake of the promulgation processes of the Sharia Law, Governor Ahmed Mohammed Makarfi sought the opinions of various stake holders ---- religious leaders, organizations and legal practitioners, and thus implemented new Sharia legal system that stand the test of time in a plural society--------- Kaduna State. The implementation of the 2002 Sharia Law was not without compromise to the demands of both the protagonists for and antagonists of full Sharia in Kaduna State.The Sharia policy of the State is a manifestation of the government's ability to reconcile differences that threw the State into serious frictions with unprecedented consequences.

5.4 Sharia Law and Constitutional Arguments in Nigeria

Sharia Law implementation had been in place in the northern part of Nigeria prior to the formal colonial subjugation of Nigeria. What is more, the substantial aspects of Sharia Law principles were whittled down by the various British colonial legislations. (Mahmud, 1988:51/102)

Since independence, Muslims in Nigeria have continued to agitate for the reintroduction of criminal Codes to the various Sharia Law procedures in northern Nigeria. The Constitutional Assemblies and Committees for the drafting of 1979,

1989 and the 1999 Constitutions were all faced with the Muslims demands for the contentious issues of Sharia Law review and expansion and corresponding oppositions. Laws of various countries are usually based on the social habits of the people – the norms, customs and traditions of the people from the backgrounds of the observations, precedents and rules of the people.

The main sources of Nigerian Law are:

i. The Islamic Sharia Law – found and in practice in most part of northern Nigeria
ii. The Customary Law – found and in practice in most parts of Southern Nigeria and the North central part of Nigeria.
iii. Another source of the Law is the English Common Law which is said to be Christian oriented, and colonial legacy inherited by the Nigerian State.
iv. The other one is the statutes enacted by act of parliament and Military decrees (http://www.BBC.cq.uk/Religious/Islam/beleifs/Shari'ah.shtm,5th march, 2003.

The declaration of Sharia by Zamfara State government, in1999 marked a turning point in the political development of Nigeria. This development generated problems and tension that swept across the country. Some northern State Governors found it expedient to follow the example of Zamfara. States like: Kano, Kaduna, Kebbi, Jigawa, Sokoto, Bauchi and Gombe have all implemented versions of Sharia Law. The argument for a more Sharia Law implementations were however based on the Nigeria 1999 Constitutional clauses, especially; Section 38 (1) of the Constitution which provides that:

> *Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change*

> *his/her religion and beliefs and freedom either alone or in community with others and in Public or private to manifest or propagate his/her religion or belief in worship, teaching, practice and observance. Section 38 (1) as contained in (1999.Federal Constitution of Nigeria,)*

In the same vein, Section 277 (1) and (2) sub section (1) provides for the jurisdiction of Sharia Court of Appeal: The Sharia Court of Appeal shall in addition to such other jurisdiction as may be conferred upon it by the Law of a State, exercise such appellate and supervisory jurisdiction. (1999 federal Constitution of Nigeria).

The Constitutional inconsistency has more or less aggravated the Sharia Law implementation debate and problems in Nigeria, on the reintroduction of criminal Codes to the existing Sharia Penal Codes Law formulation and implementation in Nigeria. To this end, the archbishop of Abuja province, Rev. Onaiekan advised the president of the Federal Republic of Nigeria that: **Simply tell them that they have gone beyond the Constitutional provision of the Law. A State has no right to make Sharia their own Law or that of the land, and that Zamfara is not only for indigenes alone. It is part and parcel of Nigeria and if they don't want to be in Nigeria any more, they can apply to go elsewhere.** (Guardian news paper, 12th October, 1999).

The plural nature of Nigeria has however made the Sharia implementation problems serious and persistent over time in Nigeria. The spokes person for Igbo Youth Patriotic Movement, Okechuku O. maintained that: **As it were, Nigeria is a secular State. Everybody should be free to practice his or her religion and the State Law cannot be supreme to that of the Federal. We are sure that Governor Ahmed**

Sani has not thought of what his actions will result to the cherished peace and democratic setting we have now endears to ….. **we call on the president to exercise the powers invested on you by the Constitution and call to order and if he refuses, declare a State of emergency on Zamfara State and put a non indigene to act as sole administrator to the State until another election is conducted** (vanguard 14th October 1999:6)

Section 4(2) of the 1999 Constitution vested legislative and judicial powers to both the States and central givernment. The States have the right to introduce Sharia Law as desired. What is not clear is the manner that the Sharia implementation project generated debates and controversies over the legality or not of Sharia Law implementation consideratipon in Nigeria. (1999 Federal Constitution of Nigeria)

Similarly, Kukah, (1999) maintained that the Sharia legal system and its implementation by the Northern States and Kaduna in particular would sow the seed of upheavals and devil trying to destabilize Nigeria. He further said that it was the hand-work of enemy trying to divide the country. The 1999 Constitution of Nigeria provides for a Federal structure of government and a federation arrangement consisting of States and the Federal Capital Territory based on the principles of democracy and social justice as guaranteed in chapter one as earlier Stated: that every person in the State is entitled to respect for the dignity of his person and is guaranteed the rights to fair hearing, freedom of thought, conscience and religion amongst other fundamental human right. Sections: 4(6), 4(7), and 6(4) K, 36 (12), 277 (1), 278 and 279 of the 1999 Constitution of Nigeria need to be explicit and clear on the position of Sharia with the view to place the sensitive issue of Sharia in its rightful perspective and positions.

The vehement agitations and struggle for the implementation of the Sharia Law in Kaduna State continued to attract comments and responses across. The agitations however enveloped quite a number of northern States in Nigeria and spread like bush fire. The contagious effects and approaches however differ from the States leadership and peculiar situations respectively.

The agitation for Sharia Law implementation in Kaduna State is a project that has posed serious challenges to the ruling elites. Inspite of the constitutional clauses and counter arguments that deals with the issue of Sharia Law implementation, ruling elites had to grapple with the realities of implementing Sharia Laws acceptable to all the stake holders in the respective States that were involved in the exercise. Muslims are demanding for full Sharia Law implementation in Kaduna State. And that Sharia part of Muslims religious fulfillment. The agitations for the Sharia Law implementation in Kaduna State was speare headed by religious leaders and stake holders of Islamic organizations---- supreme council for Islamic Sharia, Jama'atu Nasril Islam, members of Kaduna State House of Assemembly representing zone one and two, of the northern senatorial constituencies, preachings and mobilization by the clerics in mosques and social gatherings, the media houses in Kaduna State through their programmes. The opposition to the agitations for Sharia implementation was spear headed by the Christian Association of Nigeria. (CAN) Seminars, sensitization lectures and programmes were organized for that purpose in Kaduna.

5.5 Background of the Sharia Law Implementation crisis in Kaduna State

The Kaduna State Sharia implementation journey started on December 14th, 1999 when the Kaduna State House of Assembly constituted an eleven (11) person all Muslim member committee to collate views of the people on the need to introduce the

Sharia legal system in the State. This action polarized the House of Assembly across religious lines. The Christian members of the House of Assembly argued that the motion was not properly passed, and accused the Muslim members of having a hidden agenda. The Muslims, in turn, argued that Sharia was purely a Muslim affair that had nothing to do with Christians. They also said that there was nothing wrong with the way the motion was passed. They equally maintained that the two Christians who were nominated to participate in the committee declined their nominations voluntarily (Abdu 2002).

The committee commenced work shortly after it was constituted. It called for memoranda from the public and began its public hearing in January 2000. The Christian community refused to appear before the committee. They argued that it was biased and the process of its constitution was illegal. Muslims from various local governments in Kaduna State trooped to the House of Assemly to present their memoranda and expressed solidarity with the House of Assembly. Mass rallies were organized by both Muslims and Christian's to mobilize and educate adherents of the religious groups on their differing points of view. On 29th January, 2000, the Christian Association of Nigeria (CAN) held seminar at Hekan Church, Katsina Road, Kaduna to enlighten Christians on the implication of the Sharia Law implementation. Eminent personalities presented papers. Chief Emeka Odumegu Ojukwu presented a paper and condemned Sharia implementation as an infringement of Christians rights. This was aptly captured: the ex-rebel leader had canvassed the notion of Muslims as settlers and oppressors and Christians as indigenes and oppressed. This was in a controversial, if not inflammatory, lecture he gave in January 2000, at the HEKAN Church, Kaduna, under the auspices of the Kaduna State Chapter of the Christian Association of Nigeria, CAN.

"I dare say since 1960," he said, "we have watched the human rights of our fellow citizens, INDIGENES TO THIS AREA, their human rights being trampled with impunity". Those who did so, he argued, "will not stop until they have annihilated your faith." He then urged the "indigenes" to stand up and fight. They can do so, he said, in the full knowledge that all Nigerian Christians are four square behind them. Christians all over the country, he said, will henceforth "join hands to stand shoulder to shoulder and face the onslaught on our rights." One month after the speech, the first of the two Sharia riots in the State that year broke out. (Ojukwu's hate speech, January, 2000 at Hekan Church, Katsina road Kaduna, www.haruna/haruna/102.html)

This hate speech left one with no option than to believe that Emeka Odumegu Ojukwu was totally a divisive agent who never sees anything good from the other side of a coin even as Nigeria is a complex country characterized with different ethnicity, culture and religious believe systems. Ojukwu inculcated the spirit of sentment and hatred among and Kaduna State Christians particularly the Igbos on why and how to hate Muslims on selfish interests

What is more, a month after his speech crisis erupted in Kaduna State which caused unaccountable lost of lives and properties including places of worship. Suffice it to say, the speech of Ojukwu created animosity and galvanized Christians of Kaduna State into the adventure that saw to the unprecedented friction with devastating consequences.

In the same vein Alh. Ahmed Mohammed Makarfi, the then governor of Kaduna State, commented on the situation in his speech,

> "I must say that it is a clear failure on the religious leaders and a testimony of them fueling the incidence and some selfish political interest in or outside the State. Even though I find it difficult to believe the judicial commission of inquiry that it was a religious crisis, but religion was used to destabilize the State. The religious body has failed to guide their subjects, but instead allowed them to unleash terror and destruction upon themselves and the State."(Weekly Trust, 2000, March 10-16. Pp.18-19).

Makarfi's speech reflect betral from both religious and political elites from within and outside the State, conditioned by their selfish political interests to gain what suits them. This development created deep seated animosity and mutual mistrust, between Muslims and Christians who are dominant in the southern part of the State. Issues in Kaduna State are more often than not approached along trivial lines of perceived domination of the Christian minority by the Muslims majority of the northern part of the State.

In the same vein, the National body of Jama'atu Nasir Islam (JNI) also organized a programme on Sharia at Arewa House around the period to which some Christians were invited as speakers. Both Christians and Muslims used their places of worships as centres for discourses on Sharia implementation in Kaduna State. Consequently, the Kasduna State governments constituted two inter religious committees consisting of equal numbers of Muslims and Christian leaders in an attempt to calm the tense political atmosphere. (Abdu 2002)

Apart from the public hearing of the committee of the State House of Assembly, and the series of seminars organized by the various religious groups, CAN Kaduna chapter organized a public protests on February 21st 2000 against what they called the

planned introduction of Sharia in the State. During the protest, Christians expressed their fears concerning what they perceived as an attempt to Islamize Kaduna State and the possibility of such action generating crisis in Kaduna State. What is more, the peaceful protest later transformed to violent clashes with Christian protesters and Muslims engaging one another and spiraled out of control, with massive violence and destructions on both sides. (Abdu, 2002)

The Sharia violence in Kaduna took place in two main waves--- referred to as Sharia 1 and Shar'ah 2 (Paden 2005) .The first wave of crisis took place in Kaduna city, as Stated earlier from February 21- 25 , and the second one 22nd - 23rd May,2000. The crisis spilled over to some Local Government Areas, especially Kachia and Birnin Gwari. Residential houses were destroyed as well as clinics, filling stations, markets and even animals were not spared. (Abdu, 2002)

The second wave of violence occurred while the judicial commission of inquiry was on. The clashes started at Narayi and Barnawa areas and later spread to other parts of the city. The immediate causes of the crisis could not be fully ascertained. The security operatives intervened and worked tirelessly to restor normalcy in the city (Abdu 2002)

Governor Ahmed Mohammed is the key actor as far as the politics of 2002 Sharia Law formulation and implementation processes are concerned in Kaduna State. Muslims consider the implementation of Sharia Law as an exercise of fundamental human rights as stipulated in the 1999 constitution of Nigeria. The agitation and counter opposition necessitated the need for the governor to initiate modalities and response strategies for implementation of the 2002 Sharia Law in line with the religious pluralism of the State.

In the governmental efforts to meet the demand of both and resolve the crisis, the Kaduna State Government decided to engage the Centre for Islamic Legal Studies, Ahmadu Bello University Zaria to produce drafts on Sharia Penal Code and Sharia criminal procedure Code Laws. On completion of the assignment, Kaduna State government set up a committee to harmonize the drafts of the two Laws, with a view to drafting a final Bill to be forwarded to the Kaduna State House of Assembly for its consideration and passage into Law. To this effect, the government established a seven man committee thus:

1. Hon. Justice Bashir Sambo, Grand Kadi of the Federal Capital Abuja (Rtd) as (**Chairman)**
2. Barrister Ibrahim Lawal Ibrshim (**Secretary)**
3. Hon Justice Mua'zu, Aliyu (**Member)**
4. Barrister Alh Yahaya Mahmud (**Member)**
5. Barrister Shehu Ibrahim Ahmed Chief Registrar Sharia court of Appeal, Kaduna (**Member)**
6. Hon. Dr. Maccido Ibrahim, Grand Kadi Kaduna State (**Member)**
7. Hon. Attorney General of Kaduna State (**Member)**

(Human Rights watch 2004)

Under the Kaduna model of Sharia, the preexisting Area (local or native) Courts were abolished and replaced with Sharia and Customary Courts designed to apply Islamic and customary Laws to Muslims and non Muslims respectively. These two legals systems of the Courts coexisted with federal Laws, while common Law Courts legals, including the magistrate and the high Courts. Former Governor Ahmed Mohammed Makarfi introduced the Customary Courts for the Christian dominated areas and the Sharia courts for the Muslim dominated areas. Therefore each of these Courts

carrying out their stipulated functions according to the dictates of the Law. Refullions relating to life style, such as consumption or sale of alcohol are not generally applied to Christians in Kaduna State. (Human Rights watch 2004)

Under the modified Sharia legal system, implementation of any form of religious Laws was explicitly foreclosed in the mixed parts of Kaduna city and other principal towns. In Muslim majority areas, the eventual application of Sharia Laws, such as sales of alcohol, was ceded to the local governments in these areas. However,while licencious behavior are prohibited in Muslim dominated area, the potency of this prohibition is rendered tenuous by the easy availability of alternative moral Code which many Muslims can easily draw from. In this regard, Muslims who do not want to be tried in accordance to the Islamic moral Code practice, what could be describe as identity switching to benefit from the freedom the secular and the other legals systems holds. This therefore, makes the Sharia implementation flexible in the State. **(**Government white paper 2001, **h**uman Rights watch 2004)

Muslims areas are expected to comply with the requirements of Shari'ah, where as those of the predominantly non- Muslims or mixed areas were not. However, people of Sharia compliant areas could cross over into the non Sharia compliant areas and do what they like there.They could return to the Sharia areas without any consequences. What is more, theres is no overarching moral police such as the 'Hisbah'---Sharia enforcement officials in the State. The government of Kaduna State made it categorically clear that the government would not condone any individual or organization to impose or implement any Law in the State. That was the exclusive reserve of the police. (Government white papers 2001, Human Rights watch 2004)

Similarly, the Kaduna State Government established a Bureau of Religious Affairs with separate branches for Muslim matters and Christian matters respectively. The Bureaus was headed by a permanent secretary that coordinates its activities, while at the same time working with the other arm of the Bureau, in matters of common interests or challenges such as Muslim Christian conflicts. Governor Ahmed Makarfi faced difficult challenges of pleasing the porotagonists and antagonists of the full Sharia implementation in Kaduna.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

Research usually begins with a problem Statement and tentative questions that are to be subjected to intense scrutiny in order to bring out concrete answers to certain issues raised. The choice of Sharia Politics is informed by the need to addressing the intrigues that more often than not, heat up the polity of Kaduna State. The reality of Sharia project is that the issue is resolved through the effort of the government for implementing partial Sharia in the State.The management of the Sharia controversy and the implementations of the Law in 2002 lend credence to the careful choice of pragmatic approach by the government in a difficult circumstance in the State.

6.2 Summary

The threshold of this research work is the usual problem Statement. This thus, provides the basis for the discourses on the Politics of Sharia implementation in Kaduna State. The focus of the study revolves around the politics of the implementation of the 2002 Law in Kaduna State. The pattern of the logical presentation is done in such a way that chapter One serves as the introduction into the study. In this respect, some of the items listed here and discussed include: introduction and back ground to the study, Statement of research problem, objectives of the study, research questions, assumptions, scope of the study/ limitations of the study, significance /justification of the study and Chapterization.

The background chapter more often than not, anchored the subsequent chapters where issues were raised and discussed through the normal research procedure. Chapter two embodies literature review and the theoretical frame work of analysis. Relevant

literature and materials that are linked to the research problem were however carefully reviewed. Some of the existing gaps in the review revolve around the notion that the fundamental Sharia Politics is more of group interests of Christians and Muslims respectively. Other salient issues that dominates the review relates to the highlights of the purported gains of Sharia and the thrilling debates that made the formulation and process volatile and dramatic. The study utilizes the theory of pluralism for analytical purposes. In the same vein, chapter three is meant for the methodology of the study. Chapter Four, of this thesis, discussed the promulgation process of the 2002 Sharia Law implementation in the State Similarly, chapter Five focused on the politics of Sharia Law implementation in Kaduna State. Chapter Six, buttressed the summary, conclusion and recommendations respectively.

6.3 Conclusion

The agitations for the implementation of full Sharia Law had more often than not divided Kaduna State along the lines of protagonists for and antagonists of the implementation of the Law in the State. This development was accompanied with an unprecedented crisis that led to huge loses --- killing of innocent people and destruction of properties, including places of worships. The study disccovered the politics of Sharia implementation is part of the larger politics of Kaduna State. The 2002 Sharia Law implementation policy of Kaduna State is diversionary and counter productive. The pragmatic initiatives and political shrewdness of the government informed the idea for the formulation and implementation of partial Sharia Law, dialogue and reconciliation measures had helped in resolving the controversy that ravaged the State. The reform measure that created more chiefdom for the majority Christian constituencies in the southern Kaduna to allay their perceived domination by the majority Muslims of Norhtern Kaduna and creation of more districts in the

northern part of Kaduna to srike a balance had also helped in resolving the controversy that polarized the State along protagonists for and antagonists of full Sharia Law in Kaduna State.

The partial Sharia implementation of the State ensured a level of compromised from both sides---- the demands of the protagonists for and antagonists of full Sharia Law implementation. The State operates with tripartite legal systrm--- secular, Sharia and customary legal system. The flexibility of the arrangement allays the perceived fears of domination and misgivings over the Sharia project in Kaduna State. The crisis created mutual mistrust between Muslims and Christians. The circumstances and crisis of the Sharia Law implementation intensified the segmentation of Kaduna metropolis and environs along dangerous religious lines. For intent and practical purposes, the 'Balkanization' of the city and environs portends danger, wrong signals and threats to the unity of the people of Kaduna State. This could be empirically studied at a later time by interested researchers

6.4 Recommendations

The Politics of Sharia implementation has become a recurrent feature in Kaduna State and many States in Nigeria. The complexities and intrigues of the project led to the trying moments of serious problems and turmoil. The bottom line of the issue is that much was expected from the State in order to resolve the matter amicably. The micro and macro level of analysis of the management of the issue depicted the pragmatic initiative of the government for settling the controversy that recorded unprecedented frictions and huge loses in human and material belongings. In the light of this, the imperativeness of workable recommendations cannot be overlooked. The daunting task of comprehending the politiccs of implementation is necessary, so as to

go beyond trivial and simplistic explanations of interrelated developments that were linked to the dynamics of the Sharia politics in Kaduna. The following suggestions will by no means provide a threshold of beginning in the search for better ways of complimenting the laudable initiatives of the State leadership that mediated the controversy through the spirit of compromise and concessions all through in the interest of peaceful coexistence and stability of Kaduna State. Some of the recommendations are:

1. There is the need for people of Kaduna State to understand the politics of Sharia implementation in order to avoid the possibility of a repeat of the unprecedented friction that claimed lives and valuable properties during the Sharia riot of 2000.
2. Kaduna State government should consider the implication of intensified segmentation of Kaduna city and environs along religious line. The development portends danger and eminent future security threat that ought to be squally addressed. The State should be discourage in future settlements across different parts of the State.
3. Government should monitor closely with the bureau for religious to ensure harmony and understanding between Christians and Muslims in Kaduna State. The bureaus could initiate workable mechanisms for addressing similar Sharia controversy in the State in the future.
4. The grim realities of the politics of Sharia implementation in Kaduna State should be made public for the understanding of people that do not know much about it. This could be done by the government and perhaps civil society organizations.

5. Religious Plural societies like Kaduna State could borrow a leaf and resolve impending Sharia implementation controversies in the interest of peace and peaceful coexistence in Nigeria.

EXPLANATION OF CONCEPTS AND GLOSSARY

Arabization-- The dominance of Arab culture and civilization in heterogeinous and plural societies

Da'awah-- Propagation and promotion of Islamic Religion through sacrifices and devotions

Hisbah-- Institution that enforces Islamic Sharia Law.

Islamiya Institution for early Islamic learning and teaching.

Jihad-- Adherance to Islamic teachings and various sacrifices and submissions in times of need.

Legal Pluralism System that accommodates and operates with defferent legal systems in societies and States.

Penal Code An embodiment of moderate Sharia Law. Applied by Nigeria and Sudan.

Politics of Sharia implementation- The obscured realities of the Sharia implementation Project and the management of the contending forces over the Sharia issues in Nigeria and Kaduna State.

Religious Pluralism - The coexistence of different Religions in societies.

Sharia Refers to the way Muslims should live and conduct themselves in accordance with the teachings and revelations of Allah enshrined in Quran and traditions of Prophet Muhammad (SAW)

Sharia Law Law that provides for the implementation of Sharia.

Sharia controversy-- The debate over the feasibility of implementing full Sharia Law in Kaduna State.

Sharia crisis The ensuing confrontations that occurred between Muslims and Christians over the agitations and oppositions for Sharia Law implementation in Kaduna State

Sharia Law implementation- The implementation of a new Sharia Law that supercedes the existing penal Code of Northern Nigeria

Southern Kaduna Geographical description of numerous communities located within an area of Southern Kaduna with six local governments.

Sharia Law antagonists- The people that oppose to the full Sharia Law Implementation.

Sharia Law Protagonists- **The** people that desire and agree to the full Sharia Law implementation

Sunnah- The traditions of Prophet Muhammad (SAW)

N P C- National Congress party (of President, Albashir of Sudan)

SPLM - Sudan's People Liberation Movement.

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APPENDIX A

Kaduna State of Nigeria Gazette No. 17 vol. 36, 4th July 2002 Supplement – Part A

I assent this 21st day of June, 2002.

ALHAJI AHMED MOHAMMED MAKARFI,
Executive Governor of Kaduna State

Law No. 4
2002

Kaduna State of Nigeria

THE SHARI'AH PENAL CODE

A LAW TO ESTABLISH A SHARI'AH PENAL CODE FOR KADUNA STATE

BE IT ENACTED by the Kaduna State Houss of Assembly as follows:

1. This Law may be cited as the Shari'ah Penal citation Code Law, 2002 ant it shall come into operation on the 21st day of June, 2002,

2. The Provisions contained in the schedules to this Law shall be the Law of the State with respect to the several matters therein dealt with and the said schedules may be cited as, and is hereby called, the Shari'ah Penal Code Law,

3. (1) Every person who is a Muslim and/or every other person who voluntarily consents to the exercise of the jurisdiction of any of the Shari'ah Courts established under the Shari'ah Courts Law, 2001, shall be liable to punishment under the Shari'oh Penal Code for every act or omission contrary to the provisions, thereof of which he shall be guilty within the State.

(2) No act or omission committed by a person under subsection (1) of this section shall be an offence under the provisions of this Law unless such act or omission was committed on or after the commencement date of this Law.

4. (1) Whereby the provisions of any Law of the State the doing of any act or the making of any omission is made an offence, those provisions shall apply to every person subject to the provisions of this Law who is in the State at the time of his doing the act or making the omission.

(2) Where any such offence comprises several elements and any acts, omissions or events occur which, if they all occurred in the State, would constitute an offence, and any of such acts, omissions or events, which if they occurred in the State would be elements of the offence, occur elsewhere than in the State then:-

(a) If the act or omission, which in the case of an offence committed wholly in the State would be the initial element of the offence, occur in the State, the person who does that act or makes the omission is quilty of an offence of the

same kind and is liable to the same punistiment as if all the subsequent elements of the offence occurred in the State: and

(b) If that act or omission occurs elsewhere than in the State and the person who does that act or.makes that omission afterwards enters the State, he is by such entry guilty of an offence of the same kind, and is liable to the same punishment as if that act or omission had occurred in the State and he had been in the State when it occurred.

5. (1) When by the Shari'ah Penal Code any act is civil remedies, declared to be Lawful no action shall be brought in respect thereof.

(2) Except as aforesaid, the provisions of this Law shall not affect any right of actfon which any person would have had against another, if this Law had not been passed: nor shaft the omission from the Shari'ah Penal Code of any Penal provision in respect of any act or omission which before the time of the coming into operation of the Shari'ah Penal Code constituted an actionable wrong affect any light of action in respect thereof.

6. Nothing in this Law shall affect the authority of Courts subject to the jurisdiction of the Law to punish a person summarily for the offence commonly known as contempt of Court.

SCHEDULE A

CHAPTER I - GENERAL EXPLANATIONS AND DEFINITIONS

1. Every expression, which is explained in any part of this Shari'ah Penal Code, is used in every part of this Shari'ah Penal Code in conformity with the explanation, unless the subject or sense of the context otherwise requires.

2. The pronoun "he" and its derivatives are used for any person whether male or female.

3. Unless the contrary appears from the context, words importing the singular number include the plural number and words importing the plural number include singular number.

4. The word "man" denotes a male human being of any age and the word "woman' means a female human being of any age.

5. (1) The word "person" includes any company or usociation or body of persons, whether incorporated or not.

(2) A child becomes a person when he has been born alive whether the umbilical cord is severed or not.

6. The words "the public" include any class or section of the public.

7. "Court of Justice" includes every civil or Criminal Court established by any Act or Law or deemed to be so', established and every person or body of persons exercising judicial functions in the State by virtue of any Act or Law in force in the State.

8- "Judicial proceedings" means a proceeding in the course of which it is Lawful to take evidence whether on oath or not.

9. The words "publiq servant" means a person falling under any of the descriptions hereinafter following, that is to say:-

(a) Every person appointed by the Government or the Government of the Federation or of a State while serving in the State or by any Local Government Council and every person serving in the State appointed by a servant or agent

of any such Government or Council for the performance of a specific public duty white performing that duty:

(b Every person not coming within the description set forth in paragraph (a) who is in the service of the Government or of any Local Government Council in a judicial or quasi-judicial, executive, administrative or clerical capacity:

(c) Every commissioned officer of the Nigerian Armed Forces:

(d) Every assessor or other person assisting a Court of justice or a public servant exercising judicial or quasi-judicial functions while acting in that capacity:

(e) Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any' Court of justice or by any other competent public authority, while acting in that capacity:

(f) Every officer or other person not being a member who is appointed to perform any duty in connection with the discharge of its functions by anybody forming part of the Legislature of the State.

(g) Every person who is in the service of any public corporation established by any Act or Law:

(h) Every person within the employment of the Federal, State and Local Governments, and their parastatals, departments and agencies.

10. The term "armed forces" includes army, naval and air forces and defences.

11.The words "movable property" include corporeal property of every description except land and things attached to the earth or permanently fastened to anything which is attached to the earth.

12. "Wrongful gain" is gain by unLawful means of property to which the person gaining is not legally entitled.

13. "Wrongful loss" is the loss by unLawful means of property to which the person losing it is legally entitled.

14. A person is said to gain wrongfully when such person retains wrongfully as well as when such person acquires wrongfully, and a person is said to lose wrongfully when such person is wrongfully kept out of any property as well as when such person is wrongfully deprived of property.

15. A person is said to do a thing "dishonestly" who does that thing with the intention of causing a wrongful gain to himself or another or of causing wrongful loss to any other person,

16. A person is said to do a thing "fraudulently" or "with intent to defraud" who does that thing with intent to deceive and by means of such deceit to obtain some advantage for himself or another or. to cause loss to any other person.

(17.) A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing but not otherwise.

(18) An act is said to be '"likely" to have a certain consequence or to cause a certain effect if the occurrence of that consequence or effect woUld cause no surprise to a reasonable man.

(2) An effect is said to be a probable consequence of an act if the occurrence of that consequence would be considered by a reasonable man to be the natural and normal effect of the act.

19. When property is in the possession of a person's wife, clerk or servant on account of that person, it is in that person's possession within the meaning of this Shari'ah Penal Code.

20. A person is said to "counterfeit" who causes one thing to resemble another thing intending by means of that resemblance to practise deception or knowing it to be

likely that deception will thereby be practised.

21. The word "writing" means any marks made upon paper or other substance to express words or ideas, and includes marks made by printing, lithography, photography, engraving or any other process: and the word "document" signifies any writing intended to be used or which may be used as evidence of the matter expressed thereby.

22. The words "document of title" means a document which is or purports' to be a document whereby a legal right is created, extended, transferred, restricted, extinguished, revoked or released, or whereby the existence or the extinction or revocation of a legal right is acknowledged or established.

23. In every part of this Shari'ah Penal Code, except where a contrary intention appears from the acts done extend also to illegal omissions.

24. The word "act" denotes a series of acts as well as a single act and the word "omission" means a series of omissions as well as a single omission.

25. Wherever the causing of a certain effect or an attempt to cause that effect by an act or by an omission is an offence, it is to be understood that the causing of that effect or the attempt to cause that effect partly by an act and partly by an omission is the same offence,

26. A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

27. Except where otherwise appears from the context, the word "offence" includes an offence under any Law for the time being in force.

28. Everything which is prohibited by Law and which is an offence or which furnishes ground for a civil action is said to be "illegal".

29. A person is said to be "legally bound to do" not only whatever he is bound by Law to do but also everything the omission to do which by him is an offence or furnishes ground for a civil action.

30. The word "injury" means any harm whatever illegal caused to any person, in body, mind, reputation, modesty or property.

31. The words "life" and "death" means the life or death of human being unless it otherwise appears from the context.

32. The word "animal" does not include a human being.

33. The word "vessel" denotes anything made for the conveyance by water of human beings 'or of property.

34. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the Islamic calender and its Gregorian equivalent.

35. The word "Oath" includes swearing in the name of Almighty Allah (S.W.T.) or any of his attributes.

36. Nothing is said to begone or believed in good faith which is done or believed without due care and attention.

37. Any person who is convicted of an offence under this Shari'ah Penal Code may be adjudged to make compensation to any person injured by his offenceiand such compensation may be either in addition to or in substitution for any other punishment.

38. A consent is not such a consent as is intended by any section of this Shari'ah Penal Code, if the consent is given:-

(a) By a person under fear of injury, or under a misconception of fact, and if the person doin-g the act knows, or has reason u believe, that the consent was given in consequence of such fear or misconception:

or

(b) By a person who, from-tmsoundness of mind or involuntary intoxication, is unable to understand the nature and consequence of that to which he gives his consent: or

(c) By a person who is under eighteen years of age or has^not attained puberty.

39. A person is said to "harbour" another person who has committed or'intends to commit an offence or who is seeking to evade arrest when he supplies that other with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or assists that other in any way to evade arrest.

40. The word "genital" includes the vagina and the rectum.

4.1 The word *"zina"* includes adultery and

42. The word "married" means being married or ever consummating a valid marriage.

43. The words *"Sadaq al-mithli"* means dower due to bride within the same social, educational and family background.

44. The word *"Rajm"* Means the execution of death Penalty on a muslim convicted for the offence of *zina,* rape, incest or sodomy through stoning by more than one person, firing squad or hanging.

45. The word *"hirz"* means any location place or means that is customarily understood to represent safe keeping or custody or protection.

46. The word *"nisab"* means the minimum amount of property, or its value not below a quarter of a *dinar* which, if stolen, snail attract *hadd* punishment.

47. The word *"taklif* means me age of attaining Religious and legal responsibilities.

48. The word *"mukalfaf* means a person possessed of full legal capacity

49. The words *"waliyy al-damm"* means legal heirs of a deceased victim of homicide.

50. The words *"qatl al gheetah"* means the act of luring a person, killing .him and taking away his property

51. The word *"aqilah"* means legal heirs and other associates whether individual or corporate of the killer who are responsible'jointly or severally for the payment of diyyah.

52. The wocd *"wa'z*^{fr} means reminding the person who has committed a transgression that he has done an unLawful act.

53. The word *"tashheer"* connotes the taking of the convict by Court officials to parts' of the city telling the people what offence he has committed.

54. The word *"hajar"* means social boycott of the offender by the public.

55. The word *"al~musadarah"* means confiscation of property owned by the offender.

56. The word *"ghurrah"* means compensation which is paid in respect of causing miscarriage of Fetus.

57. The.word *"ta'zir"* means any punishment not provided for by way of hadd or qisas and includes the offences under section 96(1) except paragraphs(g) and (h) thereof.

58. The word *"hadd"* means punishment that is fixed by Islamic Law.

59. The word *"qisas"* includes punishments inflicted upon offenders by way of retaliation for causing death/injuries to a person.

60. The word *"tawbikh"* means a severe rebuke or reprimand for misdemeanours.

61. The word *"diyyah"* means compensation paid to a person injured or to the deceased's agnatic heirs in homicide cases.

62. The word *"hukunfrb"* means the amount of compensation short of *"arsh"* payable to a victim of bodily injuries of unspecified quantum, based on the discretion of the judge.

63. The word *"arsn** means specifid amounts payable as compensation for bodily injuries that do not involve loss of life,

64. The word "Government" means the Government of Kaduna State or the federal Government or Local Government,

65. The words "Foreign Government" means any Government other than any Government within the Federation of Nigeria.

66. Unless otherwise indicated the word "Code" means the Shari'ah Penal Code.

CHAPTER II - CRIMINAL RESPONSIBILITY

67. (1) There shall be no Criminal responsibility except upon a *mukallaf,*

(2) There shall be no Criminal responsibility unless an unLawful act or omission is done intentionally or negligently.

68. A person is presumed, unless the contrary is proved, to have knowledge of any material fact if such fact is a matter of common knowledge.

69 A person who does an act in a State of voluntary intoxication is presumed to have the same knowledge as he would have had if he had not been Intoxicated.

70, (1) Nothing is an offence which is done by any person who is justified by Law, or who by reason of a mistake of fact and not by reason of a mistake of Law, In good faith believes himself to be justified by Law in doing it.

(2) Whoever being a *waliyy al-damm* of a deceased person causes the death of the suspect alleged to have killed the deceased shall not be punished with death, save as provided under section 192 of this Code.

Illustrations:

A. *An officer of a Court of justice being ordered by that Court to arrest Y and after due enquiry believing Z to be Y arrests Z. A has committed no offence,*

B. *A sees Z commit what appears to A to be culpable homicide. A in the exercise to the best of his judgement exerted in good faith of the power which the Law gives to all persons of arresting murderers seizes 2 in order to bring him before the proper authorities. A has committed no offence, though it may turn out that Z was acting in. self-defence.*

71. Nothing is an offence which is done by a person acting judicially or as a member of a Court of justice in the exercise of any power which is or which in good faith he believes to be given to him by Law.

72. Nothing which is done in .pursuance of or which is warranted by the judgment or order of a Court of justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding that the Court may have had no

jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

73. Nothing is an offence which is done by accident or misfortune and without any Criminal intention or knowledge in the course of doing a Lawful

act in a Lawful manner by Lawful means and with proper care and caution.

74. (1) Nothing is an offence by reason of an injury which it may cause or be intended by the doer to cause or be known by the doer to be likely to cause, if it be done without any Criminal intention to cause injury and in good faith for the purpose of preventing or avoiding other injury to person or property-or of benefitfing the person to whom injury is or may be caused.

Provided:

That, having regard to all the circumstances of the case, the doing of the thing was reasonable: and That, where the circumstances so require, the thing is done with reasonable care and skill

(2) This section shall not apply to the intentional causing of death or to the attempting to cause death in order to prevent or avoid injury to property only except as is provided for in section 94.

(3) The death of a person shall under no circumstances be deemed to be for the benefit of that person.

(4) Mere pecuniary benefit is not benefit within the meaning of this section.

75. No act is an offence which is done:-

(a) by a child under seven years: or

(b) in cases of hudud, by a child below the age of taklif.

76. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, or sleep, is incapable of knowing 1 the nature or the consequences of the act, or he is doing what is either wrong or contrary to Law.

77. Nothing is an offence which is done by *s* person who, at the time of doing it, is by reason of intoxication caused by something administered to him without his knowledge or against his will, incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to Law.

78. (1) No act is an offence by reason of the injury it has caused to the person or property of any person who, being above the age of *taklif,* has voluntarily and with understanding given his consent express or implied to that act.

(2) This-section shall not apply to acts which are likely to cause death or grievous hurt, nor to acts which constitute offences independently of any injury which they are capable of causing to the person who has given his consent or to his property.

79. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, consent for a or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

80. (1) Nothing is an offence which does not correction of amount to the infliction of grievous hurt upon any person and which is done:-

(a) by parent or guardian for the purpose of correcting his child or ward: or

(b) by a school master for the purpose of correcting a child entrusted to his charge: or

(c)by a master for the purpose of correcting his apprentice such apprentice being under eighteen years of age: or

(d) by a husband for the purpose of correcting his wife.

(2) No correction is justifiable which is unreasonable in kind or in degree, regard being had to the age and physical and mental condition of the person on whom it is inflicted: and no correction is justifiable in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

81. No communication made in good faith is an offence by reason of any harm caused to the person to whom it is made: if it is made for the benefit of that person.

82. Except homicide, grievous hurt and offences against the State punishable with death, no act is an offence which is done by a person who is compelled to do it by coercion or by threat of death or imminent grievous hurt to his person or family or serious injury to his property which at the time of doing it reasonably caused the apprehension that instant death to that person will otherwise be the consequence. Provided that the person doing the act did not, of his own accord or from apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such compulsion.

83. No act is an offence which is done by a person involuntarily and without the ability of controlling his act by reason of act of God or sudden illness which makes him Incapable of avoiding that act.

84. It shall not be an offence if an act is done by a person who is "Compelled by necessity to protect his person, property or honour, or person, property or honour of another from imminent grave danger which he has not willfully caused or willfully exposed himself or other persons to and which he or that other person is not capable of avoiding.

85. Nothing is an offence by reason that it causes or that it is intended to cause or that it is likely to cause any injury if that injury is so slight that no person of ordinary sense and temper would complain of such injury.

86. Nothing contained in the provisions of this Code shall prejudice the right of *diyyah* in appropriate cases.

The Right of Private Defence

87. Nothing is an offence which is done in the Lawful exercise of the right of private defence.

88. Every person has a right, subject to the restrictions hereinafter contained, to defend:-

(a) his own body and the body of any other person against any offence affecting the human body:

(b) the property whether movable or immovable of himself or of any other person against any act, which is an offence falling under the definition of theft *(sariqah),* robbery *(hirabah),* mischief *(fasad)* or Criminal trespass *(ta'addi),* or which is an attempt to commit theft *(sariqah),* robbery (*hirabah),* mischief *(fasad)* or Criminal trespass *(ta'addi).*

89. When an act, which would otherwise be a certain offence is not that offence by reason of age, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act or by reason of

any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations:

(a) Z under the influence of madness attempts to kill A: Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane,

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

90. Subject to the provisions of section 197 General limit of paragraph (c) of this Code, the right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

91. There is no right of private defence in cases in which there is to have recourse to the protection of the public authorities.

92. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done or attempted to be done:-

(a) by a public servant doing an act justifiable in Law and in good faith: or

(b) by any person acting under the direction of a public servant acting Lawfully and in good faith.

93. The right of private defence of the body extends, under the restrictions mentioned in sections 90 find 91, to the voluntary causing of death only when the act to be repelled is of any of the following descriptions, namely:-

(a) an attack which causes reasonable apprehension of death or grievous hurt: or

(b) rape or an assault with the intention of gratifying unnatural lust: or

(c) abduction or kidnapping.

94. The right of private defence of property extends, under the restrictions mentioned in sections 90 and 92, to the voluntary causing of death only when the act to be repelled is of any of the following descriptions, namely:-

(a) robbery *(hirabah):* or

(b) housebreaking by night: or

(c) mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling or as a place for the custody-of property: or

(d) theft, mischief, or house-trespass in such circumstances as may reasonably cause apprehension that, if such right of private defence is not exercised, death or grievous hurt will be the consequence.

95. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

CHAPTER III - PUNISHMENTS AND COMPENSATION

96. (1) The punishments to which offenders are liable under the provisions of this Law are:-

(a) death *(qatff:*
(b) closure of premises, forfeiture and destruction of property *(al-musadarah-wat ibadah):*
(c) imprisonment *(sijn):*
(d) detention in a reformatory *(habs fi islahiyyah):*
(e) fine *(gharamah}:*
(f) caning *(ja/d):*
(g) amputation *fqatj:*
(h) retaliation *(qisas):*
(i) blood-wit *(diyyah):* restitution *(radd):*
(j) restitution *(radd):*
(k) reprimand *(tnhar):*
(I) public disclosure *(iash-heer):*
fm) boycott *(hajar):*
(n) exhortation *(wa'az):*
(o) compensation *(arsh/hukumah):* and
(p) warning *(inzar)*

(2.) Nothing in this section shall prevent a Court dealing with an, offender in accordance with the Probation of Offenders Law,

97. No sentence of imprisonment shall be passed on any person who in the opinion of the Court has not attained the age of *Taklif.*

98. When an accused person who has completed his seventeenth but not completed his eighteenth year of age is convicted by a Court of any offence, the Court may Instead of passing the sentence prescribed under this Code, subject the convict to ta'zir punishment.

99. (1) Where no sum is expressed to which a fine may extend, the amount -of fine to which the offender is liable is unlimited but shall not exceed the jurisdiction of the Court imposing it and shall not be excessive,

(2) The Court shall assess fine with reference to the nature of the offence committed, the mount of wrongful gain obtained thereby, the degree of the offender's participation and his financial status.

100. Whenever an offender is sentence with or without imprisonment under this Code the Court which sentences the offender may direct that his movable or immovable property shall be auctioned or he shall be given fine to pay installmentally.

101. A sentence or reprimand *i'mhar),* or warning (inzar), exhortation *fwa'az)* or boycott *(hajar)* may be passed by any Court whether trying the case summarily or otherwise on any offender in addition to any other punishment to which he might be sentenced for any offence not punishable with death, or offences falling under *(hudud)* and *qisas.*

102. The Court may order the closure of any premises used in conducting any business or activity in contravention of the provisions of this Code, Provided that the Court may vacate any such order to allow the premises to be used for any legitimate purpose.

CHAPTER IV - JOINT ACTS

103. When a Criminal act is done by several persons in furtherance of the common intention of all, each of such persona is liable for that act in the same manner as if it were done by him alone.

104. Whenever an act, which is Criminal only by reason of its being done with a Criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

105. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

106. Where several persons are engaged or concerned in the commission of a Criminal act each person may be guilty of offence or offences by means of that act.

CHAPTER V - ABETMENT

107. A person abets the doing of a thing, who:-

(a) instigates any person to do that thing: or

(b) engages with one or more person or persons in any conspiracy for the doing of that thing: or

(c) intentionally aids or facilitates by any act or illegal omission the doing of that thing.

108. A person abets an offence who abets either the commission of an offence or the commission of an act which would be an offence, if committed with the same intention or knowledge as that of the abettor by a person capable by taw of committing an offence.

109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment be subject to ta'zir punishment.

110. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act have been done with the intention or knowledge of the abettor and with no other.

111. When an act is abetted and a different act is done and the act done was a probable consequence of the abetment and was committed under the influence of the instigation or in pursuance of the conspiracy or with the aid which constitutes the abetment, the abet-tur is liable for the act done in the same manner and to the same extent as if -he had directly abetted it.

112. If the act for which the abettor is liable under section 111 is committed in addition to the act abetted and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

113. When an act is abetted with the intention on the part of the abettor of causing a particular effect and an act for which the abettor is liable in consequence of the abetment causes a different effect from that intended by the abettor, the abettor is liable for the effect caused in the same manner and to the same extend as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

114. (1) Whoever abets the commission of an offence punishable with death or imprisonment for life shall be liable to ta'zir punishment.

115. Whoever abets the commission of an offence by more than one person shall be subject to ta'zir punishment.

CHAPTER VI - ATTEMPTS TO COMMIT OFFENCES

116. Whoever attempts to commit an offence to cause such an offence to be committed and in such attempt does any act towards the commission of the offence shall be subject to ta'zir punishment.

CHAPTER VII - CRIMINAL CONSPIRACY

117. (1) When two or more persons agree to do Criminal or cause to be done:

(a) an illegal act: or

(b) an act which is not illegal by illegal means such an agreement is called a Criminal conspiracy.

(2) Notwithstanding the provisions of subsection (1), no agreement except an agreement to commit an offence shall amount to a Criminal conspiracy unless some act besides the agreement is doneby one or more parties to such agreement in pursuance thereof.

EXPLANATION 1: It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object,

EXPLANATION 2: This section shall not apply to an agreement of two or more persons to do or cause to be done any act in contemplation or furtherance of a trade dispute if such act committed by one person would not be punishable as an offence

188. (1) Whoever is a party to a Criminal OOniplracy to commit an offence shall be punished in the lime manner as if he had abetted such offence.

119. Any society which by its composition, nature, or conduct is anti-social, counter productive or opposed to the general belief and culture of the people of the State, or is dangerous and obstructive to the good governance of the State or any part thereof, is said to be an unLawful society.

120. Whoever manages or is a member of an unLawful society shall be subject to ta'zir punishment.

CHAPTER VIII

HUDUD AND HUDUD RELATED OFFENCES

Zina (Adultery or Fornication)

121. Whoever, being a man or a woman fully responsible, has sexual intercourse through the genital of a person over whom he has no sexual rights and in circumstances in which no doubt exists as to the illegality of the act, is guilty of the offence of *Zina.*

122. Whoever commits the offence of *Zina:-*

(a) Shall be punished with caning of one hundred lashes if unmarried and where the offender is a man shall also be liable to imprisonment for a term of one year:

(b) or if married, shall be liable to *rajm.*

EXPLANATION: Mere penetration is sufficient to constitute the sexual intercourse necessary for the offence *of Zina.*

Rape

123. (1) A man is said to commit rape who, save Rap« defined, in the case referred in subsection (2), has sexual intercourse with a woman in any of the following circumstances:-

(i) against her will:

(ii) with her consent, when her consent has been obtained by putting her in fear of death or of hurt:

(iii) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be Lawfully married:

(iv) with or without her consent, when she is under the age of *taklif* or of unsound mind

(2) Sexual intercourse by a man with his own wife is not rape.

EXPLANATION: Mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

124. Whoever commits rape:-

(a) Shall be punished with caning of one hundreo lashes if unmarried, and shall also be liable to imprisonment for a term of one year: or

(b) If married, shall be liable to *rajm* punishment and

(c) in addition to either (a) or {b) above shall also pay the dower of her equals *(sadaq a/-mithli)* and other damages to be determined by the Court.

Sodomy (*Liwat)*

125. Whoever has anal coitus with any male person is said to commit the offence of sodomy.

126. (1) Whoever commits the offence of sodomy shall be liable to *rajm* punishment.

(2) Whoever commits the offence of sodomy with his wife shall be subject to ta'zir punishment.

Incest

127. (1) Whoever being a man, has sexual intercourse with a woman who is and whom he knows or has reason to believe to be his daughter, grand daughter, his mother or any other of his female ascendants or descendants, his sister or the daughter of his sister or brother or his paternal or maternal aunt has committed the offence of incest.

(2) Whoever, being a woman, voluntarily permits a man who is and whom she knows or has reason to believe to be her son, her grandson, her father or any other of her male ascendants or descendants, her brother or the son of her brother or sister or her paternal or maternal uncle to have sexual intercourse with her, has committed the offence of incest,

128. Whosoever commits incest:-

(a) Shall, if married, be liable to rajm punishment:

(b) If unmarried be punished with caning of hundred lashes and the male offender shall also be liable to one year imprisonment.

Lesbianism (Sihaq)

129. Whoever, being a woman, engages another woman in carnal intercourse through her sexual organ or by means of stimulation or sexual excitement of one another has committed the offence of Lesbianism.

130. Whoever commits the offence of lesbianism shall be liable to ta'zir punishment.

Bestiality *(Wat al-Bahimah)*

131. Whoever being a man or woman, has carnal Bestiality (Min intercourse with any animal is said to commit the offence of bestiality.

132. Whoever commits the offence of bestiality shall be liable to ta'zir punishment.

EXPLANATION: Mere penetration is sufficient to constitute the carnal intercourse necessary to the offence of bestiality.

Gross Indecency

133. Whoever commits an act of gross indecency in public, exposure of nakedness in public and other related acts of similar nature capable of corrupting public morals shall be subject to ta'zir punishment.

False Accusation of Zina (Qadhf)

134. Whoever by words either spoken or reproduced by mechanical or electronic means or intended to be read or by signs or by visible representations makes or publishes any false imputation of zina or sodomy concerning a chaste person (mufisan), or contests the paternity of such person even where such person is dead, is said to commit the offence of qadhf. Provided that a person is deemed to be chaste *(muhsan)* who has not been convicted of the offence of *zina* or sodomy.

135. Whoever commits the offence of *qadhf* shall be punished with caning of eighty lashes.

136. The offence of *qadhf* shall be remitted in any of the following cases:-

(a) Where the complainant *(maqzuf)* pardons the accuser *(qazif):*

(b) Where a husband accuses his wife of zina and undertakes the process of mutual imprecation *(Han):*

(c) Where the complainant *(maqzuf)* is- a descendant of the accuser *(qazif).*

Defamation

137. (1) Whoever by words either spoken or reproduced by mechanical or electronic means or intended to be read or by signs or by visible representations makes or publishes any imputation concerning a person intending to harm or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, save in the cases hereinafter excepted, to defame that person.

(2) It is not defamation:-

(i) to impute anything which is true concerning any person, if it be' for the public good that the imputation should be made or published: whether or not it is for the public good is a question of fact:

(ii) to express in good faith any opinion whatever respecting conduct of a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further:

(iii) to express in good faith any opinion wh:il ever respecting the conduct of any person touching any public question and respecting his character so far as his character appears in that conduct and no further:

(iv) to publish a substantially true report of proceedings of a Court of Justice or of the result of any such proceedings:

(v) to express in good faith any opinion whatever respecting the merits of any case civil or Criminal which has been decided by a Court of justice or respecting the conduct of any person as a party, witness or agent in any such case or respecting the character of such person as far as his character appears in that conduct and no further:

(vi) to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgement of the public or respecting the character of the author so far as his character appears in such performance and no further:

(vii) in a person having over another any authority either conferred by Law or arising out of a Lawful contract made with that other to pass in good faith any censure on the conduct of that other in matters to which Lawful authority relates:

(viii) to prefer in good faith an accusation against any person to any of those who have Lawful authority over that person with respect to the subject matter of the accusation:

(ix) to make an imputation on the character of an other, provided that the imputation be made in good faith for the protection of the interests of the person making it or of any other person or for the public good:

(x) to convey a caution in good faith to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed or of some person in whom that person is interested or for the public good.

138. Whoever defames another shall be liable to ta'zir punishment,

Theft *(Sariqah)*

139. The offence of theft shall be deemed to have been committed by a person who covertly, dishonestly and without consent, takes any Lawful property belonging to another, out of its place of custody (hirz) and valued not less than the minimum stipulated value (nisab) without any justification.

140. Whoever commits the offence of theft punishable with hadd shall be punished with amputation of the right hand from the joint of the wrist: and where the offender is convicted for the second theft, shall be punished with the amputation of the left foot from the ankle: and where the offender is convicted for the third theft, shall be punished with the amputation of the left hand from the joint of the wrist: and where the offender is convicted for the fourth theft, shall be punished with the amputation of the right foot from the ankle: and where the offender is convicted for the fifth or subsequent thefts, he shall be subject to ta'zir punishment.

141. Whoever commits the offence of theft that does not meet with the requirements of hirz or nisab as provided under Section 139 is said to commit the offence of theft not punishable with hadd. Provided that a person may not be subject to hadd punishment who commits theft in times of war, famine or other natural

142. The Penalty-of hadd for theft shall be remitted in any of the following cases:-

(a) where the offence was committed by ascendant against descendant:

(b) where the offence was committed between spouses within their matrimonial home: provided the stolen property was not under the victims lock and key:

(c) Were the offence was committed under circumstances of necessity and tne offender did not taut more tnan he ordinarily requires to satisfy his need or the need of his dependants:

(d) Where the offender believes in good faith that he has a share (or a right or interest) in the said stolen property and the said stolen property does not exceed the share (or the right or interest) to the equivalent of the minimun value of the property (nisab):

(e) Where the offender retracts his confession before execution of the Penalty in cases where proof of guilt was based only on the confession of the offender:

(f) Where the offender returns or restitutes the stolen property to the victim of the offence and repents before he was brought to trial, he being a first time offender

(g) Where the offender was permitted access to the place of custody (hirz) of the stolen property:

(h) Where the victim of the offence is indebted to the offender and is unwilling to pay, and the debt was dua-to be discharged prior to the offence, and the value of the property stolen is equal to or doss not exceed the debt due to the offender to the extern of the nisab.

143. Whoever commits the offence of theft Punishment under section 141 or where the punishment of theft was remitted under section 142, shall be liable to ta'zir

***Shurb al-Khamr* (Drinking alcoholic drink)**

144. Whoever drinks alcohol or any other Intoxicant voluntarily, shall be punished with caning of eighty lashes.

145. Whoever prepares alcohol by either manufacturing, pressing, extracting or tapping whether for himself or for another: or transports, carries or loads alcohol whether for himself or for another: or trades in alcohol by buying or selling or supplying premises by either leasing or storing or (easing out premises for the storing or preserving or consumption or otherwise dealing or handling in any way alcoholic drinks or any other Intoxicants shall be liable to ta'zir punishment.

146. Whoever is found drunk or drinking in a public or private place: or conducts himself in a disorderly manner, to the annoyance of any person or incapable of taking care of himself, shall in addition to the punishment specified in section 144 above, be subject to the punishment provided under section 133.

***Hirabah* (Robbery)**

147. Whoever acting alone or in conjuction with others in order to seize property or to commit theft armed with any dangerous weapon or instrument causes or attempts to cause hurt or wrongful restraint to any person is said to commit the offence of hirabah.

148. Whoever commits hirabah shall be punished:-

(a) with imprisonment for life where the offence was committed without seizure of property or causing death:

(b) with amputation of the right hand from the wrist and the left foot from the ankle where property was seized, but death was not caused:

(c) with death sentence where death was caused,

but property was not seized:

with salb, where murder was committed and property was seized.

149. Whoever makes any preparation for Making preparation committing the offence of *hirabah,* shall be subject to ta'zir punishment.

150 Whoever belongs to a gang of persons associated for the purpose of committing hirabah, shall be subject to ta'zir punishment.

Offences against property

151. Whoever intentionally puts any person in fear of any injury to that person or to any other and thereby dishonestly induces the person so put in fear to deliver to any person property or document of title or anything signed or sealed which may be converted into valuable security, commits extortion

152. Whoever commits extortion shall be subject to ta zir punishment.

153. Whoever in order to commit extortion puts any person in fear or attempts to put any. person in fear of any injury to that person or to any other, shall be subject to ta'zir punishment.

154. Whoever in order to commit extortion puts any person in fear or attempts to put any person in fear of death or of grievous hurt to that person or to any other shall be subject to ta'zir punishment.

155. Whoever commits extortion by putting any person in fear of an accusation against that person or any other of having committed or attempted to commit any offence punishable with death or with imprisonment for a term which may extend to ten years or .of hiving attempted to induce any other person to commit such offence, shall be subject to ta'zir punishment.

Criminal Misappropriation

156. Whoever dishonestly misappropriates or converts to his own use any movable property, commits Criminal misappropriation.

157. Whoever commits Criminal misappropiation shall be liable to ta'zir punishment.

158. Whoever commits Criminal misappropriation of property knowing that the property so misappropriated was in the possession of a deceased person at the time of that person's death and has not since been in the possession of any person legally entitled to such possession shall be Irable to ta'zir punishment.

159. Whoever, being in any manner entrusted with property or with any dominion over property, dishonestly misappropriates or converts to his own use that property or dishonestly uses or disposes of that property in violation of any direction of Law prescribing the mode in which such trust is to be discharged or of any legal contract express or implied, which he has made touching the discharge of such trust, or willfully suffers any other person so to -do, commits Criminal breach of trust.

160. Whoever commits Criminal breach of trus't shall be liable to ta'zir punishment.

161. Whoever, being entrusted with property *as a carrier* wharfinger or warehouse keeper, commits Criminal breach of trust in respect of such property, shall be liable to ta'zir punishment.

162. Whoever, being a clerk or servant or employed as 8 clerk or servant and being in any manner entrusted in such capacity with property or with any dominion over property, commits Criminal breach of trust in respect of that property, shall be liable to ta'zir punishment.

163. Whoever, being in any manner entrusted with property or with any dominion over property in his capacity as a public servant or in the way of his business as a banker, factor, broker, legal practitioner or agent, commits Criminal breach of trust in respect of that property, shall be liable to ta'zir punishment.

Receiving Stolen Property

164. Property, the possession whereof has been transferred by theft or by extortion or by *hirabah,* and property, which has been Criminally misappropriated or in respect of which Criminal breach of trust has been committed, is stolen property, whether the

transfer has been made or the misappropriation or breach of trust has been committed within the State or elsewhere: but if such property subsequently comes into possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

165. Whoever dishonestly receives or retains any stolen property knowing or having reason to believe the same to be stolen property, shall be liable to ta'zir punishment.

166. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be liable to ta'zir punishment.

167. Whoever knowingly has in his possession or under his control anything which is reasonably suspected of having been stolen or unLawfully obtained and who does not give an account to the satisfaction of a Court of justice as to how he came by the same, shall be liable to ta'zir punishment.

Cheating

168. Whoever by deceiving any person:-

(a) fraudulently or dishonestly induces the person so deceived to deliver any property to any person or to consent that any person shall retain any property: or

(b) intentionally induces the person- so deceived to do or omit to do anything which he would not do if he were not so deceived and which act or omission causes or is likely to cause damage or harm to that person in body or mind or reputation or property, is said to cheat.

169. A person is said to cheat by personation if he cheats by pretending to be some other person or by knowingly substituting one person for another or representing that he or any other person is a person other than he or such other person really is.

170. Whoever cheats shall be liable punishment.

171. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction, to which the cheating relates, he was bound either by Law or by a legal contract to protect, shall be liable to ta'zir punishment.

172. Whoever -cheats by personation shall be liable to ta'zir punishment.

173. Whoever cheats and thereby fraudulently or dishonestly induces the person deceived to deliver any property to any person or to, make, alter or destroy the whole or any part of a document of title or anything which is signed or sealed and which is capable of being converted into a document of title, shall be liable to ta'zir punishment,

Criminal Trespass

174. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, unLawfully remains there with intent thereby to intimidate, insult or annoy or with intent to commit an offence, is said to commit Criminal trespass.

174. (l) Whoever commits Criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place of worship, or as a place for the custody of property or any railway carriage, motor vehicle of aircraft used for the conveyance of passengers or goods, is said to commit house trespass.

(2) For the purpose of this section "building" means a structure of any kind whether permanent or temporary and includes a hut, store, granary, pound and a compound completely enclosed by- a wall or other structure.

176. (1) Whoever commits house trespass, having taken precaution to conceal such house trespass from some person who has a right to exclude or eject the trespasser from the building, tent, vesse railway carriage, motor vehicle or aircraft which is the subject of the trespass, is said to commit lurking house trespass.

(2) For the purpose of this section "building" means a structure of any kind whether permanent or temporary and includes a hut, tent, store, granary, pound and a compound completely enclosed by a wall or other structure,

177. Whoever commits lurking house trespass between sunset and sunrise, is said to commit lurking house trespass by night.

178. A person is said to commit house breaking, who commits house trespass, if he effects his entrance Into the house or any part of it in any of the six ways hereinafter described: or if being in the house or any part of it for the purpose of committing an offence or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:-

(a) If he enters or quits through a passage made by himself or by any abettor of the house trespass in order to commit the house trespass:

(b) If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance, or through any passage to which he has obtained access by scaling or climbing over any waif or building:

(c) If he enters or quits through any passage which he or any abettor of the house trespass has opened in order to commit the house trespass by any means by which that passage was not intended by the occupier of the house to be opened:

(d) If he enters or quits by opening any lock in order to commit the house trespass or in order to quit the house after a house trespass:

(e) If he effects his entrance or departure byusing Criminal force or committing an assault or by threatening any person with assault:

(f) If he enters or quits by any passage which he knows to have been fastened against such entrance or departure and to have been unfastened by himself or by an abettor of the house trespass.

179. Whoever commits house breaking between sunset arid sunrise is said to commit house breaking by night.

180. Whoever commits Criminal trespass shall be Punishment for liable to ta'zir punishment.

181. Whoever commits house trespass shall be liable to ta'zir punishment.

182. Whoever commits house trespass in order to commit any offence punishable with death, shall be liable to ta'zir punishment.

183. Whoever commits house trespass in order to commit any offence shall be liable to ta'zir punishment.

184. Whoever commits lurking house trespass or house breaking, shall be liable to ta'zir punishment.

185. Whoever commits lurking house trespass or house breaking in order to commit any offence shall be liable to ta'zir punishment.

186. Whoever commits lurking house trespass by night or house breaking by night, shall be liable to ta'zir punishment.

187. If at the time of the committing of lurking house trespass or house breaking any person guilty of such offence voluntarily causes or attempts to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house trespass or house breaking shall be liable to:-

(a) qisas (retaliation) punishment under section 193 if death is caused: or

(b) Qisas (retaliation) punishment under section 213 if grievous hurt is caused: or

(c) Ta'zir punishment.

188. Whoever dishonestly or with intent to Liommit mischief breaks open or unfastens any closed rec«ptacle which contains or which he believes to uontnln property, shall be liable to ta'zir punishment.

189. Whoever, being entrusted with anyclosed which contains or which he believes to contain property, without having authority to open the dishonestly or with intent to commit mischief open or unfastens that receptacle, shall be liable to ta'zir punishment.

190. Whoever is discovered carrying false keys or other instruments suitable for house breaking and seeks to conceal himself or is otherwise shown to have a Criminal intention, shall be liable to ta'zir punishment.

191. Whoever imitates or alters any key or fabricates any instrument intending that such false key or instrument shall be used for a Criminal purpose, shall be liable to ta'zir punishment.

CHAPTER IX

QISAS AND QISAS RELATED OFFENCES

Homicide

192. Except in the circumstances mentioned in section 197, whoever being a *mukallaf* causes the death of a human being:

(a) With the intention of causing death or such bodily injury as is probable or likely to cause death with an object either sharp or heavy: or

(b) In a State of anger, with a light stick, a whip or any other thing of that nature which is not intrinsically likely or probable to cause death, or

(c) By doing an act if the doer of the act knew or had reason to know that death would be the probable or likely consequence of the act or of bodily injury which the act was intended to **cause**

commits the offence of intentional homicide *(qatl al-amd).*

193. Whoever commits the offence of intentional homicide shall be published:-

(a) with death: or

(b) where the relatives of the victim remit the punishment in (a) above, with the payment of *diyyah.*

194. Whoever causes the death of any other unmtem person by mistake or accident, or by doing a rash or negligent act is said to commit unintentional homicide.

195.Whoever commits the offence of unintentional homicide shall be punished:-

(a) Where the death was caused by mistake or accident, with payment of diyyah: or

(b) Where the death was caused by a rash or negligent act, with payment of *diyyah,* and liable to ta'zir punishment.

196. Whoever being a *waliyy al-damm* of a person causes the death of the suspect alleged to have killed the deceased shall be liable to ta'zir punishment.

Provided that where it was not proved that the suspect was the one who caused the death of the deceased, or It was the suspect but with legal justification the *waliyy al-damm* shall be deemed to have committed intentional homicide punishable under section 193.

197. Except in the circumstances mentioned in on193, intentional homicide is punishable with the payment of *diyyah* and ta'zir punishment and not with death in any of the following circumstances:-

(a) Where the offender is an ascendant of the victim' or where the intention of the ascendant is clearly shown to be the correction or discipline of the victim: or

(b) Where the offender, being a public servant acting for the advancement of public justice or being a person aiding a public servant so acting exceeds the powers given to him by Law and necessary for the due discharge of his duty as such public servant or for assisting such public servant in the due discharge of such duty and without ill will towards the person whose death is caused: or

(c) Where the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by Law and causes the death of the person against whom he is exercising such right of

defence without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.

198. Whoever does an act not resulting in death with such intention or knowledge and in such circumstances that if he by that act caused death, he would be guilty of intentional homicide, shall be liable to ta'zir punishment.

199. Whoever abets:-

(a) any person under fifteen years of age, or insane person, or any delirious person or any idiot or any person in a State of intoxication, to commit suicide: or

(b) any person to commit intentional homicide or unintentional homicide, shall be punished under section 193 of this Code if:-

(i) the abettor knew of the probable or likely consequence or result or effect of-the act of the persons mentioned in (a) and (b) above: and

(ii) the execution/carrying out of the act by the persons mentioned in (a) and (b) above would not have been possible without the abetment of the abettor

Causing miscarriage, injuries to unborn children.
Exposure of infants. Cruelty to Children and concealment of births

200. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with the payment of *ghurrah* and shall also be liable to ta'zir punishment.

EXPLANATION: A woman, who causes herself to miscarry is within the meaning of this section.

201. Whoever uses force to any woman and thereby unintentionally causes her to miscarry, shall be punished with the payment of *ghurrah.*

202. Whoever with intent to cause miscarriage of a woman whether with child or not does any act which causes the death of such woman, shall be punished:-

(a) with the payment of *diyyah:* or

(b) if the act is done without the consent of the woman, with *qisas.*

203 (1) Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive and does by such act prevent that child from being born alive, shall, if such net be not caused in good faith for the purpose of saving the life of the mother, be liable to ta'zir punishment and payment of *ghurrah.*

(2) Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth and does by such act cause it to die after its birth, shrill, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with *qisas.*

204. Whoever does any act in such circumstances that, if he thereby caused death he would be guilty of intentional .homicide, and does by such act cause the death of a quick unborn child, shall pay *ghurrah,* and be liable[1] to-the punishment for the offence of attempt to cause the death of the woman.

205. Whoever being the father or mother or having the care of a child under the age of fifteen years fifteen years, exposes or leaves such child in any place with the intention of wholly or partly abandoning such child, shall be liable to ta'zir punishment.

206. Whoever having the charge or care of a child under the age of fifteen years being in a position of authority over him willfully ill-treats or neglects him in such a way as to cause him unnecessary suffering, or defiles him access to education shall be liable to ta'zir punishment and if the ill-treatment or neglect results in serious injury to the health of such child, the offender shall pay *diyyah.*

207. Whoever, by secretly terying or otherwise disposing of the dead body of a child whether such a child dies before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be liable to-ta'zir punishment.

208. Whoever causes bodily pain, disease or Hurt defined infirmity to any person is said to cause hurt

209. The following kinds of hurt only designated as grievous:-

(a) emasculation

(b) permanent deprivation of -the sight of an eye, of the hearing of an ear, of the power of speech, taste, smell or sound mind:

(c) deprivation of any member or joint-

(d) destruction or permanent impairing of the powers of any member or joint:

(e) permanent disfiguration of the head or face:

(f) fracture or dislocation of a bone or tooth:

(g) any hurt which endangers lire or which causes the sufferer to be in severe bodily pain or unable to follow-his ordinary pursuits.

210. Whoever does any act with the intention of thereby causing hurt to any person or with the knowledge that he is likely thereby to cause hurt to any portion and does thereby cause hurt to any person is said voluntarily to cause hurt.

211. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt and if the hurt which he causes is grievous hurt, is said voluntarily to cause grievous hurt.

212. Whoever voluntarily causes hurt to any poison .shall be liable to ta'zir punishment.

213. Whoever voluntarily caus.es grievous hurt in (my person shall be punished:-

(a) with *qisas:* or

(b) where the qisas is remitted or not applicable or the act was done by mistake, with the payment of *diyyah* as provided under the schedule to this Code and shall also be liable to ta'zir punishment.

CRIMINAL FORCE AND ASSAULT

214. A person is said to use force to another if he causes motion, change of motion or cessation of motion to that other or if he causes any substance to come into contact with any part of that other's body or with anything which that other is wearing or carrying or with anything so situated that such

contact affects that other's sense of feeling where the, person causing any effect above mentioned causes it:-

(a) by his own body power: or

(b) by disposing any substance in such a manner that the effect takes place without any further voluntary act on his part or on the part of any other person: or

(c) by means or any aniMal.

215. Whoever intentionally uses force to any person without that person's consent:-

(a) while preparing to commit any offence: or

(b) in the course of committing any offence: or

(c) intending by the use of such force to cause or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use Criminal force to that other.

216. Whoever makes any gesture or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use Criminal force to that person, is said to commit an assault.

217. Whoever assaults or uses Criminal force to any person or Criminal force otherwise than on grave and sudden provocation given by that person, shall be liable to ta'zir punishment: and

If grievous hurt is caused to any person by such assault or Criminal force, prunishment under Section 21 3.

218. Whoever assaults or uses Criminal force to any person being a public servant in the execution of his duty as such public servant or with intent to prevent or deter that person from discharging his duty as such public servant or in consequence of anything done or attempted to be done by such person in the Lawful discharge of his duty as such public servant shall be liable to ta'zir punishment.

219. Whoever assaults or uses Criminal force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be liable to ta'zir punishment.

220. Whoever assaults or uses Criminal force to any person in attempting wrongfully to confine that person, shafl be liable to ta'zir punishment.

KIDNAPPING, ABDUCTION AND FORCED LABOUR

221. Whoever takes or entices any person, under fifteen years of age or any person of unsound mind out of the keeping of the Lawful guardian of such person without the consent of such guardian or conveys any such person beyond the limits of the State without the consent of someone legally authorized to consent to such removal, is said to kidnap such a person,

222. Whoever by force compels or by any deceitful means induces any person to go from any place, is said to abduct such person.

223. Whoever kidnaps any person:-

(a) under the age of seven shall be punished under Section 140 for the offence of theft punishable with *hadd.*

(b) above the age of seven shall be liable to ta'zir punishment.

224. Whoever abducts any person shall be liable to ta zir punishment.

225. Whoever kidnaps or abducts any person in order that such person may be killed or may be so disposed of as to be put in danger of being killed shall be liable to ta'zir punishment.

226. Whoever, by any means whatsoever, induces any girl or woman to go from any place or to do woman any act with intent that such girl or woman may be, or knowing that it is likely that she will be, forced or seduc d to illicit intercourse with himself or with another person shall be liable to ta'zir punishment.

227. Whoever imports into the State from any place outside the State any girl or woman with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with himself or with another person shall be liable to ta'zir punishment.

228. Whoever knowing that any person has been conceding or kidnapped or has been abducted wrongfully conceals or confinement confines such person, shall be punished in the same kidnapped or manner as if he had kidnapped or abducted such person.

229. Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person under the age of fifteen years or any person of unsound mind, with item that such person shall be employed or used for the purpose of prostitution or for any unLawful or immoral purpose or knowing it to be likely that such minor or unsound minded person will be employed or med for any such purpose, shall be liable to ta'zir punishment.

230. (1) Whoever unLawfully compels any person to labour against the will of that person shall be liable to ta'zir punishment.

(2) Without prejudice to sub-section (1) above, the person so compelled to labour against his will shall be entitled to compensation to be determined by the Court.

231. Whoever, in order to gratify the passions of another person, procures, entices or leads away, even with her consent, any woman or girl for immoral purpose shall be liable to ta'zir punishment.

CHAPTER X: TA'ZIR OFFENCES

CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

232. Whoever threatens another with any injury to his person, reputation or property or to the person, reputation or property of anyone in whom that person is interested, with intent to cause harm to that person or to cause that person to do any act which he is not legally bound to do or to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat, commits Criminal intimidation.

233. Whoever commits the offence of Criminal intimidation shall be liable to ta'zir punishment.

234. (1) Whoever commits the offence of Criminal intimidation by an anonymous communication or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be liable to ta'zir punishment.

(2) Whoever intending to insult the modesty of any woman utters any word, makes any sound or gesture or exhibits any object intending that such word or

sound shall be heard or that such gesture or object shall be seen by such woman or intrudes upon the privacy of such woman, shall be liable to ta'zir punishment.

WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT

235. Whoever voluntarily obstructs any wrongful restraint person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said to restrain that person wrongfully.

Provided that the obstruction of a private way over land or water which a person in good faith believes himself to have a Lawful right to obstruct, is not within the meaning of this section.

236. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said to confine that person wrongfully.

237. Woever wrongfully restrains any person, shall be liable to ta zir punishment.

238. Whoever wrongfully confines any person, shall be liable to ta zir punishment: and shall be liable to pay compensation to the confined person which shall be determined by the Court.

239. Whoever keeps any person in wrongful confinement knowing that a warrant or order or writ for the production or liberation of that person has been duly issued shall be liable to ta'zir punishment.

240. Whoever wrongfully confines any person in such mariner as to indicate an intention mat the confinement of such person may not be knovffh'to-any panon interested in the person so confined or to any public servant or that the place of such confinement may not be known to or discovered by any such person or public servant as therein before mentioned shall be liable to ta'zlr punishment.

241. Whoever wrongfully confines any person for the purpose of extorting from the person confined or from any person interested in the person confined any property or document of title or of constraining the person confined or any person interested in such person to do any thing illegal or to give any information which may facilitate the commission of an offence, shall be liable to ta'zir punishment,

242. Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct or for the purpose of constraining the person confined or any person interested In the person confined to restore, or to cause the restoration of any property or document of title, shall be liable to ta'zir punishment.

FORGERY

243. A person is said to make a false document:-

(a) who dishonestly or fraudulently makes, signs, seals or execute a document or part of a document or makes any mark denoting the execution of a document with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed or at a time at which he knows that it was not made, signed, sealed or executed: or

(b) who without Lawful authority dishonestly or fraudulently by cancellation or otherwise alters a document in any material part thereof after it has been made or executed either bv himself or by any other person whether such person be living or dead at the time of such alteration: or

(c) who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document knowing that such person by reason of unsoundness of mind or intoxication cannot or that by reason of deception practised upon him he does not know the contents of the document or the nature of the alteration.

244. Whoever makes any false document or part of a document, with intent to cause damage or injury to the public or to any person or to support any claim or title or to cause any person to part with property or to enter into any express or implied contract or with intent to commit fraud or that fraud may be committed, commits forgery: and a false document made wholly or in part by forgery is called a forged document.

245. Whoever commits.forgery shall be liable to ta'zir punishment.

246. Whoever forges:-

(a) a thing which purports to be the public seal of Nigeria or of any State of Nigeria or the great or privy seal of any country or the seal of the President or a Governor of a State: or (b) a document having on it or affixed to it any such seal-signet, or sign manual, or anything which purports to be or is intended by the person to be understood to be, any such seal-signet or sign manual shall be liable to ta'zir punishment.

246. Whoever fraudulently or dishonestly uses genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

248. Whoever makes or counterfeits any seal, plate or other instrument for making an impression Intending that the same shall be used for the purpose of committing forgery or with such intent has in his possession any such seal, plate or other instrument knowing the same to be counterfeit, shall be liable to in his punishment.

249. Whoever has in his possession any forged document knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall be liable to ta'zir punishment.

250. Whoever counterfeits upon or in the sub stance of any material any device or mark used for the purpose of authenticating any document intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material or who with such intent has in his possession any material upon or in the substance of which any device or mark has been counterfeited, shall be liable to ta'zir punishment.

251. Whoever fraudulently or dishonestly or with intent to cause damage or injury to the public or to any person cancels, destroys or defaces or attempts to cancel, destroy or deface or secretes or commits theft in respect of any document which is or purports to be a document of title or a will or commits mischief in respect to any such document, shall be liable to ta'zir punishment.

252. Whoever, being a clerk, officer or servant or employed or. acting in the capacity of a clerk, officer or servant, willfully and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, document of title or account,

which belongs to or is in the possession of his employer or has. been received by him, for or on behalf of his employer, or willfully and with intent to defraud makes or abets the making of any false entry in or omits or alters or abets the omission or alteration of any material particular from or in any such book, paper, writing, document of title or account, shall be liable to ta'zir punishment.

PROPERTY AND OTHER MARKS

253. A mark used for denoting that movable property belongs to a particular person is called a property mark.

254. Whoever marks any movable property or goods or uses any case, package or other receptacle containing movable property or goods or uses any case, package or other receptacle having any mark thereon in a manner reasonably calculated to cause it to be believed that the property or goods so marked or any property or goods contained in any such receptacle so marked belong to a person to whom they do not belong, is said to use a false property mark.

255. Whoever uses any false property mark shall, unless he proves that he acted without intent to defraud, be liable to ta'zir punishment

256. Whoever counterfeits any property mark shall be liable to ta'zir punishment.

257. Whoever counterfeits any property mark used by a public servant or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place that the property is of a particular quality or has passed through a particular office or that it is entitled to any exemption or uses as genuine any such mark knowing the same to be counterfeit, shall be liable to ta'zir punishment,

258. Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark or has in his possession a property mark for the purpose of denoting that any goods belonging to a person to whom they do not belong, shall be liable to ta'zir punishment.

259. Whoever makes any false mark upon any case, package or other receptacle containing goods in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain or that the goods contained in such receptable are of a nature of quality different from the real nature of quality thereof, shall unless he proves that he acted without intent to defraud, be liable to ta'zir punishment.

260. Whoever make use of any false mark in any manner prohibited by section 259 shall unless he proves that he acted without intent to defraud, be liable to ta'zir punishment.

261. Whoever removes, destroys, defaces or adds to any property mark intending or knowing it to be likely that he may thereby cause injury to any person, shall'be liable to ta'zir-punishment.

CRIMINAL BREACH OF CONTRACT OF SERVICE

262. Whoever, being bound by a Lawful contract to render his personal service in conveying or conducting any person or any property from one place to another place or to act as servant to any person during a voyage or journey or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be liable to ta'zir punishment.

263. Whoever, being bound by a Lawful contract to attend on or to supply the

wants of any person, who by reason of age or of unsoundness of mind or of disease or bodily weakness is hepless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be liable to ta'zir punishment,

BREACH OF OFFICIAL TRUST

264. Whoever, by reason or *by* means of his employment as a public servant acquires any information in respect of which he is under an obligation of secrecy express or implied and at any time communicate or attempts to communicate such information to any person to whom the same ought not in the public interest to be communicated .at that time, is said to commit a breach of official trust.

265. Whoever commits a breach of official trust shall he liable to ta'zir punishment.

OFFENCES AGAINST THE PUBLIC PEACE

266. An assembly of two or more persons is designated an unLawful assembly if the common object of the persons composing that assembly is:

(a) to overawe by Criminal force or show of Criminal force the Government of the Federation or any Government of Nigeria or any public, servant in the exercise of his Lawful powers: or

(b) to resist the execution of any Law or of any legal process: or

(c) to commit any mischief or Criminal trespass or other offence of any kind whatsoever: or

(d) by means of Criminal force or show of Criminal force to enforce any or supposed right: or

(e) by means of Criminal force or show of Criminal force to compel any person to do what he is not legally bound to do or to omit to do what he is legally entitled to do.

267. Whoever being aware of facts which render any assembly an unLawful assembly intentionally joins that assembly or continues in it is said to be a member of an unLawful assembly.

268. Whoever is a member of an unLawful assembly shall be liable to ta'zir punishment.

269. Whoever being a member of an unLawful assembly is armed with any deadly weapon or with anything which if used as a weapon of offence is likely to cause death, shall be liable to ta'zir punishment.

270. Whoever joins or continues in an unLawful, assembly knowing that such unLawful assembly has been Lawfully commanded to disperse, shall be liable to ta'zir punishment.

271. Whenever force or violence is used by an unLawful assembly or by any member thereof in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

272. Whoever is guilty of rioting shall be liable to ta'zir punishment.

273 Whoever is guilty of rioting being armed with a deadly weapon or with anything which if used as a weapon of offence is likely to cause death, is liable to ta'zir punishment.

274. if an offence is committed by any member of an unLawful assembly, in prosecution of the common object of that assembly, every person, who at the time of the committing of that offence is a member of the assembly, is guilty of that offence

275. Whoever promotes or does any act with intent to assist the promotion of an unLawful assembly, shall be punishable as a member of such unLawful assembly and for any offence which may be committed to any member thereof in the same manner as if he had himself been a member of such unLawful assembly.

276 Whoever joins or continues in any assembly of five o more persons' likely to cause disturbance of the public peace knowing that such assembly has been Lawfully commanded to disperse, shall be liable to ta'zir punishment.

277. Whoever wears, carries or displays in public any emblem, flag, article of clothing or other token or device in such manner or on such occasion or in such circumstances as:-

(a) to constitute an offence under any other section of this Code, or of any other subsisting Act of Law or

(b) to cause or be likely to cause annoyance to the public or any section thereof, or a breach of the peace, or disturbance of the public peace, or the commission of an offence, shall be liable to ta'zir punishment and in addition the emblem, flag, article of clothing or other token or device in respect of which an offence under this section has been committed shall be liable to forfeiture.

278. Whoever assaults or threatens to assault or obstructs or attempts to obstruct any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unLawful assembly or to suppress a riot or affray, or uses or threatens or attempts to use Criminal force to such public servant, shall be liable to ta'zir punishment.

279. Whoever in a public place disturbs the public peace shall be liable to ta'zir punishment.

280. Whoever does any act with intent to cause or which is likely to cause a breach of the peace or disturb the public peace shall be liable to ta'zir punishment.

OFFENCES BY OR RELATING TO PUBLIC SERVANTS

281. Whoever being or expecting to be a public servant accepts or obtains or agress to accept or attempts to obtain from any person for himself or for any other person any gratification whatever whether pecuniary or otherwise, other than Lawful remuneration, as a motive or reward:-

(a) for doing or forbearing to do any official act: or

(b) for showing or forbearing to show in the exercise of his official functions favour or disfavour to any person: or

(c) for rendering or attempting to render any service or disservice to any person with any department of the public service or with any public servant as such, shall be liable to ta'azir punishment.

EXPLANATION 1. If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is a about to be in Office and that he will serve them, he may be guilty of cheating but he is not guilty of an offence under this Section.

EXPLANATION 2: A public servant who receives a gratification as a motive for doing what he does not intend to do or as a reward for doing what he has not done, is guilty of an offence under this Section.

282. Whoever accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification whatever whether

pecuniary or otherwise or as a motive or reward for inducing by corrupt or illegal means any public servant:-

(a) to do or forbear to do any official act: or

(b) in the exercise of the official functions of such public servant to show favour or disfavour to any person: or

(C) to render or attempt to render any service or disservice to any person with any department of the public service or with any public servant as such, shall be liable to ta'azir punishment.

283. Whoever being a public servant, in respect of whom an offence under Section 282 is committed, offence mention abets the offence, shall be liable to ta'zir punishment.

284. Whoever offers or gives or agrees to give offering or g. any gratification whatever whether pecuniary or otherwise in the circumstances and for any of the purposes mentioned in Section 281 and 282 shall be liable to ta'zir punishment.

285. Whoever being a public servant accepts or obtain or agrees to accept or attempts to obtain for himself or for any other person any valuable thing if Without consideration or for a consideration which he knows to be Inadequate--

(a) from any person whom he knows to have been or to oe Hkely to be concerned in any proceeding or business transacted or about to be transacted by such public servant or having any connection with the official functions of himself or of any public servant to whom he is subordinate: or

(b) from any person whom he knows to be interested in or related to the person so concerned, shall be liable to ta'zir punishment.

286. Whoever in any of the circumstances mentioned In Section 292 offers or gives or agrees to give to any public servant or to any person, in whom a public servant is interested or to whom he is related, any valuable thing without consideration or for a consideration which he knows to be inadequate, shall be liable to ta'zir punishment.

287. Whoever knowingly profits by any gratification or benefit obtained in any of the circum stances mentioned in Sections 288, 289 or 292 but does not take any active part in obtaining such gratification or benefit, shall be liable to ta'zir punishment.

288. Whoever being a public servant in his capacity as such dishonestly receives from any person any money or other property which he is not authorized to receive or which is n excess of the amount which he is authorized to receive shall be liable to ta'zir punishment.

289. Whoever being a public servant knowingly disobeys any direction of the Law as to the way in which he is to conduct himself as such public servant intending thereby or knowing himself to likely thereby:-

(a) to cause injury to any person or to the public: or

(b) to save any person from legal punishment or to subject him to a less

punishment than that to which he is liable or to delay the imposition on any person of any legal punishment: or

(c) to save any property from forfeiture or from any seizure or charge to which it is liable by Law or to delay the forfeiture or

seizure of any property or the imposition or enforcement of any charge upon any property, shall be liable to ta'zir punishment.

290. Whoever, being a public servant, and being as such public servant charged with the preparation or translation of any document, frames or translates that document in a mariner which he knows and believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person shall be liable to ta'zir punishment.

291. Whoever, being a public servant knowing that he is likely to cause injury to any person or intending unLawfully to give any person an advantage makes or pronounces in any stage of a judicial proceeding any report, order, judgment or decision which he knows to be contrary to Law, shall be liable to ta'zir punishment.

292. Whoever, being a public servant authorized by Law to commit persons for trial or to confinement or lo keep persons in confinement, commits any person for trial or to confinement or keeps any person in confinement:-

(a) knowing that he is acting contrary to Law: and

(b) knowing that he is likely to cause injury to any person or intending unLawfully give any person an advantage shall be liable to ta'zir punishment.

293. Whoever, being a public servant whose duty it Is as such public servant to arrest any person or to keep any person in confinement or custody, intentionally omits to arrest such person or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement or custody, shall be liable to ta'zir punishment.

294. Whoever, being a public servant whose duty it is as such public servant to arrest any person or to keep any person in confinement or custody, negligently omits to arrest that person or negligently suffers that person to escape from confinement or custody, shall be liable to ta'zir punishment.

295. Whoever, being a public servant willfully omits to perform any duty pertaining to his office which he is legally bound to perform, shall if such omission or tends to cause danger to human life, health or or causes or tends to cause a riot, be liable to ta'zir punishment.

296. Whoever, being a public servant, abandons his duties in prearranged agreement with two or more others such public servants shall, if the intention or effect of such abandonment is to interfere with the performance of public service to an extent that will cause an injury or damage or grave inconvenience to the community, be liable to ta'zir punishment.

297. Whoever, being a public servant and being legally bound as such public servant not to purchase or bid for certain property, purchases or bids for that property in his own name or in the name of another jointly or in shares with others, shall be liable to ta'zir punishment.

298. Whoever pretends to hold any particular office as a public servant knowing that he does not hold such office, or falsely personates any other person holding such office, or wears any dress or carries any token resembling any dress or token used by that class of public servant with the intension that it may be believed that he belongs to that class of public servant, shall be liable to ta'zir punishment.

CONTEMPT OF THE LAWFUL AUTHORITY OF PUBLIC SERVANT

299. Whoever in any manner:-

(a) absconds from, or intentionally, prevents the serving on himself or on any other person of any summons, notice or order proceeding from any public servant legally competent as such public servant to issue such summons, notice or order: or

(b) intentionally prevents the Lawful affixing to any place of any such summons, notice or order: or

(c) intentionally removes any such summons, notice, or order from any place to which it is Lawfully affixed: or

(d) intentionally prevents the Lawful making of any proclamation under the authority of any public servant legally competant as such public servant to direct such proclamation to be made, shall be liable to ta'zir punishment.

300. Whoever, having been required by a lummons, notices, order or proclamation proceeding from any public servant legally competent as such public servant to issue the same to attend in person or by agent it certain time and place, intentionally and without reasonable cause refuses or omits to attend at the place and time or depart from that place before the time at which It is Lawful for him to depart, shall be liable to ta'zir punishment,

301. Whoever, having been required by a summons, notice, order or proclamation proceeding from a public servant legally competent as such public servant to issue the same to produce or deliver up any document or other thing, intentionally omits so to produce or deliver up the same, shall be liable to ta'zir punishment,

302. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by Law shall be liable to ta'zir punishment.

303. Whoever, being legally bound to furnish information on any subject to any public servant as such, furnishes as true information on the subject which he knows or has reason to believe to be false, shall be liable to ta'zir punishment.

304. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause or knowing it to be likely that he will thereby cause such public servant:-

(a) to do or to omit anything which such public servant ought not to do or omit if the true State of facts respecting such information is given were known by him: or

(b) to use the Lawful power of such public servant to the injury or annoyance of any person, shall be liable to ta'zir punishment.

305. Whoever being legally bound to answer Refusing to any questions put to him on any subject by any public servant authorized to in the exercise of the Lawful powers of such public servant, refuses to answer any such question, shall be liable to ta'zir punishment.

306. Whoever refuses to sign any Statement made by him when required to sign that Statement by a public servant, legally competant to require that he shall sign that Statement, shall be liable to ta'zir punishment.

307. Whoever offers any resistance to the taking of any property by the Lawful authority of any public servant, knowing or having reason t-d believe that he is such public servant shall be liable to ta'zir punishmenc.

308. Whoever intentionally obstructs any sale of property offered for sale by the Lawful authority of any public servant as such shall be liable to ta'zir punishment.

309. Whoever, when any property has been attached or taken by the Lawful authority of any public servant, knowingly and with intent to hinder or defeat the attachment or process receives, removes, retains, conceals or disposes of such property, shall be liable to ta'zir punishment.

310. Whoever at any sale of property held by the Lawful authority of a public servant as such purchases or bids for any property on account of any person whether himself or any other, whom he knows to be under legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be liable to ta'zir punishment.

310. Whoever, voluntarily obstructs any public servant in the discharged of his public functions shall be liable to ta'zir punishment.

311. Whoever, voluntarily obstructs any public servant In the discharge of his public functions shall be liable to ta’zir punishment.

312. Whoever, voluntarily obstruct any public servant in the discharge of his public function under any written Law or voluntarily obstructs any person engaged In the discharge of any duty imposed on him by any written Law shall be liable to ta'zir punishment.

313. Whoever, being legally bound to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be liable to ta'zir punishment.

314. Whoever, being legally prohibited from maiding in any district, or being legally ordered to reside in any district," intentionally disobeys any such prohibition or order shall be liable to ta'zir punishment.

315. Whoever, Knowing that by an order promulgated by a public servant legally empowered to promulgate such order he is directed to abstain from a certain act, or to take certain action with respect to curtain property in the possession or under his management, disobeys such direction, shall be liable to ta'zir punishment.

316. Whoever, holds out any threat of injury to any public servant or to any person in whom he believes Hint public servant to be interested for the purpose of inducing that public. servant to do any act or to forbear or delay to do any act connected with the exercise of the public functions of such public servant, shall be liable to ta'zir punishment.

317. Whoever, holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from applying for protection against any injury to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be liable to ta'zir punishment.

318. Whoever, intentionally offers any insult or causes any interruption to any public servant while such public servant is sitting in any stage of a judicial Judicial proceeding proceeding shall be liable to ta'zir punishment.

FALSE EVIDENCE AND OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE:

Offences Relating to Evidence

319. Whoever, makes any Statement, verbally or otherwise, which is false in a material particular and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

EXPLANATION: *A material particular within the meaning of this Section means a particular which is material to any question then in issue or intended to be raised in that proceeding.*

320. Whoever, causes any circumstance to exist or makes any false entry in any book or record or makes any document containing a false Statement intending that such circumstance, false entry or false Statement may appear in evidence or be used in a judicial proceeding or in a proceeding taken by Law before a public servant as such or before an arbitrator and that such circumstance, false entry or false Statement so appearing in evidence or so used may cause any person, who in such proceeding is to form an opinion upon the circumstance, entry or Statement to entertain an erroneous opinion touching any point material to the result of such proceeding, is said to fabricate false evidence.

321. (1) Whoever, intentionally gives false evidence in any stage of a judicial proceeding or fabricates false evidence for the purpose of its being useful in any stage of a judicial proceeding or fabricates false evidence in any other case, shall be liable to ta'zir punishment.

322. (1) Whoever, gives or fabricates false evidence intending thereby to cause or knowing it to be likely that he will thereby cause any person to be convicted of an offence which is punishable with death shall be liable to ta'zir punishment,

(2) If an innocent person is convicted and executed in consequence of such false evidence, the person who gave or fabricated such false evidence shall be punished with *qisas.*

(3) If an innocent person is convicted and is caused to suffer the punishment of amputation in consequence of such false evidence, the person who or fabricated such false evidence shall be punished with

323. Whoever gives or fabricate false evidence intruding thereby to cause or knowing it to be likely that ho will thereby cause any person to be convicted of an offence which is not punishable with death but. Is punishable with any term of imprisonment or caning shall in punished as a person convicted of that offence would be liable to be punished.

324. Whoever uses or attempts to use as true or genuine evidence, any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

325. Whoever issues or signs any certificate required by Law to be given or signed or relating to any 'fact of which such certificate is legally admissible in evidence knowing or believing that such certificate is false m any material point, shall be punished in the same manner as if he gave false evidence.

326. Whoever uses or attempts to use any certificate mentioned in Section 325 as a true certificate knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence,

327. (1) Whoever, in any declaration made or subscribed by him, which declaration any Court of justice or public servant or other person is bound or

authorised by Law to receive as evidence of any fact, makes any Statement which is false and which he neither knows nor believes to be false or does not believe to be true touching any point material to the object for which the declaration is made or used, shall be punished in the saine manner as if he gave false evidence.

(2) Whoever, uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

EXPLANATION: *A declaration, which is inadmissible merely upon the ground of some informality is a declaration within the meaning of this section.*

328, Whoever, knowingly makes a false translation of the evidence of a witness or of the Statement of an accused person or of a party to a civil suit or makes a false translation or copy of any document with the intention that such translation or copy shall be used in any manner m any judicial proceeding or knowing that it is likely to be so used, and whoever knowingly uses such translation or copy in any manner in any judicial proceeding, shall be punished in the same manner as if he gave false evidence.

329. Whoever, secretes or destroys any: document, which he may be Lawfully compelled to produce as evidence in a Court of justice or in any proceeding Lawfully held before a public servant as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same room being produced or used as evidence before such Court or public servant as aforesaid or after he shall have been Lawfully summoned or required to produce the same for that purpose, shall be liable to ta'zir punishment,

SCREENING OF OFFENDERS

330. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of the offence to disappear with the intention of screening the "offender from legal punishment, or with a like intention of intending to prevent his arrest gives any information respecting the offence which he knows or believes to be false or harbours or conceals a person whom he knows or has reason to believe to be the offender or causes evidence to disappear he shall be caused to remit the evidence and tie liable to ta'zir punishment.

EXPLANATION: *In Sections 330 to 332 the word "of fence" includes any act done outside Kaduna State which if done in Kaduna State would be an offence and the punishment for the of fence shall be deemed to be the same as the punishment would be if the act were done in Kaduna State.*

331. Whoever accepts or attempts to obtain or agrees to accept any gratification for himself or any other person or any restitution of property to himself or any other person, in consideration of his concealing an" offence or of his screening any person from legal punishment for any offence or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall be liable to ta'zir punishment.

EXPLANATION: *In this Section the word "offence" includes any act done outside Kaduna Stare which if done in Kaduna State would be an offence and the punishment for the offence shall be deemed to be the same as the punishment would be as if the act* were *done in Kaduns State.*

332. Whoever, gives or causes or offers or agrees to give or cause any gratification to any other person or to restore or cause the restoration of any property to any other person's concealing an offence or of his screening any person from legal punishment for any offence or of his not proceeding against any person for the purpose of bringing hire to legal punishment, shall be liable to ta'zir punishment.

EXPLANATION: in *this Section the word "offence" includes any act done outside Kaduna State which if done in Kaduna State would be an offence and the punishment for the offence shall deemed to be the same as the punishment would be as if the act were done in Kaduna State.*

333. Whoever, knowing or having reason to believe that any person or persons are about to commit or have recently committed the offence of *hirabah,* harbours them or any of them with the intention on facilitating the commission of such offence of *hirabah* or of screening them or any of them from punishment, shall be liable to the same punishment that may be imposed for the offence committed under Section 148.

EXPLANATION: For the purpose of this Section it is *immaterial whether the hirabah is intended to be corn-mined or has been committed within Kaduna State or elsewhere.*

RESISTANCE TO ARREST AND ESCAPE

334. Whoever, intentionally offers any resistance or illegal obstruction to the Lawful arrest of any other person or rescues or attempts to rescue any other person from any confinement or custody in which that parson is Lawfully detained, shall 6e liable to ta'zir punishment.

335. Whoever, intentionally offers any resistance or illegal obstruction to the Lawful arrest of himself for any offence with which he is charged or of which he has been convicted or escapes or attempts to escape from any custody in which he is Lawfully detained for any such offence, shall be liable to ta'zir punishment

334. Whoever in any case not provided in Section 335 above intentionally offers any resistance or illegal obstruction to the Lawful arrest of himself or escapes or attempts to escape from any custody in which he is Lawfully detained, shall be liable to ta'zir punishment.

FRAUDULENT DEALING WITH PROPERTY

337. Whoever, with intent to prevent any property of himself or any other person or any interest therein:-

(a) from being taken as a forfeiture or in satisfaction of a sentence which has been pronounced or which he knows to be likely to be pronounced by a Court of justice or other competent authority: or

(b) from being taken in execution of a decree or order, which has been made or which he knows to be likely to be made by Court of justice: or

(c) from being distributed according to Law amongst the creditors of himself or such other person: or

(d) from being available according to Law for payment of the debts of himself or such other person, dishonestly or fraudulently removes or conceals or assists in removing or

concealing such property or dishonestly or fraudulently transfer, deliver or releases such property or any interest therein to any person or practices any deception touching the same or accepts or dishonestly or fraudulently accepts, receives or claims such property or any interest therein, knowing that he has no right or rightful claim thereto, shall be liable to **ta'zir** punishment.

EXPLANATION: *In this* ***Section*** *"property" includes right of action* ***and property of every other description*** *whether movable or immovable* ***and whether*** *corporeal or incorporeal.*

338. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied or for anything in respect of which it has been satisfied, shall be liable to ta'zir punishment.

339. Whoever fraudulently, obtains a decree or order against any person for a sum not due or for a larger sum than is due or for any property or interest in property to which he is not entitled or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied or fraudulently suffers or permits any such act to be done in his name, shall be liable to ta'zir punishment.

340. Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument, which purports to transfer or subject to any charge any property or any interest therein and which contains any false Statement relating to the consideration for such transfer or charge or relating to the person or persons for whose use or benefit it is really intended to operate, shall be liable to ta'zir punishment

M1SCELANEOUS

341. Whoever knowing or having reason to believe that an offence has been ccn-mitted, gives any Information respecting that offence which he knows or believes to be false, shall be liable to ta'zir punishment.

342. Whoever, falsely personates another, whether that other is an actual or fictitious person and in such assumed character makes any admission or Statement, or causes any process to be issued or becomes bail or security, or does any other act in any suit or Criminal prosecution, shall be Liable to ta:zir punishment.

343. Whoever with intent to cause injury to any person institutes or causes to be instituted any Criminal proceeding against that person or falsely charges any person with having committed an offence knowing that there is not just or'Lawful ground for such proceeding or charge against that person, shall be liable to ta'zir punishment.

344. Whoever takes or agrees or consents to take any- gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence, shall unless he uses all means in his power to cause the offender to be brought to justice, be liable to ta'zir punishment.

EXPLANATION: In this Section the word "offence" includes any act done outside Kaduna State which if done in Kaduna State would be an offence.

345. Whoever with intent to influence the cause of justice in any civil or Criminal proceeding does any act whereby the fair hearing, trial or decision of any matter in that proceeding may be prejudiced shall be liable to ta'zir punishmnet.

PUBLIC NUISANCE

346. (1) A person is guilty of a public nuisance who does an act or is guilty of an illegal omission which causes any common injury, danger or annoyance to? the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

(2) Where premises on which a public nuisance has occurred are occupied by two or-more persons in common each of such persons shall be liable to conviction on account of the nuisance in the absence of sufficient evidence that he has not been guilty of the offence.

EXPLANATION: (1) A public nuisance does not cease to be an offence because it causes some convenience or advantage.

EXPLANATION: (2) Whether an act or omission is a public nuisance is a matter of fact, which may depend, on the character of the neighourhood.

347. Whoever adulterates any article of food or drink or abstracts from any article of food or drink or any part thereof so as to affect injuriously the quality, substance or nature, intending to sell such article as food or drink without notice to the purchaser or knowing that it is likely that the same will 'be sold 'as food or drink without notice to the purchaser, shall be liable to ta'zir punishment.

348. Whoever sells any article of food or drink which Is not of the nature, substance and quality demanded by the purchaser or the article which the seller represents it to be, shall be liable to ta'zir punishment.

349. Whoever sells or offers or exposes for sale any article of food or drink, with which any admixture has been fraudulently made to increase the bulk, weight or measure of such article or to conceal the inferior quality thereof, or any article of food or drink from which any pert has been intentionally abstracted so as to affect Injuriously its quality, substance or nature, without notice to the purchaser, shall be liable to ta'zrr punishment.

350 Whoever sells or offers or exposes for sale as food or drink any article which has been rendered or has become noxious or is in a State unfit for food or drink, knowing or having reason to believe that the same is noxious as or unfit for food or drink, shall be liable to ta'zir punishment.

351. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation or to make it noxious, intending that it shall be sold or used for or knowing it to be likely that it would be sold or used for any medicinal purpose as if it had not undergone such adulteration, shall be liable to ta'zir punishment.

352. Whoever, knowing any drug or medical preparation to have been adulterated or to have expired in such a manner as to lessen its efficacy or change its operation or render it noxious, sells the same or offers or exposes it for sale or issues it from any dispensary for medicinal purposes as unadulterated or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be liable to ta'zir punishment

353. Whoever knowingly sells or offers or exposes for sale or issues from a dispensary for medicinal purposes any drug or meefical preparation as a different drug or medicinal preparation, shall be liable to ta'zir punishment.

354. 'Whoever voluntarily corrupts or rouls the water of any public well or resarvour or other public water supply so as to render it less fit for the purpose for which it is ordinarily used, shall be liable to ta'ar punishment.

355. Whoever voluntarily vitiates the atmosphere Making, atmoa-in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be, liable to ta'zir punishment.

356. Whoever exhibits any -false light, mark or buoy intending or knowing it to be likely that such exhibition will mislead any navigator, shall be liable to ta'zir punishment.

357 . Whoever by doing any act or By omitting to keep in order any property in his possession or under his charge causes obstruction to any person in any public way or public line of navigation, shall believable to ta'zir punishment.

358. Whoever being an employee engaged in any work connected with the public health or safety or with any service of public utility ceases from such work in pre-arranged agreement with two or more other such employees without giving to his employer twenty-one days notice of his intention so to do, shall, if the intention or effect of such ceassation is to interfere with the performance of any general service connected with public health, safety or utility to an extent which will cause injury or damage or grave inconvenience to the community, shall be liable to ta'zir punishment

359. Whoever does any act in a manner so rash or negligent as to endanger human life or to be likely to cause hurt or injury to any person or property, or knowingly *o?* negligently omits to take such order with tiny property or substance in his possession or under his control or with any operations under his control as is sufficient o guard against probable danger to human life from such property, substance or operations, shall in addition to any other punishment under this Code be liable to ta'zir punishment.

360. Whoever knowingly or negligently omits to control any animal in his possession sufficiently to guard against any prousle danger to human life or grievous hurt from such animal, shall be liable to ta'zir punishment.

361. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be liable to ta'zir punishment.

362. Whoever repeats or continues a public nuisance, having been ordered by any public servant who has Lawful authority to give such order not to repeat or continue such nuisance, shall be liable to ta'zir punishment.

363. Whoever invades the privacy of any person by prying into his house without his permission or without Lawful justification, to eavesdrop on him or read his letters or discover his secrets, shall be liable to ta'zir punishment.

364. Whoever to the annoyance of others does any obscene or indecent act in a private or public place or acts or conducts himself in an indecent manner or in a manner contrary to morality or wears indecent or immoral clothing or uniform which causes annoyance or resentment to other shall be liable to ta'zir punishment

365. Whoever keeps or manages a brothel or runs a place for prostitution or rents premises or allows its use knowing or having reason to believe it will be used for prostitution or any activity connected thereto shall be liable to ta'zir punishment.

365. (1) Whoever sells or distributes, imports or prints or makes for sale or hire or wilfully exhibits to public view any obscene book, pamphlet, paper,

gramophone record or similar article, drawing, painting representation, or figure or attempts to or offers so to do or has in his posssession any such obscene book or other thing for the purpose of sale, distribution or public exhibition, shall be liable to ta'zir punishment.

(2) Whoever deals in material contrary to public morality or manages an exhibition or theatre or entertainment club or show house or any other similar place and presents or displays therein materials which. are obscene, or contrary to public policy shall be liable to ta'zir punishment.

367. Whoever to the annoyance of others sings, recites, utters or reproduces by any mechanical or electronic means any obscene song or words in or near any place, shall be liable to ta'zir punishment.

VAGABONDS

368, In this Chapter:-

(1) The term "idle person" shall include:-

(a) any person who being able wholly or in part to maintain himself or his family willfully neglects or refuses to do so:

(b) any person who wanders abroad or places himself in any street or public place to get or gather aims or causes or encourages children to do so unless from age or infirmity he is unable to earn his living:

(c) any person who has no settled home and has no ostensible means of subsistence and cannot give a satisfactory account of himself:

(d) any common prostitute be having in a-disorderly or indecent manner in a public place or persistently importuning or soliciting persons for the purpose of prostitution:

(e) any person playing at any game of chance for money or money's worth in any public place:

(f) any person who in any street or place of public resort or within sight or hearing of any person therein disturbs the peace by quarrelling or attempting to quarrel or by using any insolent scurrilous or abusive term or reproach:

(g) any person who in any street or place of public resort or within sight or hearing of any person therein with the intention of annoying or irritating any person, sings or otherwise utters any scurrilous or abusive songs or words whether any person be particularly addressed therein or not:

(h) Any person who in any street or place of public resort is guilty of any riotous disorderly or insulting behaviour to the obstruction or annoyance of any person Lawfully using such street or place or any place in the neighbourhood thereof: and

(i) any person who in any private or closed place is guilty of any riotous, disorderly or insulting behaviour to the annoyance of any person Lawfully using any place in the neighbourhood thereof.

(2) The term "vagabond" shall include:-

(a) any person who after being convicted as an idle person commits any of the offences which would render him liable to be convicted as such again:

(b) any person who is found in possession of housebreakmg implements with intent to commit any of the offences defined in section 183 to 181 inclusive of this Code:

(c) any suspected person or reputed thief who by fight frequents or loiters about any shop, warehouse, dwelling-house, dock or wharf with intent to commit any offence under Chapter VIII or IX of this Code.

(d) any male person who knowingly lives wholly or in part on the earning of a prostitute or in any public place solicits or importunes for immoral purposes:

(e) any male person who dresses or is attired in the fashion of a woman in a public place or who practises sodomy as a means of livelihood or as a profession.

(3) An "incorrigible vagabond" shall mean any parson who after being convicted as a vagabond commits any of the offences which will render him liable to be convicted as such again.

369. Whoever is convicted as being an idle person shall be liable to ta'zir punishment.

370. Whoever is convicted as being a vagabond &liHll be liable to ta'zir punishment.

371. Whoever is convicted as being an incorrigible vagabond shall be liable to ta'zir punishment.

372. For the purpose of this Chapter in proving the intent to commit an offence it shall not be necessary to show that the person suspected was guilty of any particular act tending to show this purpose or intent or humanity be convicted if from the circumstances of the case and from his known character as proved to the Court before which he is brought it appears to the Court that his intent was to commit such offence.

MISCHIEF

373. Whoever, with intent to cause or knowing Hint lie is likely to cause wrongful loss or damage to the public or to any person causes the destruction of any property or any such change in any property or in situation thereof as destroys or diminishes its value or utility or affects injuriously, commits mischief.

374. Whoever commits mischief shall be liable to ta'zir punishment.

375. Whoever commit.? mischief, maiming or rendering useless any animal or animals shall be liable to ta'zir punishment.

376. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any installation for the supply or distribution of water less efficient for its intended purpose or which causes or which he knows to be likely to cause a diminution of the supply of water for animals which are the subject of ownership or for any domestic, agricultural or commercial purpose shall be liable to fa'zir punishment.

377. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel natural or artificial or pipeline impassable or less safe for travelling or conveying property, shall be liable to ta'zir punishment.

378. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage public drainage, system attended with injury or damage, shall be liable to ta'zir punishment.

379. Whoever commits mischief by doing any act, which renders or which he knows to be likely to render any installation for generating, storing, transmitting or distributing electricity or any telegraph or telephone installation less efficient for its intended purpose or which causes or which he knows to be likely to cause a diminution of any supply of electricity, shall be liable to ta'zir punishment.

380. Whoever commits mischief by destroying or moving any level mark fixed by the authority of public servant or by any act which renders such land mark less useful as such shall be liable to ta'zir punishment.

381. Whoever commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property shall be laible to ta'zir punishment.

382, Whoever commits mischief by fire or any fi substance intending to cause or knowing it to be likely that he will thereby cause the destruction of any building which is ordinarily used as a place of worship or AN a human dwelling or as a place of custody of property, shall be liable to ta'zir punishment.

383. Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards intending to destroy or render unsafe or knowing It to be likely that he will thereby destroy or render unsafe that vessel, shall be liable to ta'zir punishment.

384. Whoever commits or attempts to commit by fire or any explosive substance such mischief as is described in Section 383 shall be liable to ta'zir punishment,

385. Whoever intentionally runs any vessel aground or ashore intending to commit theft of any property contained therein or to misappropriate any such property dishonestly or with intent that such theft or misappropriation of property may be committed shall be liable to ta'zir punishment.

386. Whoever commits mischief having made preparation for causing to any person death or hurt or wrongful restraint shall be liable to ta'zir punishment.

LOTTERIES AND GAMING HOUSES

387. In this Chapter:-

"Lottery" includes any game, method or device (whether in private or public) whereby money or money's worth is distributed or alloted in any manner depending upon or to be determined by chance, or lot:

"Lottery ticket" includes any paper, ticket, token in other article whatsoever which either expressly or tacitly entitles or purports to entitle any person to receive any money or money's worth on the happening of any event contingency connected with any lottery.

388. Whoever keeps any house or place to which persons are admitted for the purpose of betting or gambling or playing any game of chance or keeps any office or place for the purpose of drawing any tottery or assists in the conduct of any such house or place or office shall be liable to ta'zir punishment.

389. Whoever:-

(a) gives or sells or offers for sale or delivers any lottery, ticket or pays or receives directly or indirectly any money's or money's worth for or in respect of any chance or in event or contingence connected with a lottery: or

(b) draws, throws, declares or exhibits expressly or otherwise the winner or winning number, ticket, lot, figure, design, symbol or other result of any lottery: or

(c) writes, prints, publishes or causes to be written, printed or published any lottery ticket or any announcement relating to a lottery: or

(d) advances, furnishes or receives money for the purpose of a lottery shall be liable to ta'zir punishment.

390. On conviction of an offence under section 388 or section 389 the Court may in addition to any other Penalty, make an order for the forfeiture of all equipment, instruments, money or money's worth and proceeds obtained and used in furtherance of the offences.

CRUELTY TO ANIMALS

391. Whoever cruelly beats, tortures or otherwise willfully ill-treats any tame or domestic animal or any wild animal which has previously been deprived of its liberty or arranges, promotes or organises fights between cocks, birds, rams or other domestic animals shall be liable to. ta'zir punishment.

392. Whoever wantonly overrides, overdrives or overloads any animal or wantonly empolys any animal which by reason of age, sickness wounds or infirmity is not In a condition to do work, or neglects any animal in such a manner as to cause it unnecessary suffering shall be liable to ta'zir punishment.

393. On conviction of an offence under section 301 or section 392 the Court may, in addition to or in substitution for any Penalty, make an order for the temporary custody by the police or by any person or Authority of the animal in respect of which such offence has been committed and may order the person convicted to pay such sum meanwhile as the Court thinks fit for the maintenance and treatment of such animal and such sum shall be recoverable in the same manner as a fine inflicted under this Code: or, if such animal is suffering from incurable, disease or injury as may be certified by a veterinary doctor/expert, order it to be destroyed.

OFFENCES RELATING TO RELIGIION

394. Whoever by any means publicly insults or seeks to incite contempt of any Religiion in such a manner as to be likely to lead to a breach of the peace, shall be liable to ta'zir punishment.

395. Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the Religiion of any class of persons or with the knowledge that any class of persons is likely to consider such (Instruction, damage or defilement as an insult to their million, shall be liable to ta'zir punishment.

396. Whoever voluntarily causes disturbance to any Assembly Lawfully engaged in the performance of Religious worship or Religious ceremonies, shall be liable to tu'zir punishment.

397. Whoever, with the intention of wounding the feeling of any person or of insulting the Religiion of any person or with the knowledge that the feelings of any person are likely to be wounded or that the Religiion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of burial or offers any indignity to any human corpse or causes disturbance to any person assembled for the performance of funeral ceremonies shall be liable to ta'zir punishment.

398. (1) Whoever by any means whatsoever' intentionally abuses, insults, derogates, humiliates, or seeks to incite comptempt of the holy Prophet Muhammad (S.A.W.) or his prophethood or any other prophet of Allah recognized by the Religiion of Islam shall be punished with death.

(2) Whoever destroys damages or defiles the Holy Qur'an in whatever form or manner with the intention thereby, of insulting, humiliating derogating or disrespecting the Holy Qu'ran in or the Religiion of Islam or with knowledge that Muslims are likely to consider such utterances or acts as insulting, abusive derogatory to the Holy Qur'an or the Religiion of Islam, shall be punished with death.

OFFENCES RELATING TO ORDEAL, WITCHCRAFT AND JUJU

399. Whoever presides-at or takes part in or is Trial by present at any unLawful trial by ordeal shall be liable to ta'zir punishment and if such trial result in the death of or any bodily injury to any party to the proceeding shall be punished undet **ov'saS.**

400. The worship or invocation of any juju shall be unLawful.

EXPLANATION: "juju" includes the worship c-r invocation of any object or being other than Allah (S.W.A.)

401. Whoever:-

(a) by his Statement or actions represents himself to be a witch or to have the power of witchcraft: or

(b) accuses or threatens to accuse any person with being a witch or with having the power of witch craft: or

(c) makes or sells or uses or has in his possession or represents himself to be in possession of any juju, drug or charm which is intended to be used or reported to possess the power to prevent or delay any person from doing an act which such person has a legal right to do, orto compel any person to do an act which such person has a legal right to refrain from doing orwhich is alleged or reported to possess the power of causing any natural phenomenon or any disease or epidemic: or

(d) presides at or is present at or takes part in the worship or invocation of any juju which has been declared unLawful under the provisions of section 400: or

(e) is in possession of or has control over any human remains which are used or are intended to be used in connection with the worship or invocation of any juju:

(f) or makes or uses or assists in making or using or has in his possession anything whatsoever the making, use, or possession of which has been declared unLawful under the provisions of Section 400 shall be punished with death.

SCHEDULE B

PART A CASES THAT WARRANT THE PENALTY OF QISAS

1. The intentional causing of death,
2. The intentional severing or dismembering of joints or limbs such as:-
   (b) the arm or any joint thereof even of the phalanges of fingers:
   (c) the leg from the pelvis even of the phalanges of the toes:
   (d) the eye that is possessed of the powers of sight:
   (e) the part of the nose formed of cartiledge:
   (f) the ear:
   (g) the tip:
   (h) the testicle:
   (i) the labia majora and minora of female:
   (j) the tongue:
   (k) the tooth:
   (l) the breast of the male or female even if it be the nipple thereof:
   (m) the finger and toe nail if gouged out intentionally:
   (n) defective joints or members that are lame or infirm because of:- (i) old age: or (ii) act of God: or (iii) previous injury before the case at hand:
   (o) the penis, be it the shaft or the glans:
   (p) the buttock of the female:
   (q) makes or uses or assists in making or using or has in his possession anything whatsoever the making, use or possession of which has been declared unLawful under the provision of section 4CO shall be punished with death.

PART B

CASESTHAT WAARANT THE FULL AMOUNT OF *DIYYAH*

1. Mistaken impairing of the function of both members or limbs that are paired, such as both:
   a. Hands
   b. legs:
   c. eyes, or the useful eye in the case of the one eyed parson:
   d. lips: ears: breast: testicles,
2. Mistaken severing or dismembering of joints and limbs •numerated under part A of this Schedule.
3. Where the right to exact qisas falls in the cases enumerated under part A of this Schedule.
4. Dismembering or destruction of the function of an organ or joint that is single and not paired, such as:
   (a) nose:
   (b) the tongue whether it be from the base, or a part thereof if it prevents speech:
   (c) the penis even if it be from the glans.
5. Destruction of the function of senses without dismembering such limb, or without necessarily disfiguring such limb or organ, such as:
   (a) sight:
   (b) smell:

(c) hearing:
(d) speech:
(e) taste:
(f) sensation:
(g) sound-mind.

PART C

A victim is entitled to the full *diiyah* compensation up to three llmrw tor one injury if that injury amounts to the loss of three faculties whnrn «Hch of the faculties lost is capable of earning the full diyyah.

PART D

CASES THAT WARRANT HALF OF THE FULL *DIYYAH*

1. where one organ or member out of a pair is severed or dismembered or impaired intentionally and the right of *qisas* is remitted: or caused to lapse: and
2. where one organ or member out of a pair is severed or dismembered or impaired by mistake or accident.

PART E

CASES THAT WARRANT ONE-THIRD OF THE FJLL *DIYYAH*

1. wounds to the head that reach the tissues under the skull *(ma 'mumah):*
2. wounds that bore deep into the abdomen whether from the front or the rear *(ja'fah):*
3. the lower lip.

PART F

CASES THAT WARRANT THE PAYMENT OF ONE-TENTH OF THE *DIYYAH*

1. each finger:
2. each toe.

PART G

CASES THAT WARRANT THE PAYMENT OF ONE-TWENTEETH OF THE FULL *DIYYAH*

(a) a phalange of the thumb or big toe:
(b) the tooth:
(c) the wound that exposes the bone (*mudihab):*
(d) causing miscarriage of child in the womb

PART H

The *diyyah* for a phalange of the finger or toe shall be one-thirtieth of the full *diyyah*.

PART I

OAIII THAT WARRANT THE PAYMENT OF THREE-TWENTIETHS OF THE FULL *DIYYAH*

(a) wounds that fracture a bone of the head or face (hashimah):
(b) wounds that cause *a* compound fracture to the bone of the

head or face (munaqqilah)

PART J

OAIII THAT DO NOT WARRANT THE PAYMENT OF *DIYYAH* BUT AM SUBJECT TO COMPUTATION OF DAMAGES ONLY *(HUKUMAH)*

1. plucking out of the hairs of the scalp, beards, eyebrows and eye lashes if they fail to grow:
2. cutting off of the shaft of the penis if the victim had already suffered severance of the glands thereof and had received *diyyah* for that previous offence:
3. plucking out the finger or toe nails if the act was done by mistake or accident.
4. causing the fracture of rib or thigh bone:
5. cutting of the buttock of the male:
6. causing the dribbling of urine through the vagina of a woman:
7. destroying the sixth (extra) finger or toe if it is limp or Inactive:
8. wounds that do not expose the bone if they heal after the offence.

EXPLANATORY NOTES

(This Note does not form part of this Law and has no legal effect)

The purpose of this Law is to provide for the establishment of Shari'a Panel Code in line with the present Legal Reforms in Kmlumi State.

This printed impression has been carefully compared by me with the Bill which has been passed by the Kaduna State House of Assembly and found by me to be true and correct copy of the said Hill

ABDU UMAR
Clerk to the Legislature

KADUNA STATE OF NIGERIA
A LAW TO ESTABLISH SHARI'AHH CRIMINAL PROCEDURE CODE LAW 2002

ARRANGEMENT OF SECTIONS

1. Short Title.
2. Commencement.
3. Establishment of Shari'ah Criminal Procedure Code Schedule.
4. Application.
5. Saving existing appointments.
6. Trial of offences under Shari'ah Penal Code.
7. Delegation of Powers of Attorney-General.

SCHEDULE

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1. Interpretation.
2. Illegal omissions.
3. Words to have same meaning as in Shari'ah Penal Code.
4. Classes of the State Shari'ah Criminal Courts.

PART II - The Constitution and Powers of Criminal Courts

Chapter II - The Constitution of Shari'ah Criminal Courts

5. Power to divide the State into Districts.
6. Establishment and Jurisdiction of Shari'ah Courts in each District or populated area.
7. Presiding Officer not to exceed powers.
8. Appointment of Shari'ah Court Alkalis.
9. Territorial Jurisdiction of Alkalis.
10. Power of Upper Shari'ah Court Alkali to direct a subordinate Alkali.
11. Appointment of Justices of the Peace.
12. Offence under the Shari'ah Penal Code jurisdiction of Shari'ah Courts.
13. Offences under other Laws
14. Jurisdiction of upper Shari'ah Court Alkali
15. Jurisdiction of Shari'ah Court Alkali
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18. Power of Governor to increase jurisdiction of Shari'ah Court.
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30, Power to seize offensive weapons.
31, When public are bound to assist in arrest.
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34. Power to break out of any place for purpose of liberation.
35. No unnecessary restraint to arrested persons.
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39. Procedure when offender has refused to give his name and address.
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43. Discharge of arrested person.
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47. Manner of serving summons.
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49. Service on Local Government.
50. Service when person summoned cannot be found.
51. Inability of person served to sign or seal.
52. Service of summons outside local limits.
53. Proof of service.

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56. Warrant to whom directed.
57. Re-direction of Warrant.
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I assent this 21st day of June, 2002

ALHAJI AHMED MOHAMMED MAKARFI
Executive Governor of Kaduns State

Law No 5 **2002**

Kaduna State of Nigeria

A LAW TO ESTABLISH THE SHARI'AH CRIMINAL PROCEDURE CODE FOR KADUNA STATE

[21st June, 2002]

WHEREAS on the 2nd day of November, 2001 Shari'ah Courts were established in the State with power to exercise among other things Criminal jurisdiction on persons of Muslims faith or persons who consent to subject themselves to the jurisdiction of the Shari'ah Courts.

AND WHEREAS A Shari'ah Penal Code has been enacted to provide for Criminal Offences and their punishments under Shari'ah Law.

AND WHEREAS it is deemed necessary and expedient to make rules of procedure for application by these Shari'ah Courts in Criminal cases under the Shari'ah Penal Code Law.

NOW THEREFORE, BE IT ENACTED by the Kaduna State House of Assembly as follows:-

1. This Law may be cited as the Shari'ah Criminal Procedure Code Law, 2002.

2. This Law shall come into operation on the 21st day June, 2002,

3. The Provisions contained in the schedule to this Law shall be the Law of the State with respect to the several matters therein dealt with and the said schedule may be cited as, and is hereinafter called, the Bharl'ah Criminal Procedure Code.

4. The Shari'ah Criminal Procedure Law of the **State** shall apply only to persons of Muslim faith or persons who voluntarily subject themselves to the jurisdiction of the Shari'ah Courts established by the Shari'ahCourts Law.

5. Nothing in this Law shall affect the status, appointment of tenure of office of:-

(a) any justice of the peace holding office as such within the State before the commencement of this Law, and such Justice of the. peace shall be deemed to have been appointed as such under this Law and thereafter to be subject to the provisions of this Law.

(b) any Officer performing duties in connection with a Court constituted under any written Law before the commencement of this Law, and such Officer shall be deemed to have been appointed as such under this Law and shall thereafter be subject to the provisions of this Law.

6. (1) All offences under the Shari'ah Penal Code shall be Investigated, inquired into and otherwise dealt with according to the provisions contained in the

Shari'ah
Criminal Procedure Code.

(2) All offences against any other Law, shall be Investigated) inquired into, tried and, otherwise dealt with according to the same provisions, but subject to tiny Law for the time being, in force regulating the man-nor or place of investigation, inquiry into, trying, or otherwise dealing with such offences.

(3) In any matter of a Criminal nature a Shari'ah Court shall be bound by the provisions of that Shari ah Criminal Procedure Code.

7 The powers of the Attorney-General under this Law may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

SCHEDULE

PART I - PRELIMINARY CHAPTER I

1. in this Shari'ah Criminal Procedure Code:-

"Accused Person" includes an arrested person and a person the subject of a complaint or a First information Report or a Police report, even though any such person may not be the subject of a formal charge:

"Shari'ah Court" or "Court" means a, Court established or deemed to have been established under the Shari'ah Courts Law:

"Area Head" means a person appointed as District, Village or Ward Head under the Local Government Law:

"Complaint" means the allegation made orally or in writing to a Court with a view to its taking action under this Shari'ah Criminal Procedure Code that some person whether known or unknown has committed an offence but except where the context otherwise requires but does not include a Police report:

"Charge" includes any Head of charge, when the charge contains more Heads than one:

"High Court" means the High Court of Justice of the State:"

"Inquiry" includes every inquiry, other than a trial, conducted under this Shari'ah Criminal Procedure Code by a Shari'ah Court Alkali:

"Investigation" includes all proceedings under this Code for the collection of evidence by a Police Officer:

"Local limits of the Jurisdiction" of a Court means the Local Limits of the administrative district or populated area or judicial division in which the Justice of the peace or Court ordinarily exercises his or its functions, but a Shari'ah Court Alkali except in so far as his powers are limited by the terms of his appointment or otherwise may exercise his powers in any part of the State in which he happens to be:

"Shari'ah Court of Appeal" means the Shari'ah Court of Appeal of the State:

"Alkali" means a judge of any of the Shari'ah Courts:

"Member" includes a mufti who shall have the same meaning as under the Shari'ah Courts Law of the State:

"Officer in charge of a Police Station" or "Officer in charge of the Police Station" includes, when the Officer in charge of the Police Station is absent from the Station building or unable for any reason to perform his duties, the Police Officer present at the station building who is next in

seniority to, or who in the absence of such Officer in charge performs the duties of such Officer:
"Shari'ah Penal Code" means the Shari'ah Penal Code established by the Shari'ah Penal Code Law:
"Police District" means a Police Division:
"Police Officer" means any member of the Nigeria Police force:
"Superior Police Officer" shall have the same meaning as in section 2 of the Police Act.
"Take cognizance" with its grammatical variations means take notice in an official capacity.
"Qadi" means a judge of the Shari'ah Court of Appeal of the State:
"State" means Kaduna State:
"Taklif" means the age of attaining legal and Religious responsibility:
"Hudud" means offences or punishments that are fixed under the Shari'ah Penal Code Law and includes offences or punishments under chapter viii therein
"Qisas" means punishments inflicted upon the offenders by way of reciprocal punishment for causing death of or injuries to a person:
"Caning" means whipping with a light supple leather whip and does not include lashes with a whip made of hide or a club or bamboo cane.
2. Words which refer to acts done also extend to illegal omissions.
3. All words and expressions used herein and In the Shari'ah Penal Code shall have the same attributed to them by that Code.

PART II - THE CONSTITUTION AND POWERS OF SHARI'AH CRIMINAL COURTS

CHAPTER II - THE CONSTITUTION OF SHARI'AH CRIMINAL COURTS

4. There shall be three classes of Shari'ah Criminal Courts in the State, namely:-
   (a) Shari'ah Court of Appeal.
   (b) Upper Shari'ah Court: and
   (c) Shari'ah Court.

5. The Grand Qadi, with the approval of the Governor, may by Warrant:-
   (a) divide the State or any portion thereof, into districts or populated areas for the purposes of establishing Shari'ah Courts:
   (b) constitute any part of the State a district or populated area for the purpose of establishing a Snari'ah Court:
   (c) distinguish such districts or populated areas by such names or numbers as he may think proper: and
   (d) vary the limits of any such districts

6. (1) In each district or populated area there established a Court, to be called Shari'ah Court .
(2) A Shari'ah Court shall have such jurisdiction as Is conferred upon it by this Shari'ah Criminal Procedure or any other written Law.

7. (1) Subject to the provisions of this Shari'ah Criminal Procedure Code:-
   (a) The Shari'ah Court Alkali of each district or populated area shall be the presiding Officer of the Court of such district or populated area

wherein he shall have exercise all the jurisdiction and powers conferred upon him by his appointment: and

(b) No Alkali either as presiding Officer or other wise shall exercise any jurisdiction or powers in excess of those conferred upon him by his appointment.

(2) When the Grand Qadi assigns two or more alkalis to any district or populated area, each "Alkali shall be a Presiding Officer of the Court 6T such district or populated area, and each sitting separately shall have and exercise all the jurisdiction and powers conferred upon him by his appointment.

8, (1) Shari'ah Court Alkalis shall be styled Upper Appointment of Shan ah Court Alkali, or Shan ah Court Alkali.

(2) The State Judicial Service Commission may appoint any person to the Office of Shari'ah Court alkali and such appointment shall be made in compliance with the provisions of the Shari'ah Courts Law of the State and any other legislation made in accordance therewith.

9. Every Alkali shall have jurisdiction throughout the State unless his appointment is specifically limited to the area of any district or populated area or group of districts or populated areas.

10. Notwithstanding the provisions of section 9 an Upper Shan ah Court Alkali who is assigned to a of populated areas may direct a subordinate subordinate Alkali in one district or copulated area within the group to assist another subordinate Alkali within the group or populated area and may direct to the best advantage the movements of any additional subordinate Alkali within the group.

11. The Grand Qadi shall have the power to appoint persons to the office of Justice of the Peace and to dismiss and exercise-control over such persons.

CHAPTER III THE POWERS OF SHARI'AH CRIMINAL COURTS

12. (1) Subject to the other provisions of this Shari'ah Criminal Procedure Code, any offence under the Shari'ah Penal Code may be tried by any Shari'ah Court by which such offence is shown in the sixth column of Appendix A to be triable:

Provided that any such Shari'ah Court shall try such offence only if jurisdiction so to do has been conferred upon it by its Court warrant.

(2) Subject to the provisions of subsection (1) the jurisdiction of Shari'ah Courts shall be governed by the provisions of the Shari'ah Courts Law.

13. (1) Any offence under any Law other than the Shari'ah Penal Code may be tried .by any Court given jurisdiction in that behalf in that Law or by any Court with greater powers.

(2) When no Court is so mentioned such offence may be tried by the Upper Shari'ah Court or any Shari'ah Court constituted under this Shari'ah Criminal Procedure Code.

(3) Nothing in subsection (2) shall be deemed to confer upon any Court any Jurisdiction in excess of that conferred upon that Court by Sections 14 to 23

14. An Upper Shari'ah Court Alkali may pass any sentence authorised by Law.

15. A Shari'ah Court Alkali may pass the following sentences:-

(a) imprisonment, for a term not exceeding ten years,

(b) fine not exceeding seven thousand naira:

(c) all punishments under section 93 of the Shari'ah Penal Code except subsection 1 (a) (g), (h) and *( ]*) thereof:

(d) detention under section 95 of the Shari'ah Penal Code.

16. All Shari'ah Court Alkalis shall notwithstanding the limit of fine provided under this Code, order a complete restitution of any monies or properties Criminally misappropriated, stolen, robbed, received by extortion, cheating, deceit, breach of trust, forgery, falsification of accounts or by any illegal means by a person.

17. Notwithstanding the limitation imposed on order to Shari'ah Court Alkalis in their civil jurisdictions as Shari'ah Court Alkalis under the Shari'ah Courts Law or any other written Law, an Alkali that tries an offence shall have powers and jurisdiction to make an order of compensation whether or not the money or money's worth of property exceeds his civil jurisdiction..

18. (1) The Governor may, on the recommendation of the Grand Qadi by order authorise an increased jurisdiction in Criminal matters to be exercised by any shan'ah Court. Shari'ah Court to such extent as the Grand Qadi may on recommendation specify and such order may at anytime be revoked by the Governor by writing under his hand.

19. Any Shari'ah Court may pass any Lawful sentence combining any of the types of sentences which it is authorised by Law to pass.

20. Any Shari'ah Court may award any term of imprisonment in default of payment of a fine which is authorised by section 98 of the Shari'ah Penal Code:

Provided that the term of imprisonment shall not be in excess of the powers of the Court under Sections 14 to 17 of this Code.

21. Where a Shari'ah Court has authority under a Islamic Law to impose imprisonment for an offence and has no specific authority to impose a fine for that offence the Shari'ah Court may in its discretion impose a fine in lieu of imprisonment.

22. (1) When a person is convicted at one trial of offences, the Court may, subject to the provisions of section 99 of the Shari'ah Pena Code, sentence him for such offences to the several punishments prescribed therefore which such Court is competent to impose such punishments, when consisting of imprisonment, to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

(2) In cases falling under this Section a Court shall not be limited by the provisions of Sections 14 to 18 but a Court shall not impose consecutive sentences exceeding in the aggregate twice the amount of punishment, which it is in the exercise of its ordinary jurisdiction competent to impose,

23. A Court may, whether the accused is discharged or not, bind over the complainant or accused, or both, with or without sureties, to be of good behaviour and may order any person so bound, in default of compliance with the order, to be imprisoned for a term not exceeding three months in addition to any other punishment to which that person is liable.

PART III – ARREST AND PROCESS

CHAPTER IV - ARREST

A - ARREST

24. Any Police Officer may arrest:-

(a) any person who commits an offence in his presence not withstanding any provision that an arrest may not be made without a Warrant in the third column of Appendix A that an arrest may, not be made without a war rant:

(b) any person for whose arrest a Warrant has been issued or whom he is directed to arrest by a justice of the peace or superior Police Officer under Sections 27 and 28:

(c) any person who has been concerned in an offence for which in accordance with the provisions of the Shari'ah Penal Code or under any other Act or Law, for the time being in force in any part of Nigeria, the Police may arrest without Warrant, or against whom a reasonable complaint has been made or credible information has been received or reasonable suspicion exists of his having been so concerned:

(d) any person the order for whose discharge from prison has been cancelled by an Alkali of the Upper Shari'ah Court or a Qadi of the Shari'ah Court of Appeal under Section 97.

(e) any person whom he reasonably suspects to be designing to commit an offence for which the Police may arrest without a Warrant, if it appears to him that the commission of the offence cannot be otherwise prevented:

(f) any person required to appear by a public Summons published under Section 65:

(g) any person found taking precautions to conceal his presence in suspicious circumstances or who being found in suspicious circumstances has no ostensible means of subsistence or cannot give a satisfactory account of himself:

(h) any person in whose possession property is found which may reasonably be suspected to be stolen property or property in respect of which an offence has been committed under Sections 28.1, 282,284, 286, 287, 289, 331 or 333 of the Shari'ah Penal Code, or who may reasonably be suspected of having committed an offence with reference to such property.

(i) any person who obstructs a Police Officer while in execution of his duty,

(j) any person who has escaped or attempts to escape from Lawful Custody:

(k) any person reasonably suspected of being a deserter from any Military Force for the time being serving in Nigeria:

(l) any person who in his presence has committed or been accused of committing any offence for which the Police may not, according to the third column of Appendix A arrest without a Warrant if, on his demand, such person refuses -to give his name and address or gives a name and address which he believes to be a false one:

(m) any person failing to obey a direction of the Governor.

25. Any Police Officer may require any person whom he has reasonable grounds for suspecting to have committed an offence of any kind to furnish him with his name and address, and he may require any such person to accompany him to the Police Station,

26. Any private person may arrest:-

(3) any person tor whose arrest he has a Warrant or whom he is directed to arrest by a justice of the peace under Section 27 or by a justice of the peace or a superior Police Officer under Section 28:

(b) any person who. has escaped from his Lawful custody:

(c) any person required to appear by a public summons published under Section 65:

(d) any person committing in his presence an offence for which the Police are authorised to arrest without a warrant.

27. (1) Any Justice of the peace may arrest or direct the arrest of any person committing any offence in his presence and shall thereupon hand him over to a Police Officer or take security for his attendance before a Court at a specified time.

(2) Notwithstanding the provisions of subsection (1), a justice of the peace shall not direct a superior Police Officer under this section.

28. (1) Any justice of the peace or superior Arrest by of in Police Officer may at any time arrest or direct the arrest in his presence of any person for whose arrest a police Warrant might Lawfull be issued.

(2) A justice of the peace making an arrest under subsection (1) shall thereupon hand over the person arrested to a Police Officer or take security for his attendance before a Court at a specified time.

29. If a person liable to arrest resists the endeavour to arrest him or attempts to evade the arrest, the person authorised to arrest him may use all means necessary to effect the arrest.

30 The person making an arrest may take from the person arrested any offensive weapon which he has about his person and shall deliver all weapons so taken to the Court or Officer before whom the person arrested is required by the warrant of arrest or by this Shari'ah Criminal Procedure Code to be produced.

31. Every person is bound to assist a justice of the peace, Police Officer or other person reasonably demanding his aid in arresting, or preventing, the escape of any person whom such justice of the peace, Police Officer or other person is authorised to arrest.

32. (1) If anyone who is authorised to arrest any person has reason to believe that such person has entered into or is within any place, he may enter such place and there search for the person to be arrested.

(2) The person residing in or being, in charge of such place shall on demand allow free ingress thereto and afford at reasonable facilities for search.

(3) If on demand such ingress is refused, the person authorised to make the arrest may effect an entry by force.

(4) The provisions of this section shall be subject to the provisions of Section 80.

33. Any person authorised to effect the arrest of person may for the purpose of effecting the arrest pursue him into any part of the State.

34. Any Police Officer or other person authorized make an arrest may break out of any place in order to liberate himself or any other person who, having Lawfully entered for the purpose of making an arrest, is detained therein.

35. An arrested person shall not be subjected to restraint than is necessary to prevent his escape.

36. Except when the person arrested is in the actual course of committing a crime, or is pursued immediately after committing a crime or escaping from Lawful custody, the person making the arrest shall inform the person arrested of the cause of arrest.

B - PROCEDURE AFTER ARREST

37. (1) Any person, except a Police Officer or a procedure after justice of the peace, making an arrest without a Warrant or an Order of a Justice of the Peace shall without unnecessary delay take the person arrested to the nearest Police Station or hand him over to a Police Officer or to the nearest Shari'ah Court.

(2) If the arrested person appears to be one whom a Police Officer is authorised to arrest, the Police Officer shall re-arrest him: otherwise the arrested person shall be at once released.

38. A Police Officer making an arrest without unnecessary delay take or send the person charge of arrested before a Court competent under Chapter XV to take cognizance of the case or before the Officer in charge of a Police station.

39, Any person arrested for refusing to give his procedure when name and address or for giving a false name or address.

(a) if he is found to have given his true name and address, be released:

(b) When his true name and address are ascertained, be released on his executing a bond, with or without sureties, to appear before a Court if and when required:

(c) should his true name and address not be ascertained, within twenty-four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient sureties, be forthwith brought before the nearest Shari'ah Court competent under Chapter XV to take cognizance of the case.

40. No Police Officer shall detain in custody a person arrested without warrant for a longer period than the circumstances of the case is reasonable: and such period shall not, in the absence of an order of a Court under section 127 exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Shari'ah Court and of any intervening public holiday.

41. An Officer in charge of a Police Station shall report as soon as reasonably possible to the appropriate Local Government or superior Police Officer every case of arrest without warrant within his district.

42. (1) A Police Officer making an arrest or receiving- an arrested person from a person by whom the arrest was made may search the arrested person or cause him to be searched.

(2) A Police Officer searching a person shall place in safe custody such articles, other than necessary wearing apparel, as he thinks fit, and shall make a list of the same, and shall permit the arrested person to retain all articles not so placed in safe custody.

(3) When the arrested person is a woman, the search shall not be made except by a woman.

43, NO person who has been arrested by a Police officer under Section 37 (2) shall be discharged except on his own bond or on bail or under the special order of a Court.

44. A register of arrests shall be kept in the prescribed form at every Police Station and every arrest made within the Local Limits of the Station shall be entered therein by the Officer in charge of the Police Station so soon as the arrested person is brought to that Station.

CHAPTER V - PROCESSES TO COMPEL APPEARANCE

A - SUMMONS

45. (1) A summons to appear or attend before a Court may be issued by any Court competent to inquire into an offence or by any Justice of the Peace.

(2) Every summons so issued shall be in writing in duplicate and signed or sealed by the Court or Justice of the Peace.

46. The summons shall be served by a Police summons by Officer or by any Officer of the Court issuing it or other public servant who, under any Law for the time being in force, may be authorised to serve Summons.

47. (1) The summons shall if practicable be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons.

(2) The person served shall, if so required by the serving Officer, sign or make his mark on a receipt therefore on the back of the other duplicate.

48. Service of a summons on a incorporated company or other body corporate may be effected by service on the Secretary, Local Manager or other Principal Officer of the corporation at any Office of the Corporation in the State.

49. Service of a Summons on a Local Government shall be effected in accordance with the provisions of the Local Government Law.

50. Where the person Summoned cannot by the service exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family who shall, if so required by the serving Officer, sign a receipt therefore on the back of the other duplicate, or by affixing one of the duplicates of the Summons to some conspicuous part of the house or homestead in which the person Summoned ordinarily resides.

51. Where the person on or with whom a Summons is served or left is unable to sign his name or make his mark, the Summons shall be served or left in the presence of a witness.

52. A summons required to be served outside the Local Limits of the jurisdiction of the Court or Justice of the Peace issuing it shall ordinarily be sent in duplicate to a Court within the Local Limits of whose jurisdiction the person summoned resides or is to be there served.

53. An affidavit or declaration purporting to be made before a Court by the serving Officer or by a witness to the service that a Summons has been served and a duplicate of the Summons purporting to be endorsed, in manner provided by Section 46 or Section 49, by the person to whom it was delivered or tendered or with whom it was left shall be admissible in evidence and the Statements made therein shall be deemed to be correct unless and until the contrary is proved.

B - WARRANT OF ARREST

54. (1) Every Warrant of arrest issued under this Shari'ah Criminal Procedure Code by a Court or Justice of the Peace shall be in writing signed or sealed by the Court or the Justice of the Peace

(2) Every such warrant shall remain in force until it is cancelled by the Shari'ah Court or Justice of the Peace issuing it or until it is executed.

55. (1) A Shari'ah Court or Justice of the Peace issuing a Warrant for the arrest of any person shall have discretion to direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court or justice of the peace at a specified time and thereafter until otherwise directed, the person to whom the warrant is directed shall, on receiving security, release such person from custody.

(2) The endorsement referred to in subsection (1) shall State:-

(a) the number of sureties:

(b) the amount in which the sureties and the person for whose arrest the warrant is issued are to 'be respectively bound: and

(c) the time and place at which the person for whose arrest the Warrant is issued is to attend

(3) Whenever security is taken under this Section, the person to whom the Warrant is directed shall forward the bond to the appropriate Shari'ah Court.

56. (1) A Warrant of arrest shall ordinarily be warrant one or more Police Officers or other public servants who may be authorised to make an arrest but the Court or Justice of the Peace issuing the Warrant may, if its immediate execution is necessary and no Police Officer or other public servant so authorised is immediately available, direct it to any other person or persons.

(2) When a Warrant is directed to more persons than one, it may be executed by all or by any one or more of them.

57. A Warrant of arrest directed to a Police Officer may also be executed by any other Police Officer whose name is endorsed upon the Warrant by the Police Officer to whom it is directed or endorsed.

58. The person executing a warrant of arrest shall notify the substance thereof to the person to be arrested and, if so required, shall show him the Warrant.

59. A Warrant of arrest may be executed not-Withstanding that it is not in the possession at the time of the person executing the warrant, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest

60. The person executing a warrant of arrest shall, subject to the provisions of section 55 as to security, without unnecessary delay bring the person arrested before the Court specified in the Warrant.

61 A Warrant of arrest may be executed at any place in the State,

62. (1) When a Warrant of arrest is to be executed outside the Local Limits of the jurisdiction of the Court or justice of the peace issuing it, such Shari'ah Court or justice of the peace may, instead of directing such Warrant as laid down in Section 56, forward it by post or otherwise to any Court within the Local Limits of whose jurisdiction it is to be executed.

(2) Such Court shall endorse the Warrant and, if practicable, cause it to be executed in manner hereinbefore provided within the Local Limits of its jurisdiction.

63. When a Warrant of arrest is to be executed beyond the Local Limits of the jurisdiction of the Court or Justice of the Peace issuing it, the person to whom it is directed shall take it for endorsement to a Court within the Local Limits of whose jurisdiction the Warrant is to be executed.

64. (1) When a Warrant of arrest is executed outside the Local Limits of the jurisdiction of the Court or Justice of the Peace issuing it the person arrested shall, unless security is. taken under Section 55, be taken before a Court within the Local Limits of whose jurisdiction the arrest was made and such Court shall, if the person arrested appears to be the person intended by the Court or Justice of the Peace issuing the warrant, either:-

(a) take security for his appearance in accordance with the provisions of Chapter XXVII or as directed by any endorsement of the Warrant under Section 55 and forward the bond or bonds to the Court or Justice of the Peace issuing the Warrant: or

(b) direct his removal in custody to such Court or Justice of the Peace.

(2) Notwithstanding the provisions of subsection (1), the arrested person may be taken directly before the Court or Justice of the Peace issuing the Warrant if this course is more convenient having regard to conditions of time, place and other circumstances.

C - *PUBLIC SUMMONS AND ATTACHMENT*

65. (1) If an Alkali of the Shari'ah Court has reason to believe, Whether after taking evidence or not, that a person, against whom a Warrant of arrest has been issued by himself or by any. Court or Justice of the Peace, has absconded or is concealing himself so that such Warrant cannot be executed, such. Alkali may publish a public Summons in writing requiring that person to appear at a specified place and a specified time not less than thirty days from the date of publishing the public Summons.

(2) The public Summons shall be published as follows:-

(a) it shall be publicly read in some conspicuous place in the town or village in which the person in respect of whom it is published ordinarily resides:

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place in such town or village: and

(c) a copy thereof shall be affixed to some conspicuous part of the Shari'ah Court building

(3) A Statement in writing by the alkali of the Shari'ah Court to the effect that the public Summons was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with and that the public Summons was published on such day

66. (1) An Alkali of the Shari'ah Court may at any time after action has been taken under Section 65 order the attachment of any property, movable or Immovable or both, belonging to a person the subject of public Summons.

(2) An order under subsection (1) shall authorize any public servant named in it to attach any property belonging to a person the subject of a public Summons within the area of jurisdiction of the alkali 'by seizure or in my other manner in which for the time being property may be attached by way of civil process.

(3) if a person the subject of a public Summons does not appear within the time specified in the public summons, the property under attachment shall be at the disposal of the Shari'ah Court, but it should not be sold until the expiration of three months from the date of the attachment unless it is subject to speedy and natural decay or the Alkali considers that the sale would be for the benefit of the owner, in either of which case the Alkali may cause it to be sold whenever he thinks fit.

67, If, within one year from the date of the attachment, any person whose property is or has been at the disposal at the. Shari'ah Court under Section 66 appears voluntarily or being arrested is brought before the Shari'ah Court and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding execution of the Warrant and that he had not such notice of the public Summons as to enable him to attend within the time specified therein, that property so far as it has not been sold, and the net proceeds of any part thereof which has been sold shall, after satisfying thereout all costs incurred in consequence of the attachment be delivered to him.

OTHER RULES REGARDING PROCESS

D 68. (1) A Court or Justice of the Peace empowered by this Shari'ah Criminal Procedure Code to issue a Summons for the appearance of any person may, after recording reason in writing, issue a Warrant for his arrest in addition to or instead of the Summons:-

(a) if, whether before or after the issue of such summons, the Court or Justice of the Peace sees reason to believe that he: has absconded or will not obey the Summons: or

(b) if at the time fixed for his appearance he fails to appear and the Summons is proved to have been duly served in time to admit of his appearing and no reasonable excuse is offered for his failure to appear

(2) A Court or Justice of the Peace empowered by this Shari'ah Criminal Procedure Code to issue a Warrant for the arrest of any person may issue a Summons in place of a Warrant if it or he thinks fit.

69. When any person tor whose appearance or power to arrest a Summons or Warrant may be issued is present before a Court or Justice of the Peace, the Court or Justice of the Peace may require him to execute a bond, with or without sureties, for his appearance before a Court.

70. The provisions contained in this Chapter to relating to Summons and Warrants' and their issue, service and execution shall, so far as may be, apply to every Summons and every Warrant issued under this Shari'ah Criminal Procedure Code.

CHAPTER VI - MEANS TO SECURE THE PRODUCTION,OR DISCOVERY OF DOCUMENTS OR OTHER THINGS AND FOR THE DISCOVERY AND LIBERATION OF PERSONS UNLAWFULLY CONFINED

A - SUMMONS TO PRODUCE

71. When a Court or Justice of the Peace considers that the production of any document or other thing is necessary or desirable for the purpose of any investigation, trial or other proceeding under this Shari'ah Criminal Procedure Code by or before such Court or Justice of the Peace, the Court or Justice of the Peace may issue a Summons to any person in whose possession or power

the document or thing is believed to be, requiring him to attend and produce it or to cause it to be produced at the time and place Stated in the Summons or Order.

B - SEARCHES AND ORDERS FOR PRODUCT/ON AND LIBERATION OF PERSONS

72. Where for any reason it appears to a Shari'ah Court or Justice of the Peace that it is impossible or Inadvisable to proceed under Section 71 or that a search or inspection would further the purpose of any investigation, trial or other proceeding under this Shari'ah Criminal Procedure Code, the Court or Justice of the Peace may issue a search warrant authorizing the person to whom it is addressed to search or inspect the place or places mentioned in the Warrant for any document or thing specified or for any purpose described in the warrant and to seize any such document or thing, and to dispose of it in accordance with the terms of the Warrant.

73, Where an investigation under this Shari'ah Application for Criminal Procedure Cods is being made by a Police Officer, he may apply to any Court or Justice of ths Peace within the Local Limits of whose jurisdiction ha is for the issue of a search Warrant under Section 72

74. (1) Whereupon information and after such inquiry, if any, as it thinks necessary a .Court or Justice of Peace has reason to believe that any place is used for the deposit or sale of stolen property or that there is kept or deposited in any place in respect of or by means of which an offence has been committed or which is intended to be used for any illegal purpose, the Court or Justice of the Peace may issue a search Warrant authorizing any Police Officer:-

(a) to search the place in accordance with the terms of the Warrant and to seize any property appearing to be of any description above mentioned and to dispose of it in accordance with the terms of the Warrant: and

(b) to arrest any person found in the place and appearing to have been or to be party to any offence committed or intended to be committed in connection with the property

(2) In this section and Section 75 "offence" includes an offence against a Law of the federation or any State, which would be punishable in the State if it had been committed in Nigeria

75. (1) Where a Court upon information and after search for p«.r.0n such enquiry, if any, as it thinks necessary has reason to believe that any person is confined under such circumstances that the confinement amounts to an Offence, it may issue a search warrant authorizing the person to whom it is addressed to search for the confined person and to bring him before the Court and upon the appearance of the confined person the Court shall make such order as seems proper

(2) Upon complaint made on oath to a Court of the abduction for any unLawful purpose or of the unLawful detention of any person the Court may after

such inquiry, if any, as it thinks necessary, make an order for the production of that person or for the immediate restoration of that person to his liberty or if he is under eighteen years of age for" his immediate restoration to his parent, guardian or other person having Lawful charge compliance with an order subsection

using such force as may be necessary and upon the production of the person who is the subject of the order,

76. (1) Searches under Parr r 5 Chapter shall, unless the Court or Justice of the peace owing to the nature of the case otherwise directs, be made whenever possible in the presence of two respectable inhabitants of the neighbourhood to be Summoned by the person to whom the search Warrant is addressed

(2) A list of all things seizes, in course of search and of the places in which they are found shall he drop by the person carrying out

77. If any place to be searched is an apartment in actual occupancy of a woman, not being the person to be arrested, the person making the search shall, before entering the apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then enter the apartment The occupant of any place searched or some occupant of pieoa person on his behalf shall be permitted to be present at the search and shall, if he so requires, receive a copy of the list of things seized therein signed or sealed by the witness referred to in Section 76.

79. (1) Where .any person in or about a place, is being searched, is reasonably suspected of concealing about his person any article for which search should De made, such person may be searched.

(2) A list of all things found on his person and seized shall be prepared and witnessed in manner mentioned in Section 76 and a witnessed copy of the list shall be delivered to the person if he so requires.

80. Wherever it is necessary to cause a woman Mode of to be searched the search shall be made by another woman with strict regard to decency.

81. Every person executing a search warrant beyond the Local Limits of the jurisdiction of the Court or Justice of the Peace issuing it shall, before doing so, apply to some Court within the Local Limits of whose jurisdiction search is to be made and shall act under its directions,

82. The provisions of section 32 as to ingress and all other provisions hereinbefore contained as to warrants of arrest shall, so far as applicable apply to warrants. Search Warrants.

83. Any Justice of the place may direct a to be made in place for the search of which he is competent to issue a Search Warrant.

84. Any Court may, if it thinks fit impound document or thing produced before it under this Shari'ah Criminal Procedure Code.

PARTY IV - THE PREVENTION OF CRIME

CHAPTER VII - SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

A - SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR ON CONVICTION

85. Whenever any person is convicted by a Court of any offence involving or likely to cause a disturbance of the public peace or a breach of the peace and the Court is of opinion that it is expedient to require that person to execute a bond for keeping the peace and being of good behaviour, it may at the time of passing sentence on such person order him to execute a bond for a sum proportionate to His out sureties for keeping of good behaviour for any period not exceeding three years in the case of the Upper Shari'ah Court and not exceeding two years in the case - ,.:, other Shari'ah Court.

B - SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR IN OTHER CASES

86, (1) Wherever a Court or Justice of the Peace is informed that any person Is likely to commit a breach of the peace or to disturb the public peace or to do any illegal act which may probably cause a breach of the peace or disturb the public peace, the Court or Justice of the Peace may issue a summons require that person to attend before a Court to - without sureties for keeping the peace or refraining from period not exceeding one year or to show cause why he should not execute such bond.

(2) Proceedings shall not be taken under this section unless:-

(a) the person informed against is in the State: and

(b) either:-

(i) the person informed against is within the area of jurisdiction of the Court before which he is required to attend: or

(ii) the place where the breach of the peace or disturbance is apprehended is within the area of jurisdiction of the Court before which the person informed against is required to attend.

87. Whenever a Court receives information that security tor good any person within the Local Limits of its jurisdiction:-

(a) habitually commits any offence punishable under Sections 223 to 231 of the Shari'ah Penal Code: or

(b) is by habit a robber, house breaker or thief: or

(c) is by habit a receiver of stolen property knowing the same to have been stolen: or

(d) habitually protects or harbours thieves or aids in the concealment or disposal of all stolen property: or

(e) habitually commits mischief, extortion or cheating or the .counterfeiting of coin, notes or reverse stamps or attempts so to do: or

(f) habitually commits or attempts to commit or abets the commission of offences involving a breach of the peace: or

(g) is so desperate and dangerous as to render his being at large without security hazardous to the community, such Court may issue a Summons requiring that person to attend before the Court to execute a bond with sureties for his good behaviour for any period not exceeding two years or to show cause why he should not execute such bond.

88. Whenever .it appears to a Justice of the Peace or Court acting under sections 86, 87, or 88 as the case may be, upon the report of a Police Officer or upon information that there is reason to fear the commission of a breach of the peace or disturbance of the public peace and that such breach of the peace or disturbance of the public peace cannot be prevented otherwise than by the immediate arrest of any person, such Justice of the Peace or Court shall record the substance of the report or information and may at any time issue a Warrant for the arrest of such person and for his production before a Court.

89. A Justice of the Peace or Court when issuing a Summons or Warrant under Sections 86, 87, or 38, as the case may be, shall therein set forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the number, character and class of series, if any, required.

90. (1) When any person has appeared or is brought before the Court in compliance with a Summons or Warrant under -Sections 86, 87, or 88 the Court shall proceed to inquire into the truth of the information upon which action is been taken and to take such further evidence as may appear

(2) An inquiry under subsection (1) shall be made as far as practicable in the manner hereinafter laid down for conducting trials. and recording evidence in summary trials by Alkalis except that:-

(a) no charge need be framed nor shaii any witness Ge recalled for cross-examination except with the permission of the Court: and

(b) the Court may refuse to release on bail any person arrested under section 88 unless he executes a bond to the nature specified in the warrant of arrest but limited in time to the conclusion of the inquiry.

(3) For the purposes of this section the fact that a person is a habitual-offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved by evidence of general repute.

91. (1) If .on inquiry under section 90 it is proved that it is necessary for keeping the peace or preserving the public peace, or maintaining good behaviour, as the case may be that the person in respect of whom the inquiry is made should execute a bond with or without sureties the Court shall make an order accordingly.

(2) Notwithstanding the provisions of subsection (1):-

(a) no person shall be ordered to give security of a nature different from or of an amount larger than or for a period larger than any specified in the summons or warrant issued under sections 86, 87 and 88:

(b) the amount of every bond shall be fixed with due regard to the circumstances of the case shall not be excessive:

(c) when the person in respect of whom the inquiry is made is under eighteen years of age, the bond shall be executed only by his sureties,

92. if on inquiry under Section 90 it is not proved that it is necessary for keeping the peace or preserving the public peace or maintaining good behaviour as the case may be that the person in respect of whom the inquiry is made should execute a bond, the Court shall make an entry on the record to that effect and if such person is in custody only for the purpose of the inquiry shall release him or if he is not in custody shall discharge him.

C - PROCEEDING IN ALL CASES SUBSEQUENT TO ORDER TO FURNISH SECURITY TO ORDER

93. (1) ff any person in respect of whom an order requiring security is made under Section 85 or Section 91 is at the time the order is made subject to a sentence of imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases the period for which security is required shall commence on the date or the order unless the Court for sufficient reason fixes a later date.

94. The bond to be executed be person in respect of whom an order requiring security is made under Section 85 or Section 91 shall bind him to keep the peace or to refrain from illegal acts likely to disturb the public peace or to be of

good behaviour, as the case may be and in the last case the commission or attempt to commit or the abetment of an offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

95. If any person ordered Section 85 or Section 91 does not give the security on or before the date of the commencement of the period for which the security is to be given, he shall be committed to prison or if he is already in prison be detained in prison until such period expires or until within such period he gives the security ordered.

96. (1) The Court may refuse to accept any surety offered or any surety previously accepted on the ground that the surety is an unfit person for the purposes of the bond.

(2) Before so refusing to accept or before rejecting any such surety the Court shall hold an inquiry into his fitness and the Court shall, before holding the inquiry give reasonable notice to the surety and to the person by whom the surety was offered and shall in making the inquiry record the substance of the evidence adduced before it.

(3) If the Court is satisfied after considering the evidence adduced before it that the surety is an unfit person for the purposes of the bond, it shall make an order refusing to accept or rejecting as the case may be, such surety and record its reasons for so doing.

97. (1) Whenever an Alkali of the Upper Shari'ah Court is of opinion that any person imprisoned for failing to give security under this chapter may be released without hazard to the public or to any person he may order the person imprisoned to be discharged.

(2) Whenever any person has been imprisoned for failure to give security under this chapter an Alkali of the Upper Shari'ah Court may make an order reducing the-amount of the security or the number of sureties or the time for which security h"- been required.

(3) An order under subsection (1) may direct the discharge of the person imprisoned either without conditions or upon any conditions which the accepts.

(4) if any condition upon which any person imprisoned for failing to give security under this Chapter is discharged is in the opinion of an Alkali of the Upper Shari'ah Court not fulfilled he may cancel the order or discharge and thereupon such person shall be recommitted to prison until the expiry of the period for which he was originally ordered to give security, unless before that time he gives such security.

98. An Alkali of the Upper Shari'ah Court may at any time cancel any bond for keeping the peace or refraining from illegal acts likely to disturb the public peace or for good behaviour executed under this chapter.

CHAPTER VIII - UNLAWFUL ASSEMBLIES AND RIOTS

99. Any Justice of the Peace or Police Officer of or above the rank of Assistant Superintendent or any Commissioned Officer of the armed forces of the Federation may command any unLawful assembly of five or more persons likely to cause a disturbance of the public peace to disperse: and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

100. If, upon being commanded in accordance with the provisions of section 99, any unLawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace does not disperse or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, or if

force or violence is used by it or by any member thereof in prosecution of the common object of such assembly, any Justice of the Pear Officer of or above the rank of Assistant Superintendent or any Commissioned Officer of the armed forces of the Federation may proceed to disperse such assembly by force and may, require the assistance of any male person for the purpose of dispersing such assembly and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to Law and any such person whose assistance is so required shall be bound to render such assistance.

101. (1) No prosecution against any person for any act purporting to be done under this chapter shall be instituted in any Shari'ah Court except with the sanction of the Attorney-General.

(2) No Justice of the Peace, Police Officer or Commissiorted Officer of the armed forces of the Federation acting under this Chapter in good faith shall be deemed to have thereby committed an offence.

(3) No act Lawfully done under this Chapter shall be called in question in any civil proceedings.

CHAPTER IX - PUBLIC NUISANCES

102. (1) Wherever a Court considers on receiving from a Police or Justice of the Peace a report or other information and on taking such evidence if any, as-it thinks fit that an offence under Sections 354, 355, 357, 359 or 360 of the Shari'ah Penal Code is being committed such Court may make a conditional order requiring the offender within a time fixed in the order to cease committing such offence and to amend or remove the causes thereof in such manner as specified in the order or to appear before 'he Court at a time and place to be fixed by the order and apply to have the order set aside or modified in manner hereinafter provided.

(2) No order duly made by a- Court under this Section shall be called in question in any civil proceedings.

103. (1) An order made under Section 102 shall if practicable be served on the person against whom it is made in manner provided for the service of a Summons.

(2) If an order referred to in subsection (1) cannot be served in the manner laid down in that subsection it may be served by registered letter through the post addressed to the person against whom it is made at the last known address or if this last address is not known then by affixing a notice thereof in some conspicuous place in the town or village in or near which the nuisance or offence is being committed.

104. A person against whom an order under section 103 is made shall:-

(a) perform within the time and in the manner specified in the order the act directed thereby: or

(b) appear in accordance with the order and apply to have the same set aside or modified.

105. If a person against whom an order under Section 102 is made does not perform the, act specified in the order or appear and apply to have the order set aside or modified he shall be liable to the Penalty prescribed in that behalf in Section 31 5 of Shari'ah Penal Code, and the order shall be made absolute.

106. (1) If a person against whom an order under Section 102 is made appears and applies to have the order set aside or modified the Court shall take evidence in the matter in the same manner as in a summary trial.

(2) If the Court is satisfied that the order with or without modification is reasonable and proper, the Court shall make it absolute with such modification, if any, as the Court shall think fit.

(3) If the Court is not so satisfied it shall cancel the order.

107. (1) If the act directed by an order under Suction 1 02 which is made absolute under Section 105 or subsection 2 of Section 106 is not performed the time fixed and in the manner specified therein the Court may cause it to be performed and may recover the cost of performing it either by the sate of any building, goods or other property removed by its order or by seizure and sale of any other movable property of the person against whom the order under Section 105 was made in manner hereinafter prescribed for the recovery of a fine.

(2) No suit shall lie in respect of anything done in good faith under this section.

108. (1) If the Court making an order under Section 102 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, it may issue such further order to the person against whom the order was made as is required to obviate or prevent such danger or injury pending the determination of the matter.

(2) In default of the person referred to in subsection 0) forthwith obeying the further order referred to in that subsection or if notice thereof cannot by the exercise of due diligence be served upon him immediately, the Court may use or cause to be used such means as it thinks fit to obviate the danger or to prevent the injury.

(3) No suit shall lie in respect of anything done in good faith under subsection (2).

109. Any Court may in any proceedings under this Chapter or in any Criminal proceedings in respect of a public nuisance order any person not to repeat or continue the public nuisance.

CHAPTER X - PREVENTIVE ACTION BY POLICE AND PUBLIC

110. Every Police Officer, Justice of the Peace area head or other public servant charged with responsibility for maintaining Law and order may intervene for the purpose of preventing and shall to the best of his ability prevent the commission of any offence for which he is authorized to arrest without a warrant, or any damage to any public property movable or immovable.

111. Every person shall be bound to assist a Justice of the Peace, Police Officer, area head or other public servant charged with responsibility for maintaining Law and order reasonably demanding his aid in the suppression of a breach of the peace or in the prevention of any damage to any public property movable or immovable or to any railway, canal, water supply, telegraph, telephone or electrical installation or in the prevention of the removal of any public landmark or buoy or other mark used for navigation.

CHAPTER----XI DUTY OF PUBLIC AND OF AREA HEADS TO GIVE INFORMATION

112. Every person:-

(a) Who has reason to believe that any other person has committed suicide or has been killed by another or by an

accident of any kind whatsoever or that a dead body has been found: or

(b) Who is aware of the commission of or *of* the intention of any other person to commit any offence punishable under Sections 148, 150, 182, 186, 193, 195, 213, 225, 229, 280, 294, 382 of the Shari'ah Penal Code snail in the absence of reasonable excuse, the burden of proving which shall lie upon the person making such excuse, forthwith give information to the nearest Local Government, Court, Police Officer or Justice of the Peace of such death, dead body, commission or intention.

113. Every area head not being a person competent under Chapter XV to lake cognizance of an offence shall forthwith communicate to the nearest Court so competent or to the Local Government, which shad then inform the appropriate Police Officer, or to the nearest Police Officer any information which he may posses or obtain respecting:-

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property: or

(b) the resort to or passage through his village ward or district of any person whom he knows or reasonably suspects to be a murderer, robber, escaped convict or person required to appear by a summons published under Section 65: or

(c) the occurrence within his village, ward or district of the death of any person 01 the disappearance from his village, ward o$_r$ district of any person in circumstances which lead to a reasonable suspicion that the death or disappearance is the result of an offence committed in respect of such person: or

(d) any matter likely to affect the maintenance of order or the prevention of crime or the safety of persons or property respecting which the Local Government has directed him to report.

114. (1) An area head to whom information has been given under paragraph (c) of Section 1 13 or who suspects the existence of such facts as are set out in that paragraph shall after forwarding the information either to the Local Government which shall then inform the appropriate Police Officer or in any other manner prescribed in that section, proceed to the place where the body of the deceased is and shall there in the presence of two or more persons whom he shall summon for the purpose, and who also shall be bound to attend, make an investigation and draw up a report of the apparent cause of death describing such wounds, fractures and other marks of injuries as may be found on the body and stating in what manner or by what weapon or instrument these marks appear to have been inflicted and such other information relating to the death as he can discover.

(2) Notwithstanding the provisions of subsection (1) when the Police Officer to whom information has been given under paragraph (c) of Section 113 under takes the investigation the area head on being so notified shall cease further to investigate the same as directed by the Police Officer.

(3) Where practicable the person making an investigation under subsections (1) and (2) shall be accompanied by a Medical Officer or Dispensary attendant.

(4) Where there is any doubt regarding the cause of death or where for any other reason the person making the investigation considers it expedient and practicable to do so or where the. Medical Officer or Dispensary attendant

attending such investigation so directs, the body shall be brought to the nearest hospital or to some other convenient place for further examination.

(5) Except in case of necessity the burial shall not take place until leave has been obtained from a Justice of the Peace.

(6) The person making the investigation under this section shall have the powers and duties of a Police Officer under Sections 121 and 122.

(7) On completion of the investigation the area head shall forward his report and the record if any, of his investigation to the Local Government authority which shall then inform the appropriate Police Officer.

(8) Nothing in this section shall operate to relieve any Police Officer from any obligation or duty considered upon him under Chapter XII to undertake and carry out any investigation.

PART V - INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE

CHAPTER XII

A - PROCEDURE IN CASES WHERE THE POLICE MAY , ARREST WITHOUT A WARRANT

115. (1) When information is given to the Officer in charge of a Police Station concerning commission of an offence for which according to the third column of Appendix A, the Police are authorised to arrest without a warrant and which under the provisions of Chapter XIII may be tried by a Court within the Local Limits of whose jurisdiction the Police station is situated he shall if it is given orally reduce the information or cause it to be reduced to writing in the prescribed form called the First Information Report and shall read it or cause it to be read over to the informant: and every such information whether given in writing or reduced to writing as aforesaid shall be signed or sealed by the person giving it if he is able so to do and su^n Officer shall enter or cause to be entered the information book to be kept in the form prescribed by the Commissioner of Police for the State:

Provided that if the Officer is satisfied that no public interest will be served by a prosecution he may refuse to accept the information and notify in writing the informant of his right to complain to a Court under Section 140.

(2) When on any other grounds the Officer in charge of a Police Station has reason to suspect the commission of an offence referred to in subsection (1) he shall enter or cause to be entered the grounds of his suspicion in a First Information Report and the substance thereof in the book referred to in that subsection.

(3) Notwithstanding the provisions of subsection (1), the Officer in charge of a Police Station may, if in his view the matter might more conveniently be investigated by an Officer in charge of another Police Station transfer the information or refer the information to such other Police Station.

116. (1) After complying with the provisions of section 115tne officer in charge of a Police Station shall act as follows:-

(a) he shall send to the appropriate Court in the manner set out in Section 117 the First Information Report:

(b) (i) he shall forthwith proceed to the spot and investigate the case and if the offender is not already in custody take such steps as may be necessary for his discovery and arrest, or he may depute a Police Officer subordinate to him to do so and to report to him:

(ii) in cases involving death or serious injury to any person the Officer in charge of the Police Station shall arrange, if possible, for a Medical Officer or dispensary attendant to examine the body or the person injured, and if the Officer in charge of the Police Station or a Police Officer deputed by him under this subsection so directs the body or the person injured shall be brought to the nearest hospital for such further examination as he or the Medical Officer or dispensary attendant considers necessary and the burial shall not take place except in case of necessity until leave has been obtained from a Court or justice of the peace:

(c) if the information is given against a per son by name and the alleged offence is not of a serious character the Officer in charge of a Police Station need not make or direct the investigation on the spot: and

(d) if it appears to the Officer in charge of a Police Station that there is not sufficient ground or reason for entering upon the investigation he need not investigate the case.

(2) In the cases mentioned in paragraph (c) and (d) of subsection (1) the Officer in charge of a Police Station shall record in the book referred to in Section 11 5 and in his First Information Report to the Court his reasons for not entering on an investigation or for not making or directing the investigation on the spot or not investigating the case,

117, (1) Every First Information Report sent to a Court shall be submitted through such Officer of Police, if any: as the Commissioner of Police for the State shall direct

(2) An Officer through whom a First Information Report is submitted under the provisions of subsection (1) may give such .instructions as he thinks fit to the Officer submitting the Report and shall after recording such instructions, if any, on the First Information Report pass the same to the Court without delay.

118. (1) After receiving the first information report the Court may Report the Court may

(a) direct that the Police shall proceed with the investigation, or

(b) if he thinks fit proceed to deal with the case as provided in Chapter XV.

(2) In the event of the Court electing to proceed in accordance with paragraph (b) of subsection (1) it shall forthwith inform the Officer in charge of the Police station of its intention so to do and thereupon the Police shall act according to the direction of the Court

119 (1) Every Officer in charge of a Police station conducting an investigation under Section 116 or any Police Officer deputed by the Officer in charge of a Police Station to conduct such investigation, shall keep a case diary in which he shall set forth in chronological order:-

(a) the time when he began his investigation
(b) any information received by him in connection with the investigation
(c) the time when such information reached him:
(d) the places visited by him
(e) any action required to be taken or directions given by a Court in the course of the Police investigations or inquiry by the Court, and any facts ascertained as a result thereof

(f) any report made by any Police Officer acting on his instruction

(g) the Statement of any witness, if reduced to writing

(h) a Statement of the circumstances ascertained through his investigation:

(2) The First information Report or a copy thereof shall in all cases be attached to and form part of the case diary.

120. (1) Nothing in any way included in or forming part of a case diary shall be admissible in evidence in any inquiry or trial unless it is admissible under the provisions of the Islamic Law or of this Shari'ah Criminal Procedure Code or of rules made thereunder but:-

(a) a Court may if it think fit order the production of the case diary for its inspection under the provisions of Section 141

(b) the Attorney-General may at any time order the submission of the case diary to himself any relevant part of the case diary may be used by a Police Officer who made the same to refresh his memory if called as a witness.

(2) Save to the extent that:-

(a) anything in any way included in or forming part of a case diary is admitted in evidence in any inquiry or trial in pursuance of the provision of subsection (1), or

(b) the case diary is used for the purposes set out in paragraph (c) of subsection (1), the accused or his agent shall not be permitted to call for or inspect such case diary or any part thereof but where for the purpose of paragraph (a) or (b) any such inspection is permitted, such inspection shall be limited in the part of the case diary referred to in paragraph (a) or (b) as the case may be.

121 d) A Police Officer making an investigation under Section 116 may require the attendance before him of any Person being within the limits of his own Police district whose evidence appears likely to be of assistance in the case, and may examine such person orally.

(2) A person referred to in subsection (1) shall be bound to attend and to answer the questions put to him except that he shall be warned that he ,s not bound to answer if his answer would tend to expose him to a al charge of a Penalty other than a charge of to give information under Chapter XI.

(3) No person giving evidence in an investigation under Section 116 shall be required to take an oath.

122. (1) No Police Officer or person in authority shall make use of any threat or of any promise of an advantage towards any person in an investigation under this chapter in order to influence the evidence he may give.

(2) No Police Officer or other person shall prevent any person from making in the course of the investigation any Statement in accordance with any rules made under Section 330 which of his own free will he may be disposed to make.

123 (1) If any person in the course of an investigation under section 116 or at any time after the close of the investigation but before commencement of any trial confesses to the commission of an offence in connection with the subject matter of the investigation he may be taken before a Justice of the Peace, when available, for his Statement to be recorded by such Justice of the Peace and thereafter placed in the case diary.

(2) When a Justice of the Peace records such confession he shall do so in detail in his own handwriting in the presence of the person making the confession and after reading over to him such record the justice of the peace shall sign it,

(3) No justice of the peace shall record any such concession unless after questioning the person making it he is satisfied that it is made voluntarily.

(4) No oath shall be administered to any person making such confession.

(5) The record of such confession in the case diary if made by a justice of the peace in accordance with this section shall be admissible as evidence against the person who made the confession and if so admit ted shall be read out in Court and it shall not be necessary to call as a witness the justice of the peace who recorded it,

Provided that the Court trying the case may if the Court thinks fit either on the application of the accused or of its own motion call the Justice of the Peace who recorded the confession as a witness to the contents and to prove the circumstances in which it was recorded.

124. (1) If any person in the course of an investigation under Section 116 or at any time after the close of the investigation but before the commencement of any trial confesses to the commission of an offence in connection "with the subject matter of the investigation, a Police Officer may, instead of taking the person before a Justice of the Peace, record such confession in the case diary in his own handwriting in the presence of the person making the confession and after reading over to that person such record shell require him to sign or seal it and the Police Officer shall also sign it.

(2) No Police Officer shall record any such confession unless after questioning the person making it he is satisfied that it is made voluntarily.

(3) No oath shall be administered to any person making such confession.

(4) Subject to the provisions of Islamic Law and Of any rules made under paragraph (1) of subsection (1) of Section 330 of this Code, the record of a confession and in the case diary if made by a Police Officer in accordance with this section shall be admissible as evidence against The person who made the confession and if so admitted shall be read out in Court.

125 (1) A person under arrest upon reasonable suspicion of having been concerned in an offence punishable with imprisonment may be required by any justice of the peace of police officer to submit to a medical examination by a medical officer or if no medical officer is available by a dispensary attendant.

(2) such a medical examination shall be required if it is so desireable in the interest of justice.

126 (1) A Court holding a trial or a police officer conducting an investigation may cause the fingerprints. Photograph or measurements of any person to be taken if satisfied that it is desirable in furtherance of the purposes of the trail or investigation.

(2) All fingerprints, photographs or records of measurements taken under this section may be kept for six months but if not already destroyed shall then be destroyed unless the person in respect of whom they were taken has been convicted of an offence.

(3) Notwithstanding the provisions of subsection (2), when a person who has no previously been convicted of an offence is discharged by the Court or acquitted upon his trial or is not charged, all fingerprints, photographs and records of measurements taken under this section forthwith be destroyed.

127. (1) Whenever it appears that an investigation under section 116 cannot be completed within twenty four hours of the arrival of the accused or suspected person at the police station. The officer in charge of the police station shall release or

discharge him under section 297, or send him as soon as practicable to the nearest Court competent under chapter XV to take cognizance of the offence.

(2) the Court may from time to time, on the application of the officer in charge of a police station authorize the detention of the person under arrest in such custody as it thinks fit for a time not exceeding fifteen days, and shall record its reasons for so doing.

(3) if the Court refused to authorize detention of the accused under arrest it shall make an order of discharge under section 43.

(4) if the police investigation is not completed within fifteen days and the Court considers it advisable that the accused should be detained in custody pending further investigation, it shall remand the accused as provided in section 221:

Provided that the total period for which the accused may be detained under this section shall not exceed ninety days and at the end of such period the Court may make an order of discharge.

128. (1) if in the course of an investigation under section 116 it appears to the officer in charge of a police station by or under whom an investigation is being made that such investigation should be terminated without a trial, he shall after entering in the case diary a summary of the case and his reasons for terminating the investigation, close the case diary and terminate the investigation.

Provided that nothing in this subsection shall prevent the officer in charge of a police station from re-opening the case diary and continuing the investigation if further information is given to him concerning the commission of the offence.

(2) When an investigation has been terminated or re-opened under the provisions of this Section, the Officer in charge of a Police Station shall forthwith inform the Court and the Court shall thereupon endorse upon the First Information Report the fact of such termination or re-openning and the reasons thereof

Provided that the Court may, if it is not satisfied from the information given that the investigation has been properly terminated order that the investigation be continued and the case diary be re-opened: and if the Court shall think fit may send a copy of the First Information Report endorsed as aforesaid together with the reasons Stated by the Officer in charge of a Police Station to the Attorney-General with any comments that it may think fit to make.

(3) When any person has been taken into custody in the course of an investigation and such investigation has been terminated under the provisions of subsections (1) and (2) the Officer in charge of a Police Station shall on such termination forthwith release him, or, if he has been remanded in custody by the Court, shall cause an application to be made to the Court for an order that such person be released.

(4) Nothing in this Section shall affect the power of the Police to release an arrested person under Section 43.

(5) Notwithstanding the provision of this Section, an Officer in charge of a Police Station shall not order the termination of an investigation, which has been instituted by direction of the Attorney-General.

129- Subject to Section 145, if upon an investige under this Chapter, it appears to the Officer in charge of a Police Station that there is sufficient evidence or reasonable ground or suspicion to justify sending the accused to a competent Court to take cognizance of the offence he shall send the accused to such Court which may, where applicable, fix a day for the trial or remand the accused in custody or on bail as the case may be:-

(a) for his appearance before such Court on a day to be fixed and thereafter for his

attendance from day to day before such Court until otherwise directed: or

(b) for his appearance before another Court having jurisdiction to try the offence.

130. (1) If under the provisions of Section 129 the Court fixes a day for a trial the Officer in charge of Police Station shall subject to any orders or directions of the Court:-

(a) require the complainant, if any, and all persons likely to be required as witnesses to execute bonds without sureties to appear before the Court as thereby directed and to prosecute or give evidence, as the case may be, in the matter of the trial:

(b) arrange for the accused whether in custody or on bail to be before the Court on the day fixed for the trial.

(2) A copy of a bond executed under subsection (1) shall be handed to the person executing the same and the original shall be forwarded to the Court for filing.

(3) If any person required to execute a bond under this section refuses to do so, he may be sent in custody to the Court which may order his detention until he executes the bond or until the hearing of the case is concluded.

B - PROCEDURE IN CASES WHERE THE POLICE MAY NOT ARREST WITHOUT A WARRANT

131. (1) When an information is received by an Officer in charge of a Police Station of facts pointing to the commission of an offence for which the Police may not arrest without a warrant, he shall enter the substance of the information in a book in the form prescribed in accordance with subsection (1) of Section 115 and either in a first information report or in such other report as may be prescribed in respect of the offence and thereupon refer the informant, if other than a public servant acting in the exercise of his public duties, to a Justice of the Peace and send the First Information Report or such other report to the same Justice of the Peace and the Justice of the Peace on receipt thereof shall, if the Police show sufficient cause issue a warrant.

(2) No investigation of such an information shall be made by any Police Officer without- the order of a Justice of the Peace or superior Police Officer unless the circumstances appear to be such that the delay which would be caused by submitting the report may seriously prejudice the interests of justice, in which case the investigation may be commenced forthwith but a report shall be sent as soon as possible to a justice of the peace or superior Police Officer giving the reasons for the action taken and on the receipt of the report of the justice of the peace or superior Police Officer may give such orders or direction as- he thinks fit.

(3) The functions conferred on a superior Police Officer by subsection (2) may be exercised by such other Police Officer as the Commissioner of Police for the State may by Office appoint.

(4) Any investigation of such an information undertaken by a Police Office, either by direction of a justice of the peace or superio, Police Officer under sub-Section (2) or without such direction under subsection (2) shall be conducted in such manner and with such powers as are set out in this chapter save that no arrest of a suspected person shall be made without Warrant.

PART VI - PROCEEDINGS IN PROSECUTIONS

CHAPTER XIII - PLACE OF TRIAL

132. Every offence shall ordinarily be tried by a Court within the Local Limits of whose jurisdiction:-

(a) the offence was wholly or in part committed, or some act forming part of the offence was done:

(b) some consequence of the offence has ensued:

(c) some offence was committed by reference to which the offence is defined: or

(d) some person against whom, or property in respect of which the offence was committed is found, having, been transported whether by the offender or by some person knowing of the offence.

ILLUSTRATION

(a) A posts in Kaduna a letter addressed to B in Kajuru threatening to accuse B of an offence in order to *extort money from him:*

(b) A stabs B *at Kaduna and B dies ten days later at Kajuru in consequence of the wound:*

(c) A in Kaduna abets an offence committed by B at Kajuru:

(d) A abducts B at Kaduna and carries him to Kajuru where he is found:

(e) A steals property at Kaduna and the property is taken by B who knows it to be: stolen, to Kajuru where it is found.

In all the above cases A may be tried either at Kaduna or at Kajuru.

133. When it is uncertain in which of several districts an offence was wholly or in part committed, the offence may be tried by a Court having jurisdiction over any or such districts.

134. An offence committed by a person whilst he is in the course of performing a journey or voyage may be tried by a Court through or into the Local Limits of whose jurisdiction he, or the person against whom, or the thing in respect of which the offence was committed resides, is or passed in the course of that journey or voyage.

135. Whenever a question arises as to which of two or more Courts ought to try an offence it shall be take decided by the Grand Qadi.

136. (1) The Grand Qadi may, whenever it appears to him that the transfer of a case will promote the ends of justice or will be in the interest of the public peace, transfer any case from, one Court to another at any stage of the proceedings.

137. Subject to Section 145, when a Court has reason to believe that any person within the Local limits of its jurisdiction has committed without such limits an offence which, cannot under the provisions of Section 132 or any other Law for the time being in force, be triea within such Local Limits but is under any Law for the time being in force triable in the State, it may take cognizance of the offence as if it had been committed within the Local Limits of its jurisdiction and compel such person in manner hereinbefore provided to appear before it and send him to a Court having jurisdiction to try offence, or , if the offence is bailable take a bond with or without sureties for his appearance before such a Court.

Chapter XIV – SANCTION NECESSARY FOR THE INITIATION OF CERTAIN PROCEEDINGS

138. (1) No Court shall take cognizance

(a) of any offence punishable under Sections 299 to 315 of the Shari'ah Penal Code, except with the previous sanction or on the complaint of the public servant concerned or of some public servant to whom he is subordinate:

(b) of any offence punishable under Sections 318, 321, 322, 323, 324, 325, 326, 337, 338, 339,342, 343 or 345 of the Shari'ah Penal Code when such offence is committed in or in relation to any proceeding in any Court, except with the previous sanction or on the complaint of such Court:

(c) of any offence described in Section 244 of the Shari'ah Penal Code or punishable under Section 247 or Section 250 of the Shari'ah Penal Code, when such offence has been committed by a party to any proceeding in respect of a document produced or given in evidence in such proceeding except with the previous sanction or on the complaint of such Court:

(d) of any offence punishable under paragraph (a) of Section 277 of the Shari'ah Penal Code where the circumstances are such as to constitute an offence under Section 6 of the Public Order Act, except with the sanction of the Attorney-General:

(e) of any offence punishable under Section 120 of the Shari'ah Penal Code except with the sanction of the Attorney-General,

(2) The provisions of subsection (1) with reference to the offences named therein, apply also to the abatement of such offences and attempts to commit them.

(3) The Sanction referred to in this Section may be expressed in general term and need not name the accused person but it shall, so far as practicable, specify the place where and the occasion on which the offence was committed.

(4) When Sanction is given in respect of any offence referred to in this Section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

(5) Any Sanction given or refused under this Section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate.

139. NO Court shall take cognizance of any offence falling under Section 251 and 263 or Sections datamation. 134 to 138 of the Shari'ah Penal Code except upon a complaint made by some person aggrieved by such offence but where the person so aggrieved is a woman who ought not to be compelled to appear in public or where such person is under the age of eighteen or is an idiot or lunatic or is suffering from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf and in case of an offence under Sections 137 to 138 of the Shari'ah Penal Code Law where the party so aggrieved is other than the Government: or Local Government, a Police Officer, may in the public interest and with the sanction of the Attorney- Genera I, make a complaint on behalf of such party.

CHAPTER XV - INITIATION OF JUDICIAL PROCEEDINGS BEFORE A COURT

140. Subject to the provisions of Chapters XIII and XIV, a Court may take cognizance of any offence committed within the Local Limits of its jurisdiction:-

(a) when an arrested person is brought before it under Section 38 or 39:

(b) upon receiving a First Information Report under Section 115, or from any other Court.

(c) upon receiving a complaint in writing from the Attorney-General:

(d) upon receiving a complaint of facts which constitute the offence:

(e) if from information received from any person other than a Police Officer it has reason to believe or suspect that an offence has been committed:

141. When the accused person appears before a Court taking cognizance of an offence, the Court may require the Police Officer if any, in charge of the investigation, or any Police Officer acting on his behalf, to take a summary of the

case and, if the Court shall think fit, to produce the case diary for its inspection: and upon the application of any such Police Officer or of its own motion, the Court may give such directions as to the matters to be proved and how they are to be proved, and what documents or other exhibits are to be produced as the Court may think fit.

142. When 3 Court has exercised its powers under Section 141 it shall inform the accused person that he is not required to say anything at that stage, but that if he wishes to inform the Court of the substance of his defence he can do so in order that the Court may give him such advice as it may think fit.

143. (1) A Court taking cognizance of an offence on complaint shall, subject to the exercise of its powers under Sections

141 and 142, thereupon examine the complainant and reduce his complaint and the substance of the examination to writing, and the writing shall be signed or sealed by the complainant if he is able so to do.

(2) A Court may in its discretion conduct such examination on oath.

(3) When the complaint is made in writing and signed by a public servant acting or purporting to act in the execution of his official duties, the Court may. if it thinks fit, and shall when the complaint is made by a Court under Section 272 proceed with the trial of the case without examining the complainant under this Section.

144. If an offence of which a Court takes cognizance thought properly or more conveniently to be tried by another Court, the said Court taking cognizance shall send the case to such other Court for trial.

145. If a Court taking, cognizance of an offence under the provisions of Section 140 is of the opinion that an investigation or further investigation should be conducted under the provisions of Chapter XII, the Court shall order that such an investigation or further investigation shall be conducted in the same manner and with the same powers as are set out in Chapter XII, and at the time when such order is made or at any stage of the investigation or further investigation the Police Officer in charge of the investigation, or any Police Officer acting on his behalf, may appear before the Court and apply for directions as to the matters to be proved and how they are to be proved, and what documents, if any, are to be produced.

146. (1) A Shari'ah Court taking cognizance of an alleged offence on the complaint of any person other than a Police Officer may, for reasons to be recorded in writing refer the matter to any Police Officer for investigation.

(2) An investigation by a Police Officer under the provisions of subsection (1) shall be conducted so far as may be in the manner and with the powers in and with which an investigation under Chapter XI!' is conducted, and shall, if the Police have already investigated the case, be deemed to be a continuation of that investigation.

147. (1) A Shari'ah Court taking cognizance of an alleged offence may refuse to proceed with the case if after examining the complainant if any, and considering the result of any investigation held under Chapter XII or Section 146 there is in its opinion no sufficient ground for proceeding and it shall thereupon briefly record its reasons for so refusing.

(2) Where there is in the opinion of the Attorney- General, no sufficient ground for any charge to be preferred in accordance with Section 145, against the accused, the Attorney-General may subject to the provisions of Section 21 1 of the Constitution of the Federal Republic of Nigeria, 1999 discontinue the case

(3) If the accused is in custody or on bail, he shall be discharged when, under this Section, the Court refuses to proceed or the Attorney-General discontinues the case.

(4) A person aggrieved by a refusal of a Court to proceed with a case may apply to the appropriate Court of appeal with an affidavit setting out the, facts for an order directing the transfer of the case to another Court of competent jurisdiction to hear and determine the case or matter.

148. (1) If a First information Report or a procedure by complaint in writing is received by a Court which is not competent to take cognizance of the offence the Court shall return the First Information Report or complaint for presentation to the proper Court with an endorsement to that effect.

(2) If a complaint not in writing is made to a Court, which is not competent to take cognizance of the offence the Court shall direct the complaint to the proper Court:

149. When a Court taking cognizance of an offence is satisfied that there is sufficient ground for proceeding, it shall after causing process to issue for the attendance of the accused person, if he is not already in custody or on bail, proceed to try if provided that it has jurisdiction to try the offence.

150. Every accused person shall, subject to the provisions of Section, 151 be present in Court during the whole of his trial unless he misconducts himself by so interrupting the proceedings or otherwise as to render their continuance in his presence impracticable.

151. (1) Process to compel the attendance of the accused person shall ordinarily be a Summons or a warrant according as in the opinion of the Court. A Summons or a Warrant should according to the fourth column of the Appendix A issue in the first instance.

(2) When a summons is issued the Court may if it sees reason to do so dispense with the personal attendance of the accused:-Provided that:

(a) he is represented by counsel: or

(b) he authorises in writing his agent or relations to represent him: or

(c) he pleads guilty in writing.

(3) Notwithstanding the provisions of subsection (2) the Court shall not without adjourning for his personal attendance sentence the accused to any term of imprisonment or to any other form of detention or order him to be subject to any disqualification.

CHAPTER XVI - TRIALS AND OTHER JUDICIAL PROCEEDINGS BEFORE SHARI'AH COURTS

152. The procedure laid down in this chapter shall be observed by the Shari'ah Courts.

153. When the accused appears or is brought before the Court the particulars of the offence of which he is accused shall be Stated to him and he shall be asked if he has any cause to show why he should not be convicted.

154. If the accused admits that he has committed an offence of which he is accused his admission shall be recorded as nearly as possible in the words used by him and if he shows no sufficient cause, why he should not b-3 convicted the Court may convict him accordingly:

Provided where the accused- appears before the Court by himself and makes the admission of the commission of the offence, the Court shall before convicting him satisfy itself that the accused has clearly understood the meaning of the offence-in all its details and essentials, the effect of his admission, and in

addition, the Court shall inform the accused of his option to retract his admission.

155. (1) When the Court decides not to convict the accused under Section 154 or when an accused person States that he intends to show cause why he should not be convicted the **Court** shall proceed to hear the complaint if any, and take all such evidence as may be produced in support of the prosecution,

(2) The Court shall ascertain from the complainant or otherwise the names of any person likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution and shall summon to give evidence before the Court such of them as the Court thinks necessary.

(3) The accused shall be at liberty to cross-examine the witnesses for the prosecution and, if he does so, the prosecutor may re-examine them.

156. (1) If upon taking all the evidence referred to in Section 155 and making such examination, if any, of the accused as may be made in accordance with Section 199 the Court finds that no case against the accused has been made out which if not rebutted would warrant his conviction the Court shall discharge him.

(2) The Court may discharge the accused at any previous stage of the case, if for reasons to be recorded by the Court it considers the charge to be groundless.

(3) A discharge under this section shall not be a bar to further proceedings against the accused in respect of -the same matter.

(4) No oath shall be administered to the accused for the purposes of an examination under this section.

157. If when the evidence referred to in Section 155 and the examination referred to in Section 156 have been taken and made or at any previous stage of the case the Court is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Court is competent to try and which in the opinion of the Court could je adequately punished thereby, the Court shall frame a charge declaring with what offence the accused is charged and shall then proceed as hereinafter provided

158. (1) If the Court is of opinion that the offence is one which having regard to Section 157 it should try itself, the charge shall then be read and explained to the accused and he shall be asked whether he is guilty or-has any defence to make.

(2) If the accused pleads guilty, the Court shall record the plea and may in its discretion convict him thereon.

(3) The Court shall before convicting on a plea of guilty satisfy itself that the accused has clearly understood the meaning of the charge in all its details and essentials and also the effect of his plea.

159. (1) If the accused pleads not guilty or makes, no plea or refuses to plead, he shall be required to State whether he wishes to cross examine or further cross-examine any, and if so, which of the witnesses for the prosecution whose evidence has been taken.

(2) If the accused wishes to impeach or cross- examine or further cross-examine under the provisions of subsection (1) the witnesses named by him shall be recalled and after cross-examination and re-examination, if any, they shall be discharged.

(3) The evidence of any remaining witnesses for the prosecution shall next be taken and after impeachment, cross-examination and re-examination, if any, they also shall be discharged,

(4) The accused shall then be called upon to enter upon his defence and produce his evidence.

(5) If the accused puts in any written Statement, the Court shall file it with the record.

(6) The complainant or prosecutor may cross-examine any witnesses produced for the defence and the accused may re-examine them.

160. (1) The Court shall call upon the accused person to inform the Court of the names and where abouts of any witnesses whom he intends to call in his defence.

(2) Thereafter, the accused may apply to the Court to issue any process for compelling the attendance of any witness for the purpose of examination or the production of any document or other thing and the Court shall issue such process unless for reasons to be recorded by it in writing if it considers that the application is made for the purpose of vexation or delay or of defeating the ends of justice.

(3) The Court may before summoning any witness on an application under subsection (1) require that reasonable expenses incurred by such witness in attending for the purposes of the trial be deposited in Court.

161. (1) If in any case under this chapter in which a charge has been framed the Court fine's the accused not guilty, it shall record an order of discharge.

(2) If in any case under this Chapter in which a charge has been framed the Court finds the accused guilty, it shall announce its finding and shall thereafter, if the accused has not previously called any witness to character, call upon him to produce such witness if he so desires and, if he wishes to make a Statement in mitigation of punishment.

(3) The record of the accused's previous convictions, if any, if it has not already been put in evidence, shall be produced and if necessary proved by the prosecution.

(4) The Court shall then pass sentence upon the accused according to Law.

162. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant or prosecutor is absent, the Court may in its discretion notwithstanding anything wherein before contained at any time before the charge has been framed discharge the accused.

163. (1) If in any case instituted by complaint as. defined in this Shari'ah Criminal Procedure Code or upon information given to a Police Officer or a Court and heard under this Chapter, the Court discharges the accused and is satisfied that the accusation against him was frivolous or vexatious, the Court may in its discretion by its order of discharge direct the complainant or informant to pay to the accused or to each of the accused where there are more than one, such compensation as the Court thinks fit and may award a term of imprisonment not exceeding three months in the aggregate in default of payment, and the provisions of Section 100 of the Shari'ah Penal Code shall apply as if such compensation were a fine.

(2) Before making any decision under subsection (1) the Court shall:- record and consider any objection which the complainant or informant may urge against the making of the direction: and State in writing in its order of discharge its reasons for awarding the compensation.

(3) Compensation awarded under this Section may be recovered as if it were a fine.

(4) Any person directed to make a payment of compensation under this Section may appeal from the direction as if he had been convicted after trial by the Court.

164. (1) In taking evidence in any Criminal matter a Shari'ah Court may test the credibility of any witness by examination.

(2) Notwithstanding the provisions of this Shari'ah Criminal Procedure Code or of any other written Law, a Shari'ah Court may in its discretion invite any witness to attest to the credibility of the witness to testify.

(3) After hearing the evidence of any witness a Shari'ah Court shall ask an accused person if there is any question which he wishes the Court to put to the witness on his behalf and thereupon the Court shall put to the witness any question which the accused person wishes the Court to put on his behalf but shall not be bound to put to a witness any question which does not bear directly on facts which are material to the proper appreciation of the facts of the case.

165. A Shari'ah Court shall make its finding in any Criminal matter upon the evidence which is before it and in making such finding nothing shall be taken into consideration which is not supported by the evidence.

166. After the Court has made its finding the Court shall announce that finding.

167. When the provisions of section 161 have been complied with the Court may retire or adjourn to consider the sentence and the Court shall, having determined the sentence, announce the same in open Court.

168. A Shari'ah Court having jurisdiction over qisas offences shall, before passing a sentence, invite the blood relatives of the deceased person: or the complainant as the case may be, to express their wishes as to whether reciprocal punishment should be carried out, or diyyah should be paid or the accused should be forgiven and the Court shall record such wishes in the record of proceedings.

169. (1) In the trial of a Criminal matter a Shari'ah Court shall make a record of the proceedings in the prescribed form and shall record the following particulars:-

(a) the serial number of the case:
(b) the name, tribe or nationality, residence, occupation and age of the accused:
(c) the name, tribe or nationality, occupation and age, of the complainant:
(d) the offence complained of and the offence, if any proved and, where relevant, the value of the property in respect of which the offence has been committed:
(e) the date and place of commission of the offence and the date of arrest:
(f) the date of complaint or First Information Report:
(g) the names of the witnesses for the prosecution and defence and a record of their
evidence in narrative form:
(h) the plea of the accused and his examination:
(i) the finding and, in the case of conviction, reasons therefore with a reference to the Shari'ah Penal Code or other Act or Law:
(]) the sentence or other final order:
(k) the date on which the proceedings terminated,

(2) The Alkali or Presiding Judge of the Court shall sign or seal the record of proceedings.

170. Any person appointed a Justice of the Peace under the provisions of this Shari'ah Penal Code shall be bound to observe the provision of this Shari'ah Penal Code in the exercise of his powers as a Justice of the Peace.

CHAPTER XV11 - CHARGES

171. Charges may be as in the forms set out in Appendix B modified in such respect as may be necessary to adapt them to the circumstances of each case.

172. (1) Every charge under the Shari'ah Criminal Procedure Code shall have a Statement of the offence complained of with date and place and when material, the value of the property in respect of which the offence has been committed.

(2) The charge shall also as much as possible define the offence so as to give the accused notice of the matter with which he is charged.

173. No error in stating either the offence or the particulars required to be Stated in the charge and no omission to State the offence or those particulars shall, be regarded, at any stage of the case as material, unless the accused was in fact misled by such error or omission and it has occasioned a failure of justice.

174. (1) When any person is being tried by any Shari'ah Court on an imperfect or erroneous charge, the Shari'ah Court may permit or direct the framing of a new charge or add to or otherwise alter the original charge.

(2) Every such alteration or addition or new charge shall be read and explained to the accused and his plea thereto shall be taken.

175. (1) Any Shari'ah Court may alter or add to any charge or frame a new charge at any time before judgement is pronounced.

(2) Every such alteration or addition or new charge shall be read and explained to the accused and his plea thereto shall be taken,

176. If the charge at revised under sections 174 or 175 is such that proceeding immediately with the trial is not likely in the opinion of the Shari'ah Court to prejudice the accused in his defence or the prosecutor, if any, in the conduct of the case, the Shari'ah Court may in its discretion forthwith proceed with the trial as if the charge so revised had been the original charge.

177. If the revised charge is such that proceeding immediately with the trial is likely in the opinion of the suspended. Shari'ah Court to prejudice the accused in his defence or the prosecutor, if any, in the conduct of the case, the Shari'ah Court may either direct a new trial or adjourn the trial for such period as may be necessary.

178. Whenever a charge is revised by the Shari'ah Recall of Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon and examine with reference to such revision any witness who may have been examined and also to call any further witness whom the Shari'ah Court may consider to be material.

179. For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately, except in the cases mentioned in Sections 180, 181, 182, 183 and 188.

ILLUSTRATION:- *A is accused of theft on one occasion and of causing grievous hurt on another occasion, A must be separately charged and separately tried for theft and for causing grievous hurt.*

180. Where a person is accused of several offences of the same or similar character he may be charged together charged with and tried at one trial for any number of them, but if the Court, before the trial or at any stage of the trial "before judgement is pronounced considers that he may be prejudiced or embarrassed in his defence by such procedure or that for any other reason it is desirable to do so the Court may order a separate trial of any one or more of such charges.

181. (1) If a series of acts so connected together as to form the same transaction is alleged the accused may be charged with and tried at one trial for

every offence which he would have committed if all of such acts or some or more of them without the rest were proved.

(2) In passing sentence the Court shall have regard to Section 97 of the Shari'ah Penal Code.

182. If a series of acts is of such a nature that it appears that an offence was committed on one of several occasions but it is doubtful whether the facts' which can be proved will show on which occasion an offence was committed the accused may be charged with having committed an offence alternatively on one or other of such occasions.

183. If a single act or series of acts is of such a it is doubtful which of several different offences the facts which can be proved will constitute, the accused may be charged with having committed all or any one or more of such offences and any number of such charges may be tried together, or he may be charged in the alternative with having committed some or other of the said offences.

ILLUSTRATION. *A is accused of an act which may amount to theft or receiving stolen property or Criminal breach of trust He may be charged (a) with theft and receiving stolen property and Criminal breach of trust: or (b) with theft or receiving stolen property or Criminal breach of trust alternatively: or (c) with one or two of these offences omitting the others or any of them,*

184. If in the case mentioned in section 183 the accused is charged with one offence and it appears in evidence that he committed -a different offence with which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

ILLUSTRATIONS. *A is charged with stealing a bicycle. Its proved that he received the bicycle knowing it to have been stolen. A. may be convicted of receiving stolen property although he was not charged with that offence.*

(b) A is charged with stealing a wireless set and ft Is proved in evidence that he obtained the wireless set by means of Criminal breach of trust A may be convicted of Criminal breach of trust although he was not charged with that offence-

(c) A is charged with rape and is proved in evidence that he committed an act of gross indecency, A may be convicted of committing an act of gross indecency although he was not charged with that offence.

(d) A is charged with causing grievous hurt to Z and it is proved in evidence that A in fact abetted B to cause the grievous hurt to Z If at the time of framing the charge A could have been charged with abetting the offence A may be convicted of abetment

185. (1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete lesser offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the lesser offence though he was not charged with it.

(2) When a person is charged with an offence and facts -are proved which reduced it to a lesser offence, he may be convicted of the lesser offence although he is not charged with it.

186. When a person is charged with an offence he may be convicted of an attempt to commit such an offence although the attempt is not separately charged,

187. (1) When more than one charge is framed against the same person, and when a conviction has been obtained on one or more of them, the complainant or the Officer conducting the prosecution may with the consent of the Court, withdraw the remaining charge or charges, or the Court of its accord may stay the trial of such charge or charges.

(2) A withdrawal under subsection (1) shall have the effect of a discharge on the remaining charge or charges referred to in that subsection unless the conviction be set aside on appeal or on review in which case the Court, subject to any order of the Court setting aside the conviction, may proceed with the trial of the charge or charges so withdrawn.

(3) Notwithstanding the provisions of subsections (1) and (2), the Shari'ah Court shall not withdraw the remaining charge if it concerns hudud offences.

188. The following persons may be charged and tried together namely:-

(a) persons accused of the same offence committed in the course of the same transaction:

(b) persons accused of an offence and persons accused of abetment or of an attempt to commit the same offence:

(c) persons accused of more than one offence of the same or similar character, committed by them jointly.

(d) persons accused of different offences committed in the course of the same transaction:

(e) persons accused of offences which include theft, extortion or Criminal misappropriation and persons accused of receiving or retaining or assisting in the disposal or concealment of property, the possession of which has been transferred by offences committed by the first named persons, or abetment of or attempting to commit any of the last named offences:

(f) persons accused of offences under Sections 1 65, 1 66, and 1 67 of the Shari'ah Penal Code Law or either of those Sections in respect of stolen property the possession of which has been transferred by one offence: and

(g) persons accused of offences committed during a fight or series of fights arising out of another fight, and persons accused of abetting any of these offences.

189. (1) If any Appellate Court is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge, or by an error in the charge, and it has occasioned a failure of justice, it may direct that the trial be recommenced upon a charge framed in whatever manner it thinks fit.

(2) If the. Court is of opinion that the faqts of the case are such that no valrd charge could be oreferred against the accused in respect of the facts it shall quash the conviction.

CHAPTER XVIII - PREVIOUS CONVICTIONS

190. (1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted of that offence shall, while such conviction remains in force, not be liable to be tried again for the same offence nor on the same facts for any other offence for which a different charge from the one made against him might have been made under Section 183 of which he might have been convicted under Section 184.

(2) A person convicted of any offence constituted by an act causing consequences, which together with such act constituted a different offence from that of which he was convicted, may be afterwards tried for such last mentioned offence, if the consequences had not happened or were not known to the Court to have happened at the time when he was convicted.

(3) A person convicted of any offence constituted by any acts may, notwithstanding such conviction, be subsequently charged with and tried for the same or any other offence constituted b-y the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he was charged.

191. A previous conviction may be pleaded or proved at any stage of any trial for the same offence or any other offence to a charge of which it is a bar upon its being proved, the accused shall be discharged.

CHAPTER XIX - GENERAL PROVISIONS AS TO TRIALS AND OTHER JUDICIAL PROCEEDINGS IN SHARI'AH COURTS

192. (1) The place in which any Court is held for the purpose of trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them.

(2) Notwithstanding the provisions of subsection (1), a Court may if it thinks fit order at any stage of a trial of any particular case that the public generally or any particular person shall not have access to or be or remain in such place.

EXPLANATION. *Acting under subsection (2), the Court may exclude any witness from the Court at any stage of the proceedings or may clear the Court whilst a child or Young person is giving evidence.*

193, (1) A legal practitioner shall have the right to practise in the Shari'ah Court in accordance with the provisions of the Legal Practitioners Act. 1 990.

(2) The expression "legal practitioner" shall have the same meaning as in the Legal Practitioners Act. 1990.

194. (1) In the case of a prosecution in the Shari'ah Court by or on behalf of the State or by any public servant in his official capacity or by any Local Government the State or that public servant or Local Government may be represented by a Law Officer, the Attorney-General, State Counsel, a Police Officer, or by any legal practitioner or other person duly authorised in that behalf or by or on behalf of the Attorney-General or, in revenue cases, authorised by the Head of the Department concerned.

(2) In any cause, matter or appeal, to which a Local Government is a party, the Local Government may be represented at any stage of the proceedings by any member or Officer of the Local Government who shall satisfy the Court that he is duly authorised in that behalf

(3) Where any person other than the Attorney-General prosecutes on behalf of the State or any public servant prosecutes in his official capacity such person or public servant shall prosecute the case subject to such directions as may be given by the Attorney-General in any prosecution for an offence under a Law of the State.

195. Except as otherwise provided in this Shari'ah Criminal Procedure Code the general order of procedure in trials before a Shari'ah Court, shall, so far as may be, be the same as is provided in Chapter XVI for trials and other judicial proceedings in Shari'ah Courts.

196. No person of the Islamic faith shall be on taking, required to take an oath in any Court unless:-

(a) he has been given an opportunity to complete the ablution

prescribed by the Islamic faith for persons taking oath on the Holy Qur'an: and

(b) the oath is administered by a person of the Islamic faith: and

(c) the oath is taken upon a copy of the Holy Qur'an printed in the Arabic Language.

197. The Court shall prevent the putting of irrelevant questions to witnesses and shall protect them from any language, remarks or gestures likely to intimidate them, and it shall prevent the putting of any question of an indecent or offensive nature unless such question bears directly on facts which are material to the proper appreciation of the facts of the case.

198. (1) Save as otherwise provided in subsection (2) of Section 151, all evidence in trial shall be taken in the presence of the accused.

(2) Save as otherwise proved in the Shari'ah Criminal Procedure Code, the evidence of each witness and the examination and Statement, if any, of the accused shall be recorded in writing by or under the superintendent of the Court.

(3) The record may ordinarily be in the form of a narrative and not in the .form of question and answer, but in the discretion of the Court any particular question and answer may be taken down in full.

(4) After recording the evidence of a witness the Court may also record or cause to be recorded such remarks as it thinks material respecting the demeanour of such witness whilst underexarnination.

199. (1) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him the Court may, if the accused so agrees, at any stage of a trial, after explaining to the accused the effect of subsections (2) and (3), put such questions to him as the Court considers necessary and in such case shall for the purpose aforesaid question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence.

(2) The accused shall not render himself liable to punishment by refusing to answer such questions or by giving false answers to them: but the Court may draw such inference from such refusal or answers as it thinks just.

(3) The answers given by the accused may be taken into consideration in the trial.

(4) The sole purpose of such examination shall be 10 discover the line of defence and to make clear to the accused the particular points in the case for the prosecution which he has to meet in his defence and there shall be nothing in the nature of a general cross-examination for the purpose of establishing the guilt of the accused.

(5) No oath shall be administered to the accused for the purposes of an examination under this section.

200. (1) An accused person shall not be a competent witness on his own behalf in any trial, whether he is accused solely or jointly with another person or persons, but he may be a competent witness in proceedings against any person or persons tried jointly with him.

(2) The deposition, if any, of the accused recorded under subsection (1) may be put in evidence in any other trial for any other offence which such deposition or such answers may tend to show he has committed.

201. (1) Any Shari'ah Court may at any stage of any trial or other judicial proceeding under this Shari'ah Criminal Procedure Code summon any person as a wit-

ness or call as a witness any person in attendance though not summoned as a witness, and shall summon call any such person:-

(a) if his evidence appears to the Court to be essential to the just decision of the case: or

(b) on the application of the Attorney General, and if such application is made, the accused shall have a similar right, on applying to the Court, to have any person summoned or called as a witness by the Court,

(2) The Court may examine or allow- the prosecutor or complainant or the accused, as the case may require, to impeach or examine any person summoned or called as a witness under this Section, and shall allow the prosecutor or the accused, as the case may require, to impeach or examine any person so summoned or called under paragraph (b) of subsection (1).

(3) Any person summoned or called as a witness under the provisions of this Section may.-

(a) if impeached or examined by the prosecutor or complainant be impeached or cross-examined by me accused and then be re-examined be the prosecutor or complainant:

(b) if impeached or examined by the accused be impeached or cross-examined by the prosecutor or complainant and then be re-examined by the accused.

(4) Any person summoned or cased, as a witness under the provisions of this Section who is examined by the Court may be impeached or cross-examined by the prosecutor or complainant and by the accused.

(5) The powers conferred by this Section may be exercised whether or not the person to be summoned or called and examined has already been examined as a witness in the proceedings.

202. (1) In any proceedings pending before a Court, the Court may upon application either orally or in writing by any party, issue a warrant or order for bringing up before the Court any person confined in any place under sentence or under remand or otherwise, to be examined as a witness in the proceedings.

(2) The person mentioned in any such order shall be brought before the Court under custody.

203. (1) The evidence of a witness given and duly recorded in writing in any "judicial proceeding under this Shari'ah Criminal Procedure Code may in the discretion of the Court .be read and accepted as evidence in any subsequent proceedings concerning the same cause or matter against the same accused or in a later stage of the same proceedings, if the witness is dead or cannot be found or is incapable of giving evidence or if his presence cannot be obtained without an amount of delay, expense or inconvenience which the Court considers unreasonable in the circumstances of the case, provided that the questions in issue are substantially the same on each occasion and, that if the witness is a witness or the, prosecution, the accused had the right and opportunity to cross-examine the witness.

ILLUSTRATION, *Where A is tried and convicted of causing grievous hurt to B and B subsequently dies of his injuries, A may be tried again for culpable homicide punishable with death. B being evidence of the first trial may be used in the second trial, B being, dead and the questions it issue at each trial substantially the same,*

(2) If a witness is produced and examined in any judicial proceeding under this -Shari'ah Criminal Procedure Code, his evidence given and duly recorded in

writing at any like proceeding previously held against the same accused in which the questions m issue were substantially the same or in a previous stage of the same judicial proceeding may be read out after the evidence in chief has been given and he may be examined and cross-examined upon it and it may be decepted as evidence in Court.

(3) The Court may when it thinks that a witness has told the truth at a previous stage and is lying before it, ignore the evidence given before it and rely on the evidence in Court.

204. Where there are several accused, the Statements of each made in answer to examination under Section 199 or given in evidence under Section 200 may be taken into consideration by the Court and shall be admissible for or against himself and any of the other accused at the same or any subsequent stage of the same proceedings, but such Statements is being tried jointly with the other accused and the Statements made by one of the accused shall not be admitted at the trial of the other accused unless the accused person who made such Statements is being tried jointly with the other accused and the Statements were made in the presence of the other accused who shall have had an opportunity of impeaching or cross-examining the accused who made them.

205. When any evidence is given in a language not understood by the accused and the accused is present in Court, it shall be interpreted to him in a, language understood by him.

206. (.1) When the services of an interpreter are required by any Court or Justice of the Peace for the interpretation of any evidence, Statement or other be bound to State the true evidence, Statement or other

(2) When the services of an interpreter are used in any proceedings by a Court or Justice of the Peace the record of the proceedings shall State the name of the interpreter, the languages which and in which he interpretes, and the fact that he has been bound in accordance with the provisions of subsection (1) to State the true interpretation of the evidence, Statement or other proceedings.

207. Whenever in the course of- any judicial proceeding under this Shan/ah Criminal Procedure Code the Court thinks it advisable to view the place, where the offence is alleged to have been committed or any other place, the Court may either adjourn to that place and there continue the proceedings or adjourn the case and proceed to view the place concerned accompanied by the accused and may cause any witness to be conducted thither and may take any evidence or hear any Statement or explanation by the accused on the spot, and the prosecutor and the counsel for the accused, if any- shall have the right to be present at the view.

208. (1) Where the age of any person, or whether a person is under or above a-specified age is in question in any judicial proceeding under this Shari'ah Criminal Procedure Code, the Court, may determine such question by taking into account one or both of the following, namely:-

(a) the apparent physical appearance of the person concerned:

(b) any evidence, in relation to the age of the person concerned, received by the Court in accordance with the provisions of this Shari'ah Criminal Procedure Code.

(2) The evidence of a witness, who is not an expert, shall be admissible for the purpose of this Section

209. (1) Whenever it appears to a Court that a person who is so dangerously ill that there is a possibility that he may pot recover is able and willing to give

evidence relating to any offence the Court may take in writing the Statement of such person.

(2) The Court shall record its reasons for proceeding under this Section and shall also record thereon the date and place of taking the Statement.

210. Whenever in the course of any judicial proceeding under this Shari'ah Criminal Procedure Code it appears -to the Court that the examination of a witness is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances of the case would be unreasonable, such Court may dispense with his attendance and may issue a commission to any Court within the-Local Limits of whose jurisdiction such witness resides to take his evidence.

211. (1) The Court issuing a commission under Section 210 may send any interrogatories in writing submitted by the prosecution or the defence or prepared by itself which it deems relevant to the questions at issue to' the Court to which the commission is directed which shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused may appear in person or by counsel before the Shari'ah Court taking evidence on commission and examine, cross-examine or re-examine, as the case may be such witness.

(3) A commission shall be addressed to a Court and not personally to an. Officer of the Court and, if the record or extracts from the record are not sent with the commission, sufficient information shall be given to enable the examining Court to understand the point upon which the evidence of the witness is required,

212. (1) After any commission issued under Section 210 has been duly executed it shall be returned together with the deposition of the witness examined there under to the Court out of which it issued: and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection by the prosecution or defence and subject to all just exception may be read in evidence in the case and shall form part of the record.

(2) Any deposition of a witness examined under a commission issued under Section 210 may also be received in evidence at any subsequent stage of the same case before another Court.

213. Wherever in the course of any judicial evidence proceedings under this Shari'ah Criminal Procedure Code, it appears to a Court that for the purpose of ascertaining the nature, source or other attribute of identification of any article the examination of a witness who is abroad is necessary for the ends .of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances of the case would be unreasonable the Court, after hearing the prosecutor, if any and the accused or his counsel may dispense with his attendance and may settle such interrogatories in writing to be answered by such witness as may be necessary for the aforesaid purpose.

214. (1) The evidence of any Medical Officer or Registered Medical Practitioner taken before a Shari'ah Court in the presence of the accused may be read in evidence in any trial or other proceeding under the Shari'ah Criminal Procedure Code although he is not called as a witness.

(2) The Shari'ah Court may if it thinks fit summon such Medical Officer or registered Medical Practitioner to appear before it as a witness.

(3) A written report by any Medical Officer or Registered Medical Practitioner after he has examined any person or the body of any person may,

at the discretion of the Court, be admitted in evidence for the purpose of proving the nature of any injuries received by such person or, where such person has died, the nature of the injuries received by such person and where possible, the physical cause of his death:-

(a) on the admission of such report the same shall be read over to the accused and he shall be asked whether he disagrees with any Statement therein and any such disagreement shall be recorded by the Court:

(b) if by reason of any such disagreement or otherwise it appears desirable for the ends of justice that such Medical Officer or registered Medical Practitioner shall attend and give evidence in person the Court shall summon such Medical Officer or registered Medical Practitioner to appear as a witness.

215. (1) Any document purporting to be a report under the hand of the Accountant-General or Director of audit or any expert in bacteriology, physiology, biology, pathology, chemistry or other branch of scientific knowledge in the service of any Government of Nigeria upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Shari'ah Criminal Procedure Code may be used as evidence in any trial or other proceeding under this Shari'ah Criminal Procedure Code. Provided that no such evidence shall be admissible in a trial in which the issue of paternity is sought to be established.

(2) The Court may if it appears desirable for the ends of justice summon any person making a report under subsection (1) to give evidence in person.

216. (1) The Court shall, in the absence of evidence to the contrary, presume that the signature to any report or document referred to in Section 214 and 215 is genuine and that the person signing it held the Office or the qualifications which he professed at the time he signed it.

(2) Where any such report or document is intended to be produced by either party to the proceedings, a copy thereof shall be sent to the other party at least ten clear days before the day appointed for the hearing and, if it is not so sent, the Court may, if it thinks fit, adjourn the hearing on such terms as it may think proper.

217. (1) If it is proved that an accused person has absconded and that there is no immediate prospect of arresting him, the Court competent to try such person for the offence alleged may in his absence examine any witnesses produced on behalf of the prosecution and record their depositions.

(2) Any such deposition may on the arrest of such person be given in evidence at the trial for the offence with which he is charged if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which in the circumstances of the case would be unreasonable.

218. (1) If it appears that an offence punishable with death or imprisonment for ten years and upwards has been committed by some person or persons unknown, any Court may hold an inquiry and examine any witness who can give evidence concerning the offence.

(2) Any depositions taken under subsection (1) may be given in evidence when any person is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or beyond the limits of the State.

219. (1) At any time after the completion of an investigation under this Shari'ah Criminal Procedure Code into any alleged offence and before the commencement of any trial resulting there from the Attorney-General may by writing under his hand exercise his power to inform the Court which has taken cognizance of such offence that he does not, in respect of ail or any of the alleged offences, intend to prosecute the person or any one or more of the persons accused.

(2) At any stage before the finding in any trial under this Shari'ah Criminal Procedure Code the Attorney-General may in writing or in person exercise his power to inform the Court conducting such trial that he does not in respect of all or any of the offences alleged or charges intend to prosecute or further to prosecute the person or any one or more of the persons accused.

(3) When the Attorney-General exercises the powers referred to in subsection (2) all proceedings in respect of the offence alleged or charged shall be stayed and the person accused shall be discharged of and from the same, but such discharged shall not operate as a bar to any subsequent proceedings against the person accused on account of the same facts.

(4) The powers of the Attorney-General mentioned in this Section does not apply to hudud and qisas offences.

220. No influence by means of any promise or threat or otherwise shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

221. (1) if from the absence of a witness or any other reasonable cause it becomes necessary or advisable to postpone the commencement of or adjourn any trial, the Court may if it thinks fit by order in writing stating the reasons therefore from time to time postpone or adjourn the same on such terms as it thinks fit for such time as it considers reasonable and may by a warrant remand the accused if in custody.

(2) Notwithstanding the provisions of subsection (1), no Court shall remand an accused person to custody under this Section for a term exceeding five days at a time.

222. (1) If in the course of a trial before a Court the evidence appears to warrant a presumption that the case is one that should be tried by some other Court, the Court holding the trial shall stay proceedings and submit the case with a brief report explaining its nature to a Court which has jurisdiction.

(2) The Court to which the case is submitted may either try the case itself or refer the case for trial to any Court subordinate to it which has jurisdiction.

(3) If the Court to which the case is submitted, decides that the case should be tried, the trial shall begin afresh.

223. Whenever a Court having jurisdiction:-

(a) finds a person guilty after hearing the evidence for the prosecution and the defence: or

(b) accepts a plea of guilty from a person, and after convicting such person is of the opinion that he ought to receive a punishment different in kind from, or more severe than that, which such Court is empowered to inflict, it may record such opinion and submit the proceedings and send the accused to a Court having the necessary powers of punishment.

(2) The Court to which proceedings are submitted under subsection (1) shall pass such sentence or order in the case as it thinks fit and is according to Law.

(3) When more than one accused are being tried together and the Court considers it necessary to proceed under subsection (1) in regard to all the accused it shall forward all the accused who are in its opinion guilty to the appropriate Court.

EXPLANATION. *A Court may where severs/persons are charged before it sentence some of the accused and forward the others under this section to an appropriate Court for sentence.*

224. (1) When an accused person is found guilty of an offence the Court may in passing sentence take into consideration any other offence of the accused person, whether or not a Court has taken cognizance of such offence, if the accused admits the other offence and desires that it be taken into consideration,

(2) In exercising its powers under Suosection (1) a Court shall not pass a greater sentence than the maximum sentence:-

(a) which it could have passed on the accused person on conviction for the offence :-

(i) in respect of which he has been found guilty: or

(ii) which he has admitted: and

(b) Which it has jurisdiction to pass.

(3) Where the accused expresses a desire under subsection (1) the Court shall enter or cause an entry to that effect to be made on the record end upon sentence being pronounced the accused shall not, unless the conviction is set aside, be liable to be charged or tried in respect of any such offence so taken into consideration.

225. (1) The Court at any stage of the trial where there are several accused may by order in writing stating the reasons therefore or stay the proceedings of the joint trial and may continue the proceeding against each of any of the accused separately.

(2) Where it appears that the evidence of one of the accused is required for the prosecution of another accused the accused whose evidence is required shall be acquitted or convicted before his evidence is taken.

226. (1) Any Shari'ah Court may, and when so required by the Attorney-General shall refer for the opinion, of the Shari'ah Court of Appeal, any question of Law which arises in the hearing of any case pending before it or may give judgement in any such case subject to the Shari'ah Court of Appeal's decision, and pending such opinion or decision, as the case may be, may either commit the accused to prison or release him on bail to appear when called on.

(2) A reference to the Shari'ah Court of Appeal by a Shari'ah Court under subsection (1) shall set out:-

(a) the charge or complaint:

(b) the facts found to be admitted or proved:

(c) any submission of Law made by or on behalf of the complainant or the accused:

(d) any question of Law which the Court desires to be submitted for the opinion of the Shari'ah Court of Appeal: and

(e) any question of Law which the Attorney- General requires to be submitted for the opinion of the Shari'ah Court of Appeal.

(3) Upon the Shari'ah Court of Appeal notifying its opinion or decision the case shall be dealt with in accordance with such opinion or decision,

(4) In this Section "Shari'ah Court" includes Upper Shari'ah Court.

227. If the accused though not insane cannot be made to understand the proceedings the Court shall proceed to try the issue of his fitness to plead and if it is established that he-is not fit to plead he shall be treated in like manner as a person incapable of making his defence by reason of unsoundness of mind.

228. Where an Alkali of a Shari'ah Court having tried a case is prevented by illness or other unavoidable cause from delivering the judgment or sentence of the Court such judgment and the sentence, it the same has been reduced into writing and signed by the Alkali may be delivered and pronounced in open Court in the presence of the accused by any other Alkali of the Shari'ah Court as may be appropriate,

229. In all cases' where the opinions of the members of the Court differ, the opinion of the majority shall prevail.

230. Every member of a Court shall give his opinion on every question which the Court has to decide and he shall give his opinion as to the sentence even though he was in favour of discharge.

231. The opinions of the members of the Court shall be taken in succession beginning with the junior in rank.

CHAPTER XX - THE JUDGMENT

232. In this Chapter:-

"Commissioner" means such Commissioner as the Governor may from time to time designate in that behalf.

233. (1) The Judgment in every trial in a Court shall be in writing and shall be pronounced, and the substance of it explained in a language understood by the accused in open Court either on the day on which the hearing terminates or at some subsequent time of which the notice shall be given.

(2) If the accused is in custody he shall be brought up to hear judgment delivered: if he is not in custody he shall be required to attend to hear judgment delivered unless his presence is dispensed with by the Court.

(3) No judgment delivered by any Court shall be deemed to be invalid by reason only of the absence of any party or his counsel on the day or from the place notified for the delivery thereof, or of any omission to serve or defect in service on the parties or their counsel or any of them of the notice of such day and place.

234. (1) Every judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision and shall be dated and signed or sealed by the Court in open Court at the time of pronouncing It.

(2) If the judgment is a judgment of conviction it shall specify the offence of which and the Section of the Shari'ah Penal Code or other Law under which the accused is convicted and the punishment to which he is sentenced.

(3) If the judgment is a judgment of discharge it shall State the offence of which the accused is discharged and direct that he be set at liberty.

235. No sentence of hudud or qisas shall be imposed on a person who is under the age of taklif.

236. (1) Where a person is convicted of a hadd or qisas offence and it appears to the Court by which he is convicted that he was under the age of taklif when he committed the offence the Court shall, without prejudice to the right of diyyah In appropriate cases, deal with him in accordance with Section 11 of the Children and Young Persons Law and Section 98 of the Shari'ah Penal Code.

(2) The Courtshall report to the Commissioner in every case in which an order has been made under the provisions of subsection (1).

237. (1) Where a woman convicted of an offence punishable with death, qisas or hudud alleges that she is pregnant, or where the Court by which woman is convicted thinks fit so to do, the Court shall, before sentence is pronounced upon her, determine the question whether or not she is pregnant.

(2) The question whether the woman is pregnant or not shall be determined by the Court on such evidence as may be given or put before it on the part of the woman or on the part of the prosecution, and the Court shall find that the woman is not pregnant unless it is proved affirmatively to the satisfaction of the Court that she is pregnant.

238. When a person is sentenced to death the sentence shall direct that:-

(a) In case of qisas, he be caused to die in the manner he caused the death of his victim except such manner that is contrary to Shari'ah.

ILLUSTRATION

A kills B by way of juju or sodomy: A will not be executed in the like manner he caused the death of B because to do so is contrary to Shari'ah

(b) In case of zina he be stoned to death:

(c) In case of hirabah, he be caused to die by salb (crucifixion): and

(d) In any other case he be beheaded.

239. When a person is sentenced to suffer qisas for injuries the sentence shall direct that the qisas be carried out in the like manner the offender inflicted such injury on the victim.

Provided that where, in the opinion of the Court, the reciprocal punishment shall be in excess of the injury suffered by the victim the Court shall direct that the reciprocal punishment be substituted with the payment of diyyah as prescribed under Schedule B of the Shari'ah Penal Code.

PART VII - PROCEEDINGS SUBSEQUENT TO JUDGMENT

CHAPTER XXI - APPEAL AND REVIEW

240. (1) Appeals from Shari'ah Courts in Criminal matters shall be in accordance with the Shari'ah Court Law or the Shari'ah Court of Appeal Law or this Shari'ah Criminal Procedure Code or any rules made under any of such Laws.

(2) (a) Whoever is dissatisfied with the order, decision or judgment made by a Shari'ah Court may appeal to the Upper Shari'ah Court sitting in its appellate jurisdiction.

(b) Appeals from the Upper Shari'ah Court in Criminal matters shall lie to the Shari'ah Court of Appeal.

241. (1) An appeal in accordance with the provisions of this Chapter shall be commenced by the appellant giving to the registrar of the Court from which the appeal is brought or the registrar of the Court to which the appeal is brought notice of such appeal which may be verbal or in writing and If verbal, shall be forthwith reduced to writing by the registrar and signed by the appellant, or by a legal practitioner if a legal practitioner is representing him.

(2) The notice of appeal shall be given in every case before the expiration of the thirtieth day or, where the appeal is against a sentence of caning before the expiration of the seventh day after the day on which the Court has made the decision appealed against.

(3) Where an appellant gives verbal notice of appeal at the time of the pronouncement of the decision and before the opposite party or the legal practitioner representing him has left the Court such verbal notice of appeal shall be recorded by the Court with a note of the presence of the respondent or the legal practitioner representing him and written notice of appeal shall not thereafter be necessary.

(4) If the appellant is in prison he may present his notice of appeal and the memorandum of the grounds of appeal required by Section 242 to the Officer

in charge of the prison who shall thereupon forward such notice and memorandum to the registrar of the Court from which the appeal is brought.

(5) An appellant shall file as many copies of this notice of .appeal as there are parties to be served, in addition to the copies for the Court and the Attorney-General.

242. (1) An applicant in an appeal brought in accordance with the provisions of this Chapter shall within thirty days or, if the appeal is against a sentence of caning within seven days of the day of the pronouncing of the decision appealed against file with the registrar of the Court from which the appeal is brought a memorandum setting forth the ground of his appeal which shall be signed by the appellant or the legal practitioner representing him.

(2) An appellant shall file as many copies of his memorandum or grounds of appeal, as there are parties to be served, in addition to the copies for the Court and the Attorney-General.

243. (1) In his memorandum of grounds of appeal the appellant shall set forth in a separate ground of appeal each error, omission, irregularity or other matter on which he relies or of which he complains with particulars sufficient to give the respondent the notice thereof:

Provided that the non-inclusion of grounds of appeal or the particulars thereof shall not defeat the competence of the appeal.

(2) Without prejudice to the generality of subsection (1), the memorandum of grounds of appeal may set forth all or any of the following grounds, that is to say:-

(a) that the lower Court had no jurisdiction in the case: or
(b) that the lower Court has exceeded its Jurisdiction in the case: or
(c) that the decision has been obtained by fraud: or
(d) that the appellant has been tried and convicted or the appellant forms the subject of a hearing or trial pending before a competent Court: or
(e) that admissible evidence has been rejected, or inadmissible evidence has been admitted by the lower Court, and that in the latter case there is not sufficient admissible evidence to sustain the decision after rejecting such in admissible evidence: or
(f) that the decision is unreasonable or cannot be supported having regard to the evidence: or
(g) that the decision Is erroneous in point of Law: or
(h) that some other specific illegality, not hereinbefore mentioned and substantially affecting the merits of the case, has been committed in the course of the proceedings in the case: or
(i) that the sentence passed on conviction is excessive or inadequate, unless the sentence is one fixed by Law.

(3) Where the appellant relies upon the grounds of appeal mentioned in paragraph (d) of subsection (2) the name of the Court shall be Stated and, if it is alleged that a decision has been made, the date of such decision.

(4) Where the appellant relies upon the ground of appeal mentioned in paragraph (g) of subsection (2) the nature of the error shall be Stated and, where he relies upon the ground of appeal mentioned in paragraph (h) of that subsection the illegality complained of shall be clearly specified.

244. (1) Within thirty days or in the case of an appeal against a sentence of caning, within seven days after the pronouncing of the decision of the Shari'ah Court the appellant shall enter into a bond with or without a surety, as the Alkali may

require. In such sum as the Alkali may specify, or in lieu of furnishing a surety or sureties, as the case may be, he may deposit with the Alkali the sum required.

(2) The condition of the bond shall be for the due prosecution of the appeal and for abiding by the result thereof, including alt costs of the appeal.

(3) If there shall be any breach of the bond the deposit, if any, shall be forfeited and shall be applied to discharging the condition of the bond.

(4) if the appellant is in custody he may at the discretion and on the order of a Shari'ah Court Alkali be released on bail on complying with the provisions of this Section as to security for prosecuting the appeal and abiding with the results thereof.

(5) If the appellant who is in custody is not within the district or populated area of the Alkali from whose decision the appeal is made, any Alkali of the district or populated area in which such appellant may be shall have the powers and functions given and assigned to the Alkali by this Section.

245. Appeals from the Upper Shari'ah Court in Criminal matters shall lie to the Shari'ah Court of Appeal.

246. (1) The Grand Qadi may on his own motion call for and examine the record of any proceedings in any Criminal cause or matter before any Court for the purpose of satisfying himself as to the correctness, legality or propriety of any finding sentence or order recorded or passed and as to the regularity of the proceedings of the Court.

(2) After the exercise of his powers under subsection (1) the Grand Qadi may refer the record of the proceedings to the Court to which an appeal from a decision of the Court referred to in subsection (1) would be and such appellate Court shall treat such reference as if it were an appeal before it from the Court referred to in subsection (1) at the instance of such party or person as the Grand Qadi shall designate whether or not an appeal lies at the instance of such party or person.

(3) The powers conferred upon the Grand Qadi by this Section shall not be exercised in respect of any proceedings where a party has instituted any appeal proceedings in respect thereof or any proceedings for a review have been instituted under the provisions of the Shari'ah Courts Law

247. when the record of any proceedings in a Criminal Court is before the Grand Qadi for examination neither the accused nor the complainant or prosecutor shall be entitled to be heard either in person or by agent or a legal practitioner.

248. A sentence other than a sentence of death, hudud or qisas shall take effect notwithstanding an appeal unless:-

(a) a warrant has been issued under Section 263 when no sale of property shall take place until the sentence has been confirmed or the appeal decided: or

(b) an order for release on bail pending any further proceedings has been made by a competent Court when the time during which the convicted person had been so released shall be excluded in computing the period of any sentence which he has ultimately to undergo.

249. A Court -exercising appellate jurisdiction shall not in the exercise of such jurisdiction interfere with the finding or sentence or other order of the lower Court on the ground only that there has been a technical irregularity in procedure, unless it is satisfied that a failure of justice has been occasioned by such admission or irregularity.

250. After the pronouncement of the judgment of an Appeal Court, the Court from which the appeal came shall have the same jurisdiction and power to enforce and

shall enforce any decision which may have been affirmed, modified, amended or substituted by the Appeal Court, or any judgment which may have been pronounced by the Appeal Court, in the same manner in all respects, as if such decision or judgment had been pronounced by itself

251. No Alkali of Shari'ah Court shall sit as a member of an Appeal Court when such Appeal Court is hearing an appeal from a finding sentence or order passed by him or by a Court of which he is a member.

252. Every Criminal appeal, other than an appeal from a sentence of fine or diyyah shall finally abate on the death of the appellant.

CHAPTER XXII EXECUTION

253. In this Chapter-

Convicted person" means a person convicted of an offence punishable under the Shari'ah Penal Code or any other written Law.

254. After a sentence of death, amputation or qisas has been pronounced in the Upper Shari'ah Court the presiding Alkali shall, as soon as may be Governor convenient, forward to the Governor a copy of the trial proceedings including the judgment and sentence together with a report in writing, containing any recommendation or observations on the case which he think fit to make.

255. (1) When any convicted person:-

(a) has been sentenced to death or qisas or amputation by the Upper Shari'ah Court: and

(b) (i) has not appealed within the time prescribed by Law: or
(ii) has unsuccessfully appealed against the conviction: or
(iii) having filed a notice of appeal has failed to prosecute such appeal the Governor, after consultation with the Body of Islamic Jurists of the State may affirm the sentence.

(2) The Governor may, in the public interest, and in consultation with the Body of Islamic Jurists, pardon any convicted person in accordance with Section 212 of the Constitution of the Federal Republic of Nigeria, 1999.

256. If the Governor affirms the sentence in Section 255 the said sentence shall be carried into effect in accordance with the provisions of this Chapter.

257. The Governor shall communicate the decision referred to in Section 256 to the Upper Shari'ah Court of Court or Shari'ah Court of Appeal.

258. (1) When the Governor has communicated his decision in accordance with the provision of Section 257 he shall by order either:-

(a) direct that the sentence of death, amputation or qisas shall be executed and the order shall State the, date, time and place for the sentence to De carried out and give directions as to the place of burial of the body or disposal of the dismembered body and treatment of the wound: or

(b) direct that the execution shah take place at such date, time and place as shall be specified by some Officer specified in the order and that the body or dismembered body of the person executed shall be buried at such place as shall be specified by such officer and shall also give directions on the treatment of the wound.

(2) When the date, time and place of carrying out the sentence of death and the place of burial is not Stated in the Governor's order the Officer specified in the order shall endorse thereon the date, time and place of carrying out the sentence of death, amputation or qisas and the place of burial or treatment.

(3) The Governor may make rules prescribing the form of any order, direction or specification mentioned in this Section.

259. (1) A copy of the Governor's order shall be sent to the Sheriff and the Sheriff shall cause effect to be given thereto.

(2) If for any reason a copy of the Governor's order is not received by the sheriff before-the date fixed therein or for execution the Sheriff shall nevertheless direct that the order shall be carried into effect upon the earliest convenient day after the receipt thereof.

(3) The said copy of the Governor's order or the directions issued by the Sheriff under subsection (2) shall be sufficient authority to all persons to carry the sentence into effect in accordance with the terms thereof.

260. (1) If a woman sentenced to death, amputation or qisas is subsequently alleged to be pregnant the superintendent or other Officer in charge of the prison in which she is detained shall report such allegation to the Governor who shall thereupon order the sentence of death to be postponed until a medical officer to be appointed in writing by the Governor has determined whether or not the woman is pregnant, and make a report in writing of this finding to the Governor.

(2) Where the pregnancy is proved the sentence shall be postponed until after delivery and weaning of the child.

260A. (1) when the Governor exercises a power referred to in section 255 (2) shall issue an order directing that the execution be not proceeded with and as the case may be that the convicted person be released, or that he be imprisonment for such a term as may be specified in the order, or that he be otherwise dealth with as may be specified in the order subject to any condition as may be specified therein.

(2) The Governor shall send to the superintendent or other Officer in charge of the prison in which the convicted person is confined a copy of any order issued by the Governor in accordance with the provisions of this section.

(3) The superintendent or other officer in charge of the prison in which the convicted person is confined shall comply with and give effect to every such order sent to him under the provisions of this section.

261 (1) when an accused person is sentenced to imprisonment, the Court passing the sentence shall forthwith issue a warrant committing him to prison and shall send the warrant and prisoner to the prison in which he is to be confined.

(2) Every warrant referred to in subsection (1) shall be directed to the Officer in charge of the prison or other place in which the prisoner is to be confined and shall be lodged with the official in charge of such prison or other place.

262. (1) When any person is ordered to be detained during the Governor's pleasure he shall notwithstanding anything in this Shari'ah Criminal pleasure. Procedure Code or in any other written Law be liable to be detained in such place and under such conditions as the Governor may direct and whilst so detained shall be deemed to be in legal custody.

(2) A person detained during the Governor's pleasure may at any time be discharged by the Governor on licence.

(3) A licence may be in such form and may contain such conditions as the Governor may direct.

(4) A licence may at any time be revoked or varied by the Governor and where a licence has been revoked the person to whom the licence relates shall proceed to such place as the Governor may direct and if he fails to do so, may be arrested without warrant and taken to such place.

263. (1) When an offender is sentenced to pay a fine the Court passing the sentence may, in its discretion although the sentence directs that in default of payment of the fine the offender shall be imprisoned, issue a warrant for the levy of the amount:-

(a) by the seizure and sale of any movable property belonging to the offender: or

(b) by the attachment of any debts due to the offender: or

(c) by the attachment and sale of any immovable property of the offender situated within the jurisdiction of the Court,

(2) A warrant for seizure and sale of the movable property of an offender shall be addressed to the Court within the Local Limits of whose jurisdiction it is to be executed.

(3) When execution of a warrant is to be enforced by attachment of debts or by sale of immovable property, the warrant shall be sent for execution to any Court competent to execute decrees for the payment of money in civil suits and such Court shall follow the procedure for the time being in force for the execution of such decrees.

264. Except in the case of a sentence of death or amputation or qisas a warrant for the execution of any sentence or other order of a Criminal Court shall be issued by the Court which passed such sentence or order.

265. (1) When an offender has been sentenced to a-fine only with or without a sentence of imprisonment in default of payment of the fine, the Court authorized by Section 264 to issue a warrant may exercise all or any of the powers following, that is to say:-

(a) allow time for payment of the fine:

(b) direct that the fine be paid by installments:

(c) postpone the issue of warrant under Section 263:

(d) without postponing the issue of a warrant under Section 263 postpone the sale of any property seized under such warrant:

(e) postpone the execution of the sentence of imprisonment in default of payment of the fine,

(2) Any order made in the exercise of the powers referred to in subsection (1) may be subject to the offender giving such security as the authority making the order thinks fit by means of a bond with or without sureties, and such bond may be conditioned either for the payment of the fine in accordance with the order or for the appearance of the offender as required In bond or both.

(3) In like manner the Court or any person authorised as aforesaid may order that the execution of the sentence of imprisonment upon an offender who has been committed to prison in default of payment of a fine be suspended and that he be released but only subject to the offender giving security as set forth in subsection (2).

(4) In the event of the fine or any installment thereof not being paid in accordance with an order under this Section the authority making the order may enforce payment of the fine or of the balance outstanding by any means authorised in this Chapter and may cause the offender to be arrested and may commit or recommit him to prison under the sentence of imprisonment in default of payment of the fine.

266. (1) When the accused is sentenced to caning, the sentence shall be executed at such time as the Court may direct in the presence of an official of the Court and the sentence shall be inflicted by such instrument and in such manner and at such place a: shall be prescribed by order of the Court.

(2) The caning shall be inflicted in the presence of the registrar of the Court, and where it relates to a hadd punishment, in the presence or the public.

(3) No sentence of caning shall gene executed by installments.

(4) Whenever a sentence of caning is to executed the Court shall ensure that the caning carried out in the following manner:-

(a) the whip to be used shall be a light, supple leather whip which is one - tailed:
(b) the convict shall be made to sit up
(c) the male convict shall be bared except for his underpants:
(d) the female convict shall be relieved only of heavy outer garments that in the opinion of the Court may negate the effect of lashes:
(e) the convict shall not be bound unless it becomes such that the punishment cannot otherwise be carried out:
(f) the executioner shall be of moderate physique:
(g) the lashes shall be of moderate force so as not to cause lacerations to the skin of the convict:
(h) the executioner shall hold the whip with the last three fingers the first finger and the thumb are to be held loosely and the whip emerges between the middle finger and the first finger:
(i) the executioner shall strike only the back and the shoulders of the convict and where the convict is a female recourse shall be made to strict modesty and decency,

267. (1) If before the execution of sentence of caning it appears to the registrar of the Court referred to in subsection (2) of Section 266 that the offender is not in a fit State of health to undergo the sentence he shall stay the execution, and the Court which passed the sentence may either:-

(a) after taking a Medical opinion again order the execution of the sentence: or
(b) substitute for it any other sentence which it could have passed at the trial except in cases of hudud.
(c) where, the convict is a pregnant woman the sentence shall be postponed until after delivery of the child and the woman is cleansed of her postnatal discharge.

(2) If during the execution of caning it appears to the registrar of The Court that the offender is not in a fit State of health to undergo the remainder of the sentence, the caning shall immediately be stopped and the remainder of Jthe sentence be remitted except in, cases of hudud.

(3) In either case referred to in subsection (1) and (2), the stay of execution shall be by the prior consent and orders of the Court.

268. (1) When the accused is sentenced to caning the Court shall forthwith ask him whether he intends to appeal and if he expresses such an intention the caning shall not be inflicted until seven days after the date of sentence or, if an appeal is made within that time, unless and until the appellate Court confirms the sentence.

(2) When the accused is sentenced to caning only and States to the Court his intention to appeal in accordance with the provisions of subsection (1) the Court shall release him pending the expiry of the period of seven days or, if an appeal is made within that time, the disposal of the appeal by the appellate Court on his furnishing bail to the satisfaction of the Court for his appearance at such time and place as the Court may direct for the execution of the sentence if such sentence is to be carried out.

(3) When the accused is sentenced to caning only and furnishes bail to "the satisfaction of the Court for his appearance at such time or place as the Court may direct for the execution of the sentence the Court shall release him pending such appearance.

269. When sentence of imprisonment is passed on an escaped convict, such sentence shall take effect after it has suffered imprisonment for a further period equal to that which at the time of his escape remained unexpired of his former sentence.

270. Subject to the provisions of Section 22, when a person is sentenced to imprisonment such imprisonment shall not commence before the expiration of any imprisonment to which he has been previously sentenced, unless the Court direct that the imprisonment shall run concurrently with any such previous imprisonment,

271. When a sentence has been fully executed, the Officer executing it shall return the warrant to the Court in which the trial took place with an endorsement under his hand certifying the manner in which the sentence has been executed.

PART VIII - SPECIAL PROCEEDINGS

CHAPTER XXHI - PROCEEDINGS IN CASE OF - CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE

272. (1) When any Court is of opinion that an offence referred to in Section 138 is committed before it or brought to its notice in the course of any judicial proceeding inquired into -or tried, such Court, after making any preliminary inquiry which it thinks fit, may send the case for trial to the nearest Court of competent jurisdiction: and may bind over any person to appear and give evidence at such trial.

(2) The Shari'ah Court of competent jurisdiction shall thereupon proceed according to Law and as if upon complaint made and recorded under Section 143.

(3) Where it is brought to the notice of a Shari'ah Court of competent jurisdiction to which the case may have been transferred under this Section that an appeal is pending against the decision arrived at in the judicial proceedings out of which the matter has arisen, it may if it thinks fit adjourn the hearing of the case until such appeal is decided.

273. (1) When any such offence as is described in Section 301, 305, 306 or 318 of the Shari'ah Penal Code is committed in the view or presence of any Criminal Court, the Shari'ah Court may instead of proceeding under Section 272 cause the offender to be detained in custody: and at any time before the rising of the Court on the same day may if it thinks fit take cognizance of the offence and sentence offender to a fine not exceeding one thousand Naira and in default of payment to imprisonment for a term which may extend to one month, unless such fine be sooner paid, or caning which may extend to fifteen lashes.

(2) No Criminal Court shall impose a sentence under this Section which it is not competent to impose under the provisions of Chapter III.

274. (1) When any Court takes cognizance under section 273 of an offence it shall record the facts constituting the offence with the Statement, if any, made by the offender as well as the finding and sentence.

(2) If the offence is under Section 318 of the Shari'ah Penal Code the record shall show the nature and stage of the judicial proceedings in which the Court interrupted or insulted was sitting and the nature of the interruption or insult.

275. When any Court has under Section 273 sentenced an offender to punishment for refusing or omitting to do anything which he was Lawfully required to do or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of the Court or an apology being made to its satisfaction.

276. If any witness or any person called to produce a document or thing before a Shan ah Court unLawfully refuses to answer such questions as are put or to produce any document or thing in his possession or power which the Court requires him to produce and does not offer any reasonable excuse for such refusal, the Shari'ah Court

may for reasons to be recorded in writing sentence him to imprisonment or by warrant of the Court commit him to the custody of an officer of the Court for any term not exceeding seven days unless in the meantime he consents to be examined and to answer or to produce the document or thing and in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 272 or Section 273,

277. (1) Any person sentenced by any Court under Section 273 or Section 276 may, notwithstanding anything hereinbefore contained, appeal to the Court to which judgments or orders made in the trial Court are appealable.

(2) Any person sentenced by any Court under Section 273 or Section 276 may, notwithstanding hereinbefore contained, ask for a review by the reviewing authority, if any, which ordinarily has a power of review over such Courts.

CHAPTER XXIV - PERSONS OF UNSOUND MIND

278. (1) When a Shari'ah Court holding a trial has reason to suspect that the accused is Of unsound mind and consequently incapable of making his defence the Court shall in the first instance investigate the fact of such unsoundness of mind.

(2) An investigation under subsection (1) may be held in the absence of the accused person if the Court is satisfied that owing to -the State of the accused's mind it would be in the interests of the accused or of other persons or in the interest of public decency that he should be absent.

(3) If the Shari'ah Court is not satisfied that the accused is capable of making his defence, the Court shall adjourn the trial or inquiry and shall remand such person for a period not exceeding one month to be detained for observation in some suitable place.

(4) A person detained in accordance with subsection (3) shall be kept under, observation by a Medical Officer during the period of his remand and before the expiry of that period the Medical Officer shall give to the Court his opinion in writing as to the State of mind of that person, and if is unable within the period to form any definite opinion shall so certify to the Court and shall ask for a further remand and such further remand may extend to a period of two months.

(5) Any Shari'ah Court before which a person suspected to be of unsound mind is accused of any offence may, on the application of the Attorney-General made at any stage of the proceedings prior to the trial, order that such person be sent to some suitable place for observation.

279. (1) if a Medical Officer reports under Section 278 that such person is of sound mind and capable of making his defence the Court shall, unless satisfied that the accused person is of unsound mind, proceed with the inquiry or trial.

(2) If the Medical Officer shall report under Section 278 that such person is of unsound mind and incapable of making his defence, the Court shall if satisfied "of the fact, find accordingly, and thereupon the inquiry or trial shall be adjourned.

280. (1) Whenever an accused person is found to be, of unsound mind and incapable of making his defence the Court, if the" offence charged is not punishable with death, may in its discretion release him on sufficient security being given by his guardians that he shall be property taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Court or such Officer as the Court appoints in that behalf.

(2) If the offence charged is one punishable with death, hadd Or qisas or if a Court has refused to take security under subsection (1) or if no application is made for bail or if an application for bail is refused the Court shall report the case to the

Governor who after consideration of the report may, in his discretion, order the accused to be confined in a suitable place of safe custody.

(3) Pending the order of the Governor the accused may be committed to a suitable place of safe custody.

281. Whenever a trial is adjourned under Section 278 or Section 279 the Court may at any time reopen or commence the trial and require the accused to appear or be brought before such Court.

282. When the accused has been released under Section 280 the Court may at any time require the accused to appear or be brought before it and may again proceed under Section 278.

283. Whenever any person is discharged upon the ground that at the time at which he is alleged to have committed an offence he-was by reason of unsoundness of mind incapable of knowing the nature of the act alleged as constituting the offence or that it was wrong or contrary to Shari'ah, the finding shall State specifically whether he committed the act or not.

284 (1) Whenever the finding States that the accused person committed the act alleged, the Shari'ah Court before which the trial has been held shall, if such act would but for incapacity found to have constituted an offence, order such person to be kept in safe custody in such place and manner as the Court thinks fit and shall report the case for the order of the Governor.

(2) The Governor may order such person to be confined in a suitable place of safe custody during the Governor's pleasure

285. When any person is confined under Section 280 or Section 284 a responsible Medical Officer shall keep him under observation in order to ascertain his State of mind and such Medical Officer shall make a special report as to the State of mind of such person for the information of the Governor at such time or times as the Governor shall require.

286. if the responsible Medical Officer referred to in Section 285 certifies that in his opinion a person confined under Section 280 or Section 284 may be discharged without danger to himself or to any other person, the Governor may thereupon order him to be discharged or to be detained in custody and he may appoint two Medical Officers to report on the State of mind of such person and on receipt of such report the Governor may order his discharge of detention as he thinks fit.

287. Where a person is confined in any place the Governor may direct his transfer from one place to another place as often as may be necessary.

288. (1) Whenever any relative or friend of any person confined under Section 280 or Section 284 applies to the Governor that such person shall be delivered over to his care and custody, the Governor may in his discretion order such person to be delivered to such relative or friend upon the relative or friend giving sufficient security that:-

(a) the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person:
(b) if at any time it shall appear that the person delivered is capable of making his defence the relative or friend shall produce such person for trial: and
(c) the person delivered shall be produced for the inspection of such Officer and at such times as the Governor directs.

CHAPTER XXV - PROCEEDINGS RELATING TO CORPORATIONS

289. (1) In this Chapter:-

"Corporation" means anybody corporate, incorporated in Nigeria or elsewhere:
"Representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this Chapter authorised to do, but a person so appointed shall not by virtue only of being so appointed be qualified to act on behalf of the corporation before any Shari'ah Court for any other purpose.

(2) A representative for the purposes of this section need not be appointed under the seal of the corporation, and a Statement in writing purporting to be signed by a Managing Director of the corporation or by any person having, or being one of the persons having the management of the affairs of the corporation, to the effect that the person named in the Statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as evidence that the person has been appointed.

290. Where a corporation is called upon to plead to any charge it may enter in writing by its representative a plea of guilty or not guilty or any plea which may be entered under the provisions of Section 191: and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the Court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

291. A Shari'ah Court alkali may commit a corporation for trial to the High Court.

292. A representative may on behalf of a corporation:-

(a) make a Statement before a Shari'ah Court Alkali holding, a preliminary inquiry: or

(b) State whether the corporation is ready to be tried on a charge or altered charge to which the corporation has been called on to plead under the provisions of Section 175.

293. Where a representative appears, any requirement of this Shari'ah Criminal Procedure Code that anything shall be done in the presence of the accused, or shall be read or said or explained to the accused, shall be construed as a requirement that that thing shall be done in the presence of the representative or read or said or explained to the representative.

294. Where a representative does not appear any such requirement as is referred to in Section 293 shall not apply.

295. Subject to the provisions of this chapter: provisions of this Shari'ah Criminal Procedure Code relating to the trial of offences shall apply to a corporation as they apply to a natural person sui juris and of full age.

PART IX - SUPPLEMENTARY PROVISIONS

CHAPTER XXVI - THE COMPOUNDING OF OFFENCES

296. (1) Subject to the provisions of the Shari'ah Penal Code, other provisions of this Shari'ah Criminal Penal Code, or any other written Law,, the offence punishable by qisas or ta'azir under the Shari'ah Penal Code Law may be compounded by the blood relations of the deceased victim or in any other case by the person affected by the offence provided that the compounding

must be before the Court trying the offence, and upon the application of the person affected if the Court sees reason allow the offence to be compounded and thereafter discharge the accused person.

(2) Except the offence of homicide and qadhf under Section 135 of the Shari'ah Penal Code, no hadd offence shall be compounded.

CHAPTER XXVII - BAIL

297. (1) When any person accused of an offence punishable with imprisonment whether with or without fine for a term not exceeding three years or with fine only is arrested or detained without warrant by an Officer In charge of a Police Station or appears or is brought before a Shari'ah Court and is prepared at any time while in the custody of that Officer or before that Court to have such security as may seem sufficient to the Officer or Court, such person shall be released on hail unless the Officer or Court for reasons to be recorded in writing Considers that by reason of the granting of bail the proper investigation of the offence would be prejudiced or a serious risk of the accused escaping from justice be occasioned.

(2) The Officer or the Shari'ah Court referred to in subsection (1) if he or it thinks fit may instead of accepting security from such person discharge him on his executing a bond without sureties for his appearance as provided in Section 302 and 303.

298. (1) Persons accused of an offence punishable with death shall not be released on bail.

(2) Persons accused of an offence punishable with imprisonment for term exceeding three years shall not ordinarily be released on bail: nevertheless the Upper Shari'ah Court or the Shari'ah Court of Appeal may upon application release on bail a person accused as aforesaid if it considers:-

(a) that by reason of the granting of bail the proper investigation of the offence would not be prejudiced.

(b) that no serious risk of the accused escaping from justice would be occasioned: and

(c) notwithstanding anything contained in subsection (1) and (2), if it appears to the Upper Shari'ah Court or the Shari'ah Court of Appeal that there are not reasonable grounds for believing that a person accused has committed the offence, but that there are sufficient grounds for further inquiry, such person may, pending such inquiry, be released on bail.

299. (1) Where any person is accused of an offence an Alkali of the Upper Shari'ah Court or a Qadi of the Shari'ah Court of Appeal may, subject to the provisions of Section 298, direct that such person be admitted to bail.

(2) When any person is convicted of an offence in a Shari'ah Court and appeals from such Court to the Upper Shari'ah Court or Shari'ah Court of Aopeal, the Upper Shari'ah Court or the Shari'ah Court of Appeal or a single Alkali or Qadi thereof may, subject to the provisions of Section 298, direct that such person be admitted to bail.

300. Any Shari'ah Court may at any subsequent Stage of proceeding, under this Shari'ah' Criminal procedure Code cause any person who has been released under Sections 297, 298 or 299 to be arrested and may commit him to custody.

301. An Alkali of the Upper Shari'ah Court or a Qadi of the Shari'ah Court of Appeal may in any case direct that the bail bond required by an Officer in charge of a Police station or any Shan"ah Court be reduced.

302. Before any person is released on bail under Sections 297, 298, or 299 he shall execute a bond for such sum of money as the Office. in charge of the Police Station or the Court thinks sufficient on condition that such person shall attend at the time, and place mentioned in the bond and shall continue so to attend until otherwise directed by the Shari'ah Court and if he is released on bail the sureties shall execute the same or another bond or other bonds containing conditions to the same effect.

303. (1) As soon as a bond referred to in Section 302 has been executed, the person for whose appearance it has been executed shall be released: and if he is in prison, the Court admitting him to bail shall issue a written order of release to the official in charge of the prison and .such official on receipt of the order shall release him.

(2) Nothing in this section, Section 297 or Section 298 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

304. When any person is required by any Shari'ah Court or Officer in charge of a Police Station to execute a bond with or without sureties, the Court or Officer may, except in the case of bonds to be executed under Chapter VII permit him to deposit a sum of money to such amount as the Court or Officer may think fit in lieu of executing such bond.

305. When the person required to execute a bond is under- eighteen years of age, a bond executed by a surety or sureties only may be accepted.

306. (1) The amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(2) If, through mistake, fraud or otherwise, insufficient sureties have been accepted or if the sureties afterwards become insufficient the Court may issue a warrant for the arrest of the person on whose behalf the sureties executed the bond and, when that person appears, the Court may order him to find sufficient sureties and on his failing to do so may make such order as in the circumstances is just and proper.

307. Where a person has been admitted to bail and circumstances arise .which in the opinion of the Attorney-General would justify the Court in cancelling the bail or requiring a bail of greater amount, a Shari'ah Court may, on application being made by the Attorney-General, issue a warrant for the arrest of the person and, after giving him an opportunity of being heard, may either commit him to prison to await trial, or admit him to bail for the same or an increased amount

308. (1) All or any sureties to a bond may at any time apply to the Court which caused the bond to be taken to discharge the bond either wholly or so far as relates to the applicants.

(2) On an application under subsection (1) the Court shall issue a warrant for the arrest of the person on whose behalf the bond was executed and upon his appearance shall discharge the bond either wholly or so far as relates to the applicants and shall require such person to find other sufficient sureties and, if he fails to do so, may make such order as in the circumstances is just and proper.

309. When a surety to a bond before his bond is forfeited, his eState shall be discharged from all liability under the bond, but the person on whose behalf such

surety executed the bond may be required to find a new surety: and in such case the Court may issue a warrant for the arrest of such person and upon his appearance may require him to find a new surety and, if he fails to do so, may make such order as in the circumstances is just and proper.

310. If a person required by a Court to find sufficient sureties under Section 306, 308 or 309 fails to do so the Court, unless it is just and proper in the circumstances to make some other order, shall make:-

(a) in the case or person ordered to give security tor good behaviour under Section 85 or Section 86, an order committing him to prison for the remainder of the period for which he was originally ordered to give surety or until he finds sufficient sureties: or

(b) in the case of a person accused of an offence and released on bail under Section 297 an order committing him to prison until he is brought to trial or discharged.

311. (1) Whenever it is proved to the satisfaction of the Court by which a bond has been taken or, when the bond is for appearance Before a Court to the satisfaction of such Court, that a bond has been forfeited, the Shari'ah Court shall record the grounds of such proof and may call upon any person bound by the bond to pay the Penalty thereof or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the Penalty is not paid, the Shari'ah Court may proceed to recover the same from any person bound or from his eState if he is dead in the manner laid down in Section 263 for the recovery of fines.

(3) A surety shall only be liable under this section if the surety dies after the bond is forfeited.

(4) If the Penalty is not paid and cannot be recovered in manner aforesaid, the person bound shall be liable by order of the Shari'ah Court which issued the warrant under Section 263 to imprisonment for a term which may extend to six months.

(5) The Shari'ah Court may at its discretion remit any portion of the Penalty and enforce payment in part only.

312. When a person who is bound by any bond to appear before a Shan ah Court does not so appear, the Shari'ah Court may issue a warrant for his arrest.

CHAPTER XXVHI - THE DISPOSAL OF PROPERTY

313. When any property regarding which any offence appears to have been committed or which appears to have been used for the commission of any offence is produced before any Shari'ah Court during, any trail, the Court may make such order as it thinks fit for the proper Custody of that property pending the conclusion of the trial and, if the property is subject to speedy or natural decay, may after recording such evidence as it thinks necessary, order it to be sold of otherwise disposed of.

314. (1) When a trial in any Criminal case is concluded, the Shari'ah Court may make such order as it thinks fit "for the disposal by destruction, confiscation or delivery to any person appearing to be entitled to the possession thereof otherwise of any movable property or document produced before it or in its custody or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) When an order is made in a case in which any appeal lies, such order shall not, except when the property is livestock or is subject to speedy and natural decay, be

carried out until the period allowed for presenting such appeal has passed or, when such appeal is presented within such period, until such appeal has been disposed of.

(3) Notwithstanding the provisions of subsection (2), the Shari'ah Court may in case make an order under the provisions of subsection (1) for the delivery of any property to any person appearing to be entitled to the possession thereof on his executing a bond with or without sureties to the satisfaction of the Court engaging to restore such property to the Court, if the order made under this, section is modified or set aside by the appella to Court.

315. When any person is convicted of any offence which includes or amounts to theft or receiving stolen property and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of the purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum fret- exceeding the price paid by the purchaser be delivered to him.

316. (1) On a conviction under Section 366 or 137 of the Shari'ah Penal Code the Court may order the confiscation or destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the Court or remain in the possession or power of the person convicted.

(2) The Court may, in like manner, on a conviction under Sections 347, 348, 349, 350, 351, 352, or 353 of the Shari'ah Penal Code order the food, drink, drug, or Medical preparation in respect of which the conviction was obtained to be destroyed.

317. (1) Whenever a person is convicted for an offence attended by Criminal force or show or force or Criminal intimidation and it appears to the Court that any person has been dispossessed of any immovable property, the Court may if it thinks fit-order that person to be restored to the possession of the same.

(2) No order under subsection (1) shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

318. (1) The seizure by the Police of property taken under Section 42 or alleged or suspected to have been stolen or found in circumstances which create a suspicion of the commission of an offence shall be forth with reported to a Court which shall make such order as it thinks fit respecting the disposal of the property or its delivery to the person entitled to the possession thereof on such conditions as the Court thinks fit, or, if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person entitled to the possession of property referred to in subsection (1) is unknown, the Court may detain it and shall in such case issue a public notice in such form as it thinks fit specifying the article of which the property consists and requiring any person who may have a claim thereto to appear before the Court and establish his claim within six months from the date of the notice.

319. (1) If no person within the period referred to in Section 31 8 establishes his claim to property referred to in that Section and if the person in whose possession such property was found is unable to show that it was Lawfully acquired by him, such property shall be at the disposal of the Court and may be sold in accordance with the orders of the Court.

(2) At any time within two years from the date of the property coming into the possession of the Police the Court may direct the property or the proceeds of the sale of the property to be delivered to any person proving his title thereto on payment by him of any expenses incurred by the Court in the matter.

320. If the person entitled to the possession of property referred to in Section 218 is unknown or absent and the property is subject to speedy and natural decay or if the Court to which its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Court may at any time direct it to be sold and the provisions of Section 318 and 319 shall as nearly as may be practicable apply to the net proceeds of such sale.

CHAPTER XXIX - MISCELLANEOUS

321. Subject to any rules made by the Grand Qadi under Section 330 any Shari'ah Court may if it thinks fit remit the fees for the issue and service of any witness summons and order payment on the part of the Government at the reasonable expenses of any, inquiry or other proceeding before such Court under this Shari'ah Criminal Procedure Code or before the Upper Shari'ah Court or where the witness is to be summoned under Sections 115, 121 or 160.

322. (1) Whenever under any Law in force for the time being a Shan ah Court imposes a fine, the Court may, when passing judgment, order that in addition to a fine a convicted person shall pay a sum:-

(a) in defraying expenses properly incurred in the prosecution:
(b) in compensation in whole or in part for the injury caused by the offence committed, where substantial compensation is in the opinion of the Court recoverable by civil suit:
(c) in compensating an innocent purchaser of any property in respect of which the offence was committed who has been compelled to give it up:
(d) in defraying expenses incurred in Medical treatment of any person injured by the accused in connection with the offence.

(2) If the fine referred to in subsection (1) is imposed in a case which is subject to appeal, no such payment additional to the fine shall be made before the period allowed for presenting the appeal has elapsed or, if an appeal is presented, before the decision on the appeal.

323. At the time of awarding compensation in any subsequent civil suit relating to the same matter the Court shall take into consideration any sum paid or recovered as compensation under Section 322.

324. Any compensation adjudged to be payable under Section 96 of the Shari'ah Penal Code and the payment of any money other than fine, payable by virtue of any order under the Shari'ah Penal Code, may be enforced as if it were a fine.

325. (1) If any person affected by a judgment or order passed by a Court desires to have a copy of any order or deposition to other part of the record other than the judgment, he shall on applying for such copy be furnished therewith.

(2) An application under subsection (1) shall be made within a period of two years from the date of judgment or order affecting the applicant.

(3) The applicant shall pay such fee, if any for the copy as may be prescribed, unless the Court or appellate Court in any case on account of the poverty of the appellant or for some special reason directs that the copy be furnished without fee.

326. Any Police Officer may seize any property which may be alleged or suspected to have been stolen or which may be found in circumstances which create suspicion of the commission of any offence and such Police Officer, if subordinate to the Officer in charge of a Police Station, shall forthwith report the seizure to that Officer.

327. Any superior Police Officer may exercise the same powers throughout the Local Area to which he is appointed as may be exercised by an Officer in charge of a Police Station within the limits'of his Station.

328. (1) When any person causes the arrest of another person and it appears to the Court by which the case is inquired into or tried that there was no sufficient ground for causing such arrest, the Court may in its discretion direct the person causing the arrest to pay to the arrested person or each of the arrested persons, if there are more than one, such compensation as the Court thinks fit and may award a term of imprisonment in default of payment.

(2) Before making any direction under subsection (1) the Court shall:-

(a) record and consider any objection which the person causing the arrest, if present, may urge against the making of the direction: and

(b) State in writing its reasons for awarding the compensation.

(3) Compensation awarded under this Section may be recovered as if it were a fine.

(4) Any person directed to make a payment of compensation under this section may appeal from the direction as if he had been convicted after trial by the Court.

329. Nothing in this Shari'ah Criminal Procedure Code shall affect the use or validity of any special forms in respect of any procedure or offence specified under the provisions of any other written Law nor the validity of any other procedure provided by any other written Law.

330. (1) The Grand Qadi with the approval of the Governor may make rules of Court for all or any of the following purposes:-

(a) prescribing fees or expenses to be charged for or in respect of any act or thing done under this Shari'ah Criminal Procedure Code:

(b) prescribing the books and forms of account to be used in Shari'ah Courts and the keeping of the same:

(c) requiring the making and forwarding of returns of cases decided in Shari'ah Court to the Grand Qadi or to any Qadi of the Shari'ah Court of Appeal or and prescribing the forms of and terms of forwarding such returns:

(d) prescribing the imposition of Penalties on any person who fails to take any action required by a rule of Court or who disobeys any rule of Court:

(e) prescribing forms for process, warrants, summonses, orders of Court, bonds notices, certificates and receipts:

(f) prescribing the conditions under which Statements may be made to the Police by accused and other persons and under which such Statements may be admitted in evidence.

(g) generally for the better carrying into effect of the provisions and objects and intentions of this Shari'ah Criminal Procedure Code.

(2) Rules of Court made under this Section shall apply to all proceedings by the State before Shari'ah Courts.

331. (1) No person shall try or sit as a member of the Court which tries any case to or in which he is a party or personally interested.

(2) A person shall not be deemed to be a party to or personally interested in any case within the meaning of this section by reason only that he is concerned therein in a public capacity or by reason only that he has viewed the place in which an offence is alleged to have been committed or any other place in which any other transaction material to the case is alleged to have occurred.

332. Subject to the provisions of Section 331 any Criminal proceeding by or against any Officer of a Court for any offence or matter cognizable by a Court may be brought in any Court having jurisdiction in respect of any particular proceeding.

333. A public servant having any duty to perform in connection with the sale of any property under this chase or bid for Shari'ah Criminal Procedure Code shall not purchase or bid for the property.

334. (1) No Qadi of the Shari'ah Court of Appeal or Shari'ah Court Alkali or member of Shari'ah Court shall be liable for any act done or ordered to be dene by him in the course of any proceeding before him whether or not within the limits of his jurisdiction provided that at the time he, in good faith, believed himself to have jurisdiction to do or order to be done the act complained of.

(2) No person required or bound to execute any warrant or order issued by a Court shall be liable in any action for damages in respect of the execution of such warrant or order unless it be proved that he executed either in an unLawful manner.

334A. The powers conferred upon the Governor by this Shari'ah Criminal Procedure Code shall not be exercised unless in consultation with the Body of Islamic Jurists which shall be established by the Governor for the State.

CHAPTER XXX - IRREGULAR PROCEEDINGS

335. If any Court or Justice of the Peace not empowered by Law to do any of the following things namely:-

(a) to issue a search Warrant under Section 72:
(b) to direct, under Section 118, the Police to investigate an offence: and
(c) to take cognizance of an offence under Section 140, erroneously in good faith does any such thing, the proceedings shall not be set aside merely on the ground that the Court or justice of the peace was not so empowered.

336. If any Court or justice of the peace not being empowered by Law in this behalf, does any of the following things, namely:-

(a) attaches and sells property under Section 66:
(b) demands securities to keep the peace:
(c) demands security for good behaviour:
(d) discharges a person Lawfully bound to be of good behaviour:
(e) cancels a bond to keep the peace:
(f) makes an order under Section 102 as to a public nuisance:
(g) prohibits, under Section 109, the repetition or continuance of a public nuisance:
(h) tries an offender:
(i) decides an appeal: such proceedings shall be void.

337. (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of an Appeal Court or reviewing authority a failure of justice has in fact been occasioned thereby.

(2) If an Appeal Court or reviewing authority thinks that a failure of justice has been occasioned by an omission to frame a charge, it may order that a charge be framed and that the trial be recommenced from the point at which the appeal Court or reviewing authority considers the charge should have been framed.

338. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered on appeal or review on account of any error, omission or irregularity in the complaint, summons warrants, charge, public summons, order, judgment or other proceedings as before or during trial or in any inquiry or other proceeding under this Shari'ah

Criminal Procedure Code unless the appeal Court or reviewing authority thinks that a failure of justice has in fact been occasioned by such error omission or irregularity.

339. A Summons, Warrant or other process under any written Law shall not be invalidated by reason of the person who signed the same dying or ceasing to hold Office or have jurisdiction.

340. A Court may at anytime amend any defect in substance or in form in any order or warrant issued by such Court, and no omission or error as to time and place, and no defect in form in any order warrant under this Shari'ah Criminal Procedure Code, shall be held to render void or unLawful any act done or intended to be done by virtue of such order or warrant, when-it is therein mentioned, or may be inferred therefrom, that it is founded on conviction or judgment, and there is a valid conviction or judgment to sustain the same.

MUSLIMS INTERVIEW RESPONDENTS

Mal Abdullahi sokoto

1. Dr. Abdullahi Danladi
2. Mal. Sani Adamu
3. Mal. Abdulhamid Bello
4. Mal. Murtala Jibril Khalid
5. Mal. Abubakar A. Hassan
6. Mal. Dalhatu Usman
7. Mal. Salihu Muhammad Yaqub
8. Mal Abubakar Sadiq Yusuf
9. Mal. Muhammad Khari
10. Mal Muhamad Auwal Adam
11. Mal. Habib Suleiman
12. Mal. Muhammad Sani Isa
13. Dr. Aliyu Abubakar
14. Sheikh Umar Suleiman
15. Sheikh Abdullahi Zakari Kwara
16. Mal. Abdullahi Auwal
17. Mal. Ibrahim Kyauta
18. Sheikh Zubairu Suraj
19. Mal. Abdulrahaman Shuaib
20. Mal. Abdulhafiz Ojoye
21. Mal. Ibrahim Kufaina
22. Mal. Yahaya Assalafee
23. Mal. Baki bn Umar
24. Mal. Bashir Nuhu

CHRISTIAN INTERVIEW RESPONDENTS

1. Mr. B.S. LabesaMr.
2. Nzayaba Samuel
3. Mr. Roldland Shuba
4. Mr. Felix B.
5. Pastor Sabo Emmanue
6 Mr. Kingsley N..Shola
7 Mrs Grace Mathew
8 Pastor Abel Damina
9 Mrs. I.N. Osunde
10. Rev. Abraham A.
11. Rev. John Bala
12 Mrs. R. Adekile
13. Mr. Stephen A. Adekola
14. Elder Audu James
15. Rev. Father, Charles Pius Beki
16. Pastor Bature Josiah
17. Rev. Dr. Mamman Daudu

APPENDIX B

A list of prominent Islamic scholars and personalities interviewed from the various organizations and propagation centers mentioned are:

1. Mal. Ibrahim kufaina sec. general jama'tu nasarul Islam, State head quarter Kaduna
2. Dr. Aliyu Abubakar, sec. general Jama'tu nasarul Islam, national Head quarterrs, Ali Akilu road Kaduna
3. Sheikh Zubairu Suraj, Sharia committee chairman, supreme Council for Islamic Sharia in Nigeria. Kaduna State chpter, and secretary Sharia implantation committee Kaduna State (Darika sect)
4. Mal. Abdullahi Auwal (head maser) Islamiya school, kabala costain Kaduna (Darika sect)
5. Sheikh Abdullahi Zakari Kwara (assistant to Sheikh Dahiru Bauchi, Darika sect)
6. Sheik Umar Suleiman ung/kanawa, Kaduna. Sharia comm. Member Kaduna State. (Darika sect)
7. Mal. Ibrahim kyauta, Kano road Juma'at mosque comm. member. Kaduna (Darika sect)
8. Mal. Abdulhafiz Ojoye, head master Quran on cassette prim. School, kabala Doki. Kaduna (salafiyya sect)
9. Mal. Sani Adam, Admin. Officer waff road mosque forum ung/sarki Kaduna.
10. Mal. Abdulrahaman Muhamad, head master Nurul huda Islamiya school Kabala costain Kaduna (Salafiya sect)
11. Mal. Baki Adamu, Asst. head master Nurul huda Islamic institute, Kabala Kostain Kaduna (salafiya sect)

12. Mal. Bashir Nuhu, tutor Abu mutalib Islamic school Kabala road T/Wada, Kaduna
13. Sheik Yahaya Assalafee, T/Nupawa Kaduna (salafiya sect)
14. Mal.muhamad Buhari, Samaru, coordinator.(Shi'itte sect)
15. Dr. Muhammad Danladi, Zaria (Shi'itte sect)
16. Sheik Abdulhamid Bello Zaria.(Shi'itte sect)
17. Mal.Abdullahi Sokoto, Zaria.(Shi'itte sect)
18. Mal. Murtala Jibril, asst. Imam central mosque Polytechnic T/wada Kaduna.(Izala sect)
19. Mal. Abubakar A. Hassan, Imam masjidil Abu l. bn Jarra N close by express way Kaduna (Izala sect)
20. Mal. Dalhatu Usman, Imam Kabala junction mosque by express way Kaduna. (Izala sect)
21. Mal. Salihu Muhamad Yakubu, asst Imam and principal Islamic education Amanar academy No.1 link road ung/ rimi, Kaduna. (Izala sect)
22. Mal.Abubakar Sadiq Yusuf, chief Imam central mosque Kaduna polytechnic, Kaduna.(Izala ect)
23. Mal. Muhamad Buhari, chief Imam Juma'at mosque matazu road T/Wada, Kaduna.(Izala sect)
24. Mal. Muhamad Auwal Adam, Imam prison barrack central mosque, marafa eState, Kaduna.(Izala sect)
25. Mal. Habibu Suleiman, chief Imam Juma'at mosque, kabala west, Kaduna.(Izala sect)

Other prominent personalities that we interviewed are:

1. Hon. Aliyu Ahmed, former member sate comm. on Shari'ah, Basawa constituency, 1999—2003, Kaduna State house of assembly.
2. Hon. Ahmed Ali, chairman house comm. On Sharia earing, Kaduna west constituency, 1999---2003, Kaduna State house of assembly.
3. Hon. Magaji Abdu, member Kaduna State house of assembly, (2007----- 2011)
4. Engineer Abdulrahman Hassan, chief Imam, F.R.C.N./N.T. A. Kaduna, secretary supreme Council for Islamic Sharia in Nigeria, Kaduna chapter
5. Sheikh M.T. Suleiman, chief imam Umar bn Khattab Islamic centre, Exco chairman supreme Council for Islamic Sharia in Nigeria. Kaduna chapter and secretary Kaduna State Council of Imams and Ulama

APENDIX C
A LIST OF CHRISTIAN PERSONALITIES THAT WERE INTERVIEWED

1) Mr. Labesa B.S., Christian Association of Nigeria (CAN), number 10 Taiwo RD. Kaduna
2) Mr. Nzayaba Samuel (CAN) Taiwo RD. Kaduna
3) Mr. Roldland Suba (CAN),Kaduna State chapter. Taiwo RD. Kaduna
4) Mr. Felix Elisha B. (CAN),Kaduna State chapter
5) Pastor Sambo Emmanuel, Living Faith Foundation, Constitution Road Kaduna
6) Mr. Kingsley Shola N. Living Faith Foundation, Constitution RD. Kaduna.
7) Mrs. Grace Mathew, Living Faith Foundation, Constitution RD. Kaduna
8) Pastor Abel Damina, Living Faith Church, Barnawa, Kaduna.
9) Mrs. Osunde I. N., Anglican Diocese of Kaduna, Taiwo RD. Kaduna
10) Rev. Abraham, A., Anlican Communion of the Diocese Kaduna
11) Rev. John Bala, Anglican Diocese of Kaduna, Taiwo RD. Kaduna
12) Mrs. Adekile R., Anglican Diocese of Kaduna
13) Mr. Stephen Adekola A., Alican Diocese of Kaduna
14) Elder, Audu Jame, Ecwa Good news church, Narayi High cost, Kaduna
15) Rev. Father, Charles Pius Beki Catholic Arch. Diocese of Kaduna, Tafawa Balewa way, Kaduna
16) Pastor Bature Josiah,(Associate Pastor) ECWA Good News church, Narayi high cost, Kaduna.
17) Rev. Dr., Mamman Daudu, H. O. D., Christian Religious Studies,(C. R. S.) Kaduna State University, Kaduna
18) Mr. John Emmanuel, First African church mission, kaAbeokuta RD. Kaduna.

APENDIX D

Interview questions conducted to the Honorable members of Kaduna State House of Assembly,1999----2003.

1. What were the challenges to enactment and Sharia implementation in Kaduna State? How were you able to over come it?
2. Why did you pass Sharia Bill of Kaduna State?
3. Did the Sharia Criminal and Penal Law of Kaduna State reflect the Bill you initially passed to the government?
4. How did the government react to the House business in the course of Sharia debate?
5. Comment on the State Sharia Law and continues agitations for enactment and Sharia implementation in Kaduna State

APENDIX E

Department of Political Science
Faculty of Social Sciences
Ahmadu Bello University,
Zaria.

Distinguished Governor

Zone one
Kaduna State
Nigeria

Sir,

REQUEST FOR A BRIEF INTERVIEW ON SHARIA OF KADUNA STATE

Sir, your two tenure as the executive Governor of Kaduna State was commendable and historic. Indeed your policies are quite interesting for academic research among other things. I am soliciting for your usual kind consideration in order to accomplish the required partial fulfillment for writing a thesis for the award of Ph.D degree in Political Science. I will be pleased if you can grant me a brief interview

for academic purposes on salient issues regarding the topic that follows: THE CHALLENGES OF SHARIA IMPLEMENTATION IN KADUNA STATE(1999---2010)

APENDIX F

A LIST OF INTERVIEW QUESTIONS

1) Your Excellency Sir, why did you implement Sharia in Kaduna State?
2) What were the challenges you experienced in that regard?
3) How were you able to over come the challenges?
4) Comment on the implement ation aspect of Sharia in Kaduna State

APENDIX G

DRAFT INTERVIEW QUESTIONS CONDUCTED TO THE SUPREME COUNCIL FOR SHARIA IMPLEMENTATION IN KADUNA STATE

1) What were the challenges to your struggle for Enactment and Sharia implementation in Kaduna State?
2) How have you been able to overcome them?
3) Comment on the implementation aspect of Sharia in Kaduna State
4) How could you assess the State governments commitment to your struggle for Enactment and Sharia implementation?

Yours faith Enactmentandy,

AHMED BUBA.
Ph.D/Soc-Scie/01078/2006/2007

APENDIX H

DEPARTMENT OF POLITICAL SCIENCE
FACULTY OF SOCIAL SCIENCES
AHMADU BELLO UNIVERSITY, ZARIA
Ph.D/SOC-SCIE/01078/2006/2007

Interview questionnaire meant for MUSLIM RESPONDENT'S. A SOURCE OF DATA COLLECTION, in partial fulfillment of the requirement for the award of Ph.D Political Science Degree. .Kindly assist by ticking the options you deemed appropriate for the questions raised. The information will only be use for academic research purposes.

Age (A) 20-30 B. (30 – 40) C. (40-60) D. (60 and Above)

Title (A) Mr/Mal. B. (Chief/ Yalabai) C. (Doctor/ Prof.) D. (Madam/miss)

Occupation (A) Business B. (C/ Servant) C. (Student) D. (House Wife /Unemployed)

Marital Status A. (Married) B. (Single)

Sex A. (Male) B.(Femae)

Q1. How will you rate the media in the coverage of Enactment and Sharia debate and problems in Kaduna State? A. (Poor) B. (Fair) C. (Excellent) D. (Very poor)

2. What are your source of information about the Enactment and Sharia debate in Kaduna State? a. (Through friends) b. (Through the media – Radio and Newspapers) c. (Through traditional rulers.) D. (Through Islamic organizations.)
3. How do you consider the present Sharia Law of Kaduna State? a. (Excellent) b. (Clear) c. (Confusing) d. (Misleading)
4. Can Enactment and Sharia be implemented in Kaduna State now? A. No B. (Yes) C. (No idea)
5. Which among the Islamic organizations do you think should lead the implementation of Enactment and Sharia in Kaduna State? A. (the Shiitte organization) B.(Tariqa organization) C.(The Izalatul Bid'a Waikamatul Sunnah-JIBWIS) D. (all the above)
6. Do you know much about Sharia Law and administrative legal? A.(No) B. (Yes) C. (No idea) D..(some how)

7. Are you satisfied with the current Sharia Penal and Criminal Codes Law of Kaduna State A.(Yes) B.(some how) C. (No) D.(No idea)
8. What do you expect from Enactment and-Sharia implementation in Kaduna State? A. (Richness) b.(balance administration) c. (Good governance and fairness to both Muslims and Christians) d (clearing of Criminals.)
9. Transition to democracy had rekindled the Muslims spirit to demand Enactment and Sharia implementation in Kaduna State? A. (No) B. (Yes) C. (No idea)
10. Are you comfortable with your occupation? A. (Yes) B. (Fair) C. (No) D.(No idea)
11. Is your earning enough for livelihood? A. (No) B. (Yes) C. (Fair) D. (No Idea)
12. Does the present Penal and Criminal Code Law, 2002 manifest good Sharia implementation in Kaduna State? A. (No idea) B. (Yes) C. .(No) D. (some how)
13. How do you consider the changes to the present Sharia Law of Kaduna State? A. (there were significant changes) B.(there were few changes) C..(there were no changes at all) D. (no idea)
14. Were the Political elites committed to promoting the cause of enactment and Sharia implementation in Kaduna State? A. (Yes) B. (to some extent) C. (No) D.(Not at all)
15. Who introduced the present Sharia of Kaduna State? A. (Muslims of Kaduna State) B.(The government of Kaduna State) C.(The Muslims league of Kaduna State) D. (Muslims organization of Kaduna State)
16. What role did the press play in the Sharia implementation problems of Kaduna State? A.(they confused the situation) B.(they enlightened the public) C. (they were bias in the coverage of Sharia issues) D.(they were balance in the coverage of Sharia related issues)
17. Who were the stumbling block to the implementation of enactment and Sharia in Kaduna State? A. (traditional rulers) B. (Islamic clerics) C. (Political elites) C. (organized Christian oppositions) D.(Muslims divisions)

APENDIX I

DEPARTMENT OF POLITICAL SCIENCE
FACULTY OF SOCIAL SCIENCES
AHMADU BELLO UNIVERSITY, ZARIA
Ph.D/SOC-SCIE/01078/2006/2007

Interview questionnaire served to CHRISTIAN RESPONDENT'S. A SOURCE OF DATA COLLECTION, in partial fulfillment of the requirement for the award of Ph.D Political Science Degree. .Kindly assist by ticking the options you deemed appropriate for the questions raised. The information will only be use for academic research purposes.

Age (A) 20-30 B. 30 – 40 C. (40-60) D. (60 and Above)

Title (A) Mr/Mal. B. (Chief/ Yalabai) C. (Doctor/ Prof) D.(Madam/miss)

Occupation (A) Business B.(C/ Servant) C. (Student) D.(House Wife /Unemployed)

Marital Status (A) Married (B) Single

Sex A. (Male) B.(Female)

(1) Are you familiar with Enactment and Sharia Law and administrative legal? A .(No) B.(Yes) C.(Some how) D.(No comment)

(2) What interest would enactment and Sharia implementation represent in Kaduna State? A. (Interests of both Christians and Muslims) B. (interests of Muslims only) C. (interests of few elites in the State) D. (interests of the masses)

(3) Are you interested in enactment and Sharia implementation in Kaduna State? A. (No) B.(Not sure) B.(Yes) C. (No idea) D.(Some how)

(4) Do you know the Penal Code Law of Northern Nigeria? A.(Yes) B.(I don't know) C.(Some how) D.(No comment)

(5) Persistent agitations might lead to Enactment and Sharia implementation in Kaduna State? A.(Yes) B. (I don't know) C.(No) D.(May be)

(6) Could enactment and Sharia guarantee harmony and peaceful coexistence among the people of Kaduna State? A. (Idont know) B.(yes) C.(No) D. (May be)

(7) Are you familiar with the revised Sharia Penal Code Law of Kaduna State? A.(some how) B. (I don't know) C. (Yes) D. (No comment)

(8) Are you satisfied with the present Sharia Law implementation of Kaduna State? A. (No) B. (Yes) C. (Some how) D. (No comment)

(9) Persistent agitations for Enactment and Shri'ah may likely be greeted with problems in Kaduna State. A. (No.) B.(Yes)

(10) Has the present Sharia impacted on your life as a Christian? A. (Yes) B. (some how) C.(No) D.(I don't know)

(11) Enactment and Sharia implementation could alleviate poverty, injustice and instead provide good life to the people of Kaduna State A. (I don't know) B. (No) C. (No idea) D. (Yes)

(12) What are your fears to the Enactment and Sharia implementation in Kaduna State? A,(Application of Capital punishment) B.(harassment) C.(injustice) D.(Domination)

(13) Are you comfortable with the concurrent application of English common Law/Customary Law and the Sharia Law in Kaduna State? A.(No) B. (Yes) C.(No comment) D.(Some how)

APENDIX J

"MY HEART ACHES"

…By governor Ahmed Mohammed Makarfi the then governor of Kaduna State.

" My dear good people of Kaduna State, it is with heavy heart that I address you today. While I was out of the country on official assignment and receiving medical attention, I was constantly been briefed on the turn of events regard the unfortunate disturbance that rocked some part of the State recently. My mind was greatly agonized by the gory report I was receiving and so to say the least, I was traumatized and disappointed

Immediately upon my return to the State I have gone to several parts of the State that were affected in Kaduna metropolises and environs. The specter of destruction I have seen is beyond doubt, unprecedented in the history of Kaduna State. The fatalities recorded must have been horrendous. I am still trying to come to terms with the magnitude of the losses suffered by the State as a result this unfortunate incident.

To say the least, I am greatly saddened I cannot hide my clear disappointment over this development as it affects the State and nation is general. For whatever it is that the perpetrators of this dastardly acts wanted to achieve, they have triggered off a chain of events which portend a number of negativities for our State and the Country. Besides, the unwarranted loss of lives and property, the disturbance have destabilized the psyche of our people, jolted our recently consummated Democracy and derailed the focus and tempo of the execution of meaningful programs by our Administration. An immediate example is the decline by ine of the most important expatriate staff of Kachia food company to stay. This will surely take us back to the drawing table.

Indeed, the disturbance as was evident, portend and destabilization of the entire Nation, with greatly adverse consequences as already evidenced by the accompanying events.

From the onset our administration has made it abundantly clear that in all our policies, programs and actions, we shall be guided by the principles of equity, fairness, justice, the rule of Law and the enthronement of peace and stability throughout the length and breadth of the entire State. The State Government has not wavered for once from these cardinal Creeds from the inception of our administration to date.

All our appointments, policies, programme and actions have always been dine and articulated to reflect the religious and ethnic coloration of the State. Our Policies have always been arrived at through concerted and conscious consultations with all group and interest that abound with us. Our development programs have similarly been unfolded to cover and affect all section and segment of our society.

Our stance and disposition on this matters are not inly predicated on working with and consolidating Democratic norms and processes, but also on positively coming to the terms with the plural composition of our State.

Fellow citizen of Kaduna State, you would recall that this Administration came into been on the trail of Kafanchan disturbance of May 1999. Our incipient Government was immediately called to duty to mop up the fall out of the disturbance and put in place structures and a social engineering process to even re-occurrences.

In furtherance of our quest to enhance the level of cooperation, tolerance and brotherhood among and between the various interest and communities in the State, this Government has in its live put in place a consultative committee in Religious understanding and harmony, the committee has been meeting monthly to discuss issues, harmonies positions and advice Government accordingly.

Let me at this juncture emphasize the important elements of separation of powers as obtained in all Democracies as properly entrenched in the Constitution of the Federal Republic of Nigeria, 1999. When the issue of Sharia legal system became a major issue of discourse in Kaduna and other State, the State house of assembly in its own wisdom put in place a committee of the House to sample opinions and advice the whole house.

To my mind, that committee has not even finished its assignment talk less of submitting a report to the house for any position to be taken by it. Indeed the committee of the House had just finished receiving memoranda publicly from the local Government areas, and was preparing ongoing round the State to further receive and collect opinions in the issue. The assembly was not deliberating on any proposed Bill, but just sampling opinions.

Thus the State legislature has provided an avenue for all persons, groups and associations to submit or appear before its committee to canvass for their positions and interest on the matter of Sharia. This is as it should be in all decent societies and dem ocratic politics for issues to be championed. Presented and discussed through proper channels. Issues can never be presented through destruction or forces.

On the part of executive, it was quite sensitive about the issue of sharia and on the advice of both Muslims and Christian's leaders, embodied a muslim/Christian dialogue forum on sharia legal system on Kaduna State. There are thirty-eight members in the forum each were represented equally.

The forum was established on the 30th December 1999, to help hear the expectation of both religions followers to peace, stability and good governance. The committee was chaired by Alhaji Ja'afar makarfi of Jama'atul nasril Islam and Arch. Benjamin A. of Christian Association of Nigeria. This committee received the peoples position and give each other the position of other to comment, after that , a next meeting was to harmonized the two position of the two main religion when the mayhem was allowed to break loose in the State. Which means non of the government officials has taken a decision on the issue when the disturbance started.

I must say that it is a clear failure on the religious leaders and a testimony of them fueling the incidence and some selfish political interest in or outside the State. Even though I find it difficult to believe the judicial commission of inquiry that it was a religious crisis, but religion been used to destabilize the State. The religious body has failed to guide their subject, but instead allowed them to unleash terror and destruction upon themselves and the State.

Community leaders have also failed to educate their people on the path of civility, taking recourse to peaceful way of resolution of issues.

Surely, This perpetrators of evil have failed with their narrow mindedness to plunge the State into unfortunate crisis that will harbinger of putting the whole country in flame.

I wish to acknowledge the efforts of my deputy governor Engr. Stephen Shekari, members of executives and all senior government officials who arrest the crisis. I also

express government appreciation to his royal highness the Emir of Zazzau and other Royal fathers who play a pivotal role in preventing the crisis to escalate to some part of the State.

And the government will give judicial commission inquiry to get to the bottom of the crisis, all persons found guilty in aiding , participating in the crisis would face the wrath of Law no matter how highly placed.

On behalf of Kaduna State government I convey a sincere condolence and sympathy to those who lost their dear ones and property in the crisis. My dear good people of Kaduna State as we bury our dear ones , we must be grateful to God Almighty for saving us and Nigeria from the grave crisis.

After one decade and a half of crisis the cynics and skeptics should know that violence, crisis can never led to achievement, we must come together on terms as divinely placed in a plural society to be able to develop.

Furthermore, we must learn to forgive if not even forget our individuals and collective losses in the crisis. Government on its own part will continue to be the vanguard and requisite leadership at all times I n sustenance of peace, harmony and order. And its in regards of this I created the Bureau for religious affairs in my office to coordinate affairs.

Let me say here that, since peace is a " sine qua non " to the execution of development programs, the government would have to suspend forthwith, all development program in any part of the State where there is tension among the inhabitant of such part.

At this time also, I admonished the pope on his last visit to Africa, when he visited Egypt and call on the Christians and Muslims to close ranks and accommodate one another as the only way for development of mankind.

I will use this medium to sincerely appreciate my humble self and the government of Kaduna State. And all those who support the government in this time of trail. In particular, I record our gratitude to our president, senate president, speaker of the House of Representatives, members of the national assembly and inspector general of

police of their kind assistance. I also appreciate our army, air force and police for their tireless efforts.

We also appreciate the support of our numerous individuals, agencies for their concerns, support and contributions during our need.

Finally I wish to ones again urge all citizens to continue to be vigilant, calm and peace loving people. I urge the people to treat cautiously, act with restraint and not allow pronouncement of the federal or any State government on the sharia issue to be use as an excuse to any other breach of the peace.

On its part, government will remain steadfast in its commitment to restoring normalcy and re-focusing of the State towards implementation of developmental programme for the well-being and progress of all our people.

Thank you and God bless. ‘‘

Weekly Trust

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March 10-16-2000 –

APENDIX K

A List of Prominent Islamic Scholars and Personalities Interviewed from the Various Organizations and Propagation Centers Mentioned Above:

1. Mal. Ibrahim Kufaina Sec. General Jama'tu Nasarul Islam, State Head Quarter Kaduna ----12th March, 2012
2. Dr. Aliyu Abubakar Khalid Abubakar Sec. General Jama'tu Nasarul Islam, National Head Quarterrs, Ali Akilu Road Kaduna ----14th March,2012
3. Sheikh Zubairu Suraj, Sharia Committee Chairman, Supreme Council for Islamic Sharia in Nigeria. Kaduna State Chapter, and Secretary Sharia Implementation Committee Kaduna State (Darika)---- 14th March, 2012
4. Mal. Abdullahi Auwal (Headmaster) Islamiya School, Kabala Costain Kaduna (Darika)----- 22nd March, 2012
5. Sheikh Abdullahi Zakari Kwara (Assistant to Sheikh Dahiru Bauchi, Darika)—27th March, 2012
6. Sheik Umar Suleiman Ung/Kanawa, Kaduna. Sharia Comm. Member Kaduna State----- 1st April, 2012
7. Mal. Ibrahim Kyauta, Kano Road Juma'at Mosque Comm. Member. Kaduna (Darika)--- 24th April, 2012
8. Mal. Abdulhafiz Ojoye, Headmaster Quran on Cassette Prim. School, Kabala Doki. Kaduna (Salafiyya)------- 25th April,2012
9. Mal. Sani Adam, Admin. Officer, Waff Road Mosque Forum Ung/Sarki Kaduna.----- 28th April, 2012
10. Mal. Abdulrahaman Muhammad, Headmaster Nurul Huda Islamiya school Kabala Costain Kaduna, (Salafiya) --- 29th April, 2012

11. Mal. Baki Adamu, Asst. Headmaster Nurul Huda Islamic Institute, Kabala Kostain Kaduna (Salafiya)---- 2nd May, 2012
12. Mal. Bashir Nuhu, Tutor Abu Mutalib Islamic School Kabala Road T/Wada, Kaduna------ 6th May, 2012
13. Sheik Yahaya Assalafee, T/Nupawa Kaduna (salafiya)---- 8th May, 2012
14. Mal.muhamad Buhari, Samaru, Coordinator.(Shi'itte)----- 14th May, 2012
15. Dr. Muhammad Danladi, Zaria (Shi'itte)------ 15th May, 2012
16. Sheik Abdulhamid Bello Zaria. (Shi'itte)----- 18th May, 2012
17. Mal. Abdullahi Sokoto, Zaria. (Shi'itte) 20th May,2012
18. Mal. Murtala Jibril, Asst. Imam Central Mosque Polytechnic T/wada Kaduna. (Izala sect)---- 26 th March, 2012
19. Mal. Abubakar A. Hassan, Imam Masjidil Abu l. bn Jarra N Close by Express way Kaduna (Izala) ----- 28th Aril, 2012
20. Mal. Dalhatu Usman, Imam Kabala Junction Mosque by Express Way Kaduna. (Izala) ----- 29th March, 2012
21. Mal. Salihu Muhamad Yakubu, Asst. Imam and Principal Islamic education Almanar Academy 1 Link Road Ung/ Rimi, Kaduna. (Izala)---- 1st, April, 2012
22. Mal. Abubakar Sadiq Yusuf, Chief Imam Central Mosque Kaduna Polytechnic, Kaduna. (Izala) ---- 5th May, 2012
23. Mal. Muhamad Buhari, Chief Imam Juma'at Mosque Matazu Road T/Wada, Kaduna. (Izala)---- 10th July, 2012
24. Mal. Muhamad Auwal Adam, Imam Prison Barrack Central Mosque, Marafa EState, Kaduna.(Izala) -----3rd June, 2012

25. Mal. Habibu Suleiman, Chief Imam Juma'at Mosque, Kabala West, Kaduna. (Izala) 8th July, 2012

Other prominent personalities that we interviewed are:

6. Hon. Aliyu Ahmed, former member State comm. on Shari'ah, Basawa Constituency, 1999—2003, Kaduna State House of Assembly---- 7th August, 2012
7. Hon. Ahmed Ali, Chairman House Comm. On Sharia earing, Kaduna West Constituency, 1999---2003, Kaduna State House of Assembly---- 15th August, 2012
8. Hon. Magaji Abdu, Member Kaduna State House of Assembly, (2007-----3rd July2012
9. Engineer Abdulrahman Hassan, Chief Imam, F.R.C.N./N.T. A. Kaduna, Secretary Supreme Council for Islamic Sharia in Nigeria, Kaduna Chapter--- 23rd July, 2012
10. Sheikh M.T. Suleiman, Chief Imam Umar bn Khattab Islamic Centre, Exco Chairman Supreme Council for Islamic Sharia in Nigeria. Kaduna chapter and Secretary Kaduna State Council of Imams and Ulama---- 16th August, 2012
11. Hon. Ahmed Ali, Chairman, Adhoc Committee on Shari'aah Law Enactment, representing Kaduna west constituency, 1999—2003. 19th August,2012
12. Hon Abdulkadir Magaji (Kafaka), member representing Giwa West Constituency, 1999—2007------ 8th August, 2012

13. Hon. Nasiru Idi Kano, member representing Sabon Gari constituency, 1999—2003. 26th September, 202

2 A List of Christian Personalities that were interviewed

1) Mr. Labesa B.S., Christian Association of Nigeria (CAN), number 10 Taiwo RD. Kaduna---- 9th May,2012
2) Mr. Nzayaba Samuel (CAN) Taiwo RD. Kaduna---- 14th September, 2012
3) Mr. Roldland Suba (CAN), Kaduna State chapter. Taiwo RD. Kaduna--- 3rd September, 2012
4) Mr. Felix Elisha B. (CAN),Kaduna State chapter----- 20th May, 2012
5) Pastor Sambo Emmanuel, Living Faith Foundation, Constitution Road Kaduna------ 12th April, 2012
6) Mr. Kingsley Shola N. Living Faith Foundation, Constitution RD. Kaduna---8th September, 2012
7) Mrs. Grace Mathew, Living Faith Foundation, Constitution RD. Kaduna----9th June, 2012
8) Pastor Abel Damina, Living Faith Church, Barnawa, Kaduna---- 2nd September,2012
9) Mrs. Osunde I. N., Anglican Diocese of Kaduna, Taiwo RD. Kaduna---- 24th May, 2012
10) Rev. Abraham, A., Anlican Communion of the Diocese Kaduna---- 11th July, 2012
11) Rev. John Bala, Anglican Diocese of Kaduna, Taiwo RD. Kaduna---- 9th October, 2012
12) Mrs. Adekile R., Anglican Diocese of Kaduna--- 30th July, 2012
13) Mr. Stephen Adekola A., Anglican Diocese of Kaduna--- 3rd October,2012

14) Elder, Audu Jame, Ecwa Good news church, Narayi High cost, Kaduna 8th June, 2012

15) Rev. Father, Charles Pius Beki Catholic Arch. Diocese of Kaduna, Tafawa Balewa way, Kaduna---- 7th September, 2012

16) Pastor Bature Josiah,(Associate Pastor) ECWA Good News church, Narayi high cost, Kaduna------ 13th October, 2012

17) Rev. Dr., Mamman Daudu, H. O. D., Christian Religious Studies,(C. R. S.) Kaduna State University, Kaduna 13th October, 2012

18) Mr. John Emmanuel, First African church mission, Abeokuta RD. Kaduna.--- 9th July, 2013

APENDIX L

THE VARIOUS ETHNIC GROUPS IN KADUNA STATE

1. Akunmi who speak Kurama in Gaum – Kurama and Kudaru located in Lere Local Government Area.
2. Amukon, who speak Kaninkon are located in Kafanchan, Jama'a Local Government Area.
3. Attakar Located in Kaura Local Government Area.
4. Atyap located in Zangon-Kataf Local Government Area
5. Bajju are also located in Zangon-Kataf Local Government, Kachia and Jema'a Local Government
6. Chawai located in Kauru Local Government Area
7. Chat located in Kagarko Local Government Area
8. Gbagyi located in Kaduna, Kagarko, Birnin Gwari and Chikun Local Government Area
9. Gure Located in Lere Local Government Area
10. Gwandara located in Jema'a Local Government Area.
11. Fulani are scattered in all the Local Governments of the State
12. Hausa and Fulani are found in all the Local Governments Areas across the whole State
13. Ikulu are equally located in Zangon Kataf Local Government Area.
14. Ham people are located in Jaba and Kachia Local Governments respectively.
15. Kamantan ethnic group is also found in Zangon-Kataf Local Government Area
16. Kachugu are located in Lere Local Government Area
17. Kamuku are in Birnin Gwari Local Government Area
18. Koro are in Kagarko Local Government Area

19. Kadara are located in Kajuru Local Government area
20. Kufurmi are located in kachia Local Government Area
21. Fantswam are located in kafanchan, Jema'a Local government Area
22. Gwong located in jema'a Local Government Area
23. Ninzom are located in Sanga Local Government Area
24. Fiti are located in Lere Local Government Area
25. Numana are located in Lere Local Government Area
26. Jam ethnic group are located in Sanga Local government Area
27. Mada are located in Sanga Local Government Area
28. Mayir are located in Sango Local Government Area
29. Morwa are located in Kaura Local Government Area
30. Ruruma are located in Kauru Local Government Area
31. Rumaya are located in Kauru Local Government Area
32. Ruzai are located in Kagarko Local Government Area
33. Sarubu are located in Kauru Local Government Area
34. Ayu are located in Sanga Local Government Area
35. Agworok people are located in Kagoro, Kaura Local Government Area.

Source: Seibert L. (2009: 13)

APENDIX M

A list of Igabi, Zaria and Zangon- Kataf Wards

Igabi;

1. Birnin Yero
2. Gadan Gayan
3. Gwaraji
4. Igabi
5. Kerawa
6. Kwarau
7. Rigachikun
8. Rigasa
9. Sabon Birnin Daji
10. Turunku
11. Zangon Aya

Zaria;

1. Dutsen Abba
2. Gyalesu
3. Kaura
4. Kufena
5. Kwarbai A.
6. Kwarbai B.
7. Limancin Kona
8. Tudun Wada
9. Tukur Tukur
10. Unguwan Fatika

11. Ung. Juma
12. Wucicciri

Zangon /Kataf;

1. Gidan Jatau
2. Gora
3. Kamantan
4. Kamuru Ikulu North
5. Madakiya
6. Unguwar Gaiya
7. Unguwar Rimi
8. Zaman Dabo
9. Zango Urban
10. Zonkwa
11. ZonZon