



# The Draft Constitution of Khilafah State

(Articles of the Draft Constitution  
of the Khilafah State

Prepared by **Hizb ut Tahrir**  
based on Quran-Sunnah)

**Hizb ut Tahrir, Wilayah Bangladesh**

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# Table of Contents

General rules	05
The System of Ruling	07
The <i>Khilafah</i>	09
The Delegated Assistants ( <i>Tafwid</i> )	13
The Executive Assistant ( <i>Tanfidi</i> )	15
The Governors	15
The Amir of <i>Jihad</i> – The Military Department – The Army	17
The Internal Security	18
The Foreign Affairs Department	19
The Department of Industry	19
The Judiciary	20
The Administrative System	23
The Treasury ( <i>Bayt Al-Mal</i> )	24
The Media	25
The <i>Ummah</i> Council (The Consultation ( <i>Shura</i> ) And Accounting ( <i>Muhasabah</i> ))	25
The Social System	27
The Economic System	29
The Education Policy	36
Foreign Affairs	38



# The Draft Constitution

## GENERAL RULES

### Article 1

The Islamic belief (*'Aqeedah*) constitutes the foundation of the state. Hence, nothing is permitted to exist within its entity, its structure or its accountability or any other aspect connected to it, unless the Islamic *'Aqeedah* is its basis. At the same time, the Islamic *'Aqeedah* acts as the basis of the constitution and Shari'ah laws; thus, nothing related to the constitution or to the laws is permitted to exist unless it emanates from the Islamic *'Aqeedah*.

### Article 2

*Dar Al-Islam* (Islamic Abode) is the territory where the rules of Islam are implemented and its security is upheld by Islam. *Dar Al-Kufr* (abode of disbelief) is the territory where the rules of Kufr are implemented or its security is upheld by other than the security of Islam.

### Article 3

The *Khalifah* adopts specific *Shari'ah* rules which he will enact as a constitution and laws. If he adopts a *Shari'ah* rule, this rule alone becomes the *Shari'ah* rule that must be acted upon and it becomes a binding law that every citizen must obey openly and privately.

### Article 4

The *Khalifah* does not adopt any specific *Shari'ah* rule in matters related to rituals (*Ibadaat*) except in *Zakat* and *Jihad*, and whatever is necessary to protect the unity of the Muslims, and nor does he adopt any thought from among the thoughts related to the Islamic *'Aqeedah*.

### Article 5

All citizens of the Islamic State enjoy the Shari'ah rights and duties.

### Article 6

The State is forbidden to discriminate at all between the individuals in terms of ruling, judiciary and management of affairs or their like. Rather, every individual should be treated equally regardless of race, *Deen*, colour or anything else.

### Article 7

The State implements the Islamic *Shari'ah* upon all those who hold the Islamic citizenship, with no difference between Muslims and non-Muslims as follows:

- (a) All the rules of Islam will be implemented upon the Muslims without any exception.
- (b) The non-Muslims will be allowed to follow their beliefs and worships within the scope of the general system.
- (c) The rule of apostasy will be implemented upon the apostates from Islam if they themselves were the apostates. As for their children, they will be treated as non-Muslims if they are born as such. Thus,, they will be treated in accordance with their current status as being either polytheists or people of the book.
- (d) The non-Muslims will be treated in matters related to foodstuffs and clothing according to their faith and within the scope of what the *Shari'ah* rules permit.
- (e) Matters of marriage and divorce will be settled among the non-Muslims according to their faith, and will be settled between them and the Muslims according to the rules of Islam.
- (f) The State will implement the rest of the *Shari'ah* rules and all the Islamic *Shari'ah* matters, such as transactions, penal codes, testimonies, ruling systems and economics among others equally upon the Muslims and non-Muslims. The State will also implement the same upon those with a covenant, the asylum seekers and all those under the authority of Islam in the same way. It implements them upon all members of society except for the ambassadors, consuls, and similar for they have diplomatic immunity.

### **Article 8**

The Arabic language is exclusively the language of Islam and it is the only language used by the State.

### **Article 9**

*Ijtihad* is a duty of sufficiency and every Muslim reserves the right to perform *Ijtihad* provided he meets all its prerequisites.

### **Article 10**

All the Muslims should bear the responsibility of Islam. There are no clergymen in Islam and the State should prohibit any sign of their presence among the Muslims.

### **Article 11**

Conveying the Islamic *Da'wa* (call to Islam) is the fundamental task of the State.

### **Article 12**

The Book, the *Sunnah*, the *Ijmaa'* of the Sahabah and the *Qiyas* (analogy) are the only evidences considered in *Shari'ah* laws, and it is not permitted to adopt any legislation from other than these evidences.

### **Article 13**

In origin, every individual is innocent. No one should be punished without a court verdict. It is absolutely forbidden to torture anyone; and anyone who does this will be punished.

### **Article 14**

Actions are originally bound by the *Shari'ah* rules. Hence, no action should be undertaken unless its rule is known. The things on the other side are originally *Mubah* (permitted) as long as there is no evidence that stipulates prohibition.

### **Article 15**

The means to *Haram* (unlawful) are forbidden if they most likely lead to *Haram*. But if there is a doubt that a means might lead to *Haram*, then this means will not be forbidden.

## **THE SYSTEM OF RULING**

### **Article 16**

The system of ruling is a unitary system and not a federal system.

### **Article 17**

The ruling is centralised and the administration is decentralised.

### **Article 18**

There are four types of rulers: the Khalifah, the delegated assistant, the governor, and the worker (*'amil*), and whoever falls under the same rule. As for anyone else, they are not considered rulers, but rather employees.

### **Article 19**

It is not permitted for anyone to be in charge of ruling or any action considered to be from the ruling unless they are male, free, adult, sane, just, capable of carrying out the responsibility, and it is not permitted for anyone other than a Muslim.

### **Article 20**

Accounting of the rulers by Muslims is one of their rights and an obligation of sufficiency upon them. The non-Muslim subjects have the right to voice complaint regarding the ruler's injustice towards them or misapplication of the rules of Islam upon them.



### **Article 21**

The Muslims have the right to establish political parties in order to account the rulers or to reach the rule through the *Ummah* on the condition that their basis is the Islamic *'Aqeedah* and that the rules they adopt are *Shari'ah* rules. The formation of a party does not require any permission. Any group formed on an un-Islamic basis is prohibited.

### **Article 22**

The ruling system is built upon four principles which are:

- a. Sovereignty is for the *Shar'* rather than for the people
- b. The authority is for the *Ummah*
- c. To appoint a single *Khalifah* is an obligation upon the Muslims
- d. The *Khalifah* alone has the right to adopt *Shari'ah* rules, so he is the one who enacts the constitution and the rest of the laws.

### **Article 23**

The state apparatus is established upon thirteen institutions:

1. The *Khalifah* (Leader of the State)
2. The Assistants (delegated ministers)
3. Executive Minister
4. The Governors
5. The *Amir of Jihad*
6. The Internal Security
7. The Foreign Affairs
8. Industry
9. The Judiciary
10. The People's Affairs (administrative apparatus)
11. The Treasury (*Bayt Al-Mal*)
12. Media
13. The Ummah's Council (*Shura* and accounting)

# **THE *KHALIFAH***

## **Article 24**

The *Khalifah* is the representative of the *Ummah* in exercising of the authority and in implementing of the *Shari'ah*.

## **Article 25**

The *Khalifah* is a contract of choice and consent, so no one is compelled to accept it, and no one is compelled to choose the one who would undertake it.

## **Article 26**

Every sane, adult Muslim, a male or a female, has the right to elect the leader of the State and to give him the pledge of allegiance; while the non-Muslims do not have such right.

## **Article 27**

If the *Khalifah* is contracted to an individual by the pledge of those it is valid to be contracted with, the pledge of the remainder of the people is a pledge upon obedience and not a pledge of contracting; and so, any one who is seen to have the potential of rebellion is forced to give the pledge.

## **Article 28**

No one can be *Khalifa* unless the Muslims appoint him, and no one possesses the mandatory powers of the leadership of the State unless the contract with him has been concluded according to the *Shari'ah*, like any contract in Islam.

## **Article 29**

It is stipulated that the authority of the region or the country that gives the *Khalifah* a contracting pledge is autonomous dependent upon the Muslims alone, and not upon any disbelieving state; besides the security of the Muslims in that country, both internally and externally, is by the security of Islam not the security of the disbelief. With respect to the pledge of obedience taken from other countries, there are not such conditions.

## **Article 30**

The only conditions for the one who is given the pledge to be the leader of the State is that he fulfils the contracting conditions of the contract, even if he does not fulfil the preference conditions, since what matters are the contracting conditions of the contract.

## **Article 31**

There are seven conditions for the *Khalifah* to be contracted, which are: to be male, Muslim, free, adult, sane, just, and from the people who have the capability.

### Article 32

If the position of the *Khilafah* becomes vacant due to the death of its leader, his resignation or his removal, it is obligatory to appoint a *Khalifah* within three days from the date that the position of the *Khilafah* became vacant.

### Article 33

A temporary leader is appointed to take charge of the affairs of the Muslims, and to prepare for the election of the new *Khalifah* after the vacation of the position of the *Khilafah* according to the following process:

- a. When the previous *Khalifah* feels that his life is coming to an end, or is committed to resigning, he has the right to appoint the temporary leader.
- b. If the *Khalifah* dies or resigns before appointing the temporary leader, or the position of the *Khilafah* becomes vacant due to another reason, then the eldest of the assistants becomes the temporary leader unless he intended to be a candidate for the *Khilafah* in which case the next senior assistant is to be given the position and so on.
- c. If all of the assistants intend to be candidates, then the eldest of the executive ministers will become the temporary leader or the one after him in seniority if he intends to be a candidate, and so on.
- d. If all of the executive ministers intend to be candidates for the *Khilafah*, then the position of the temporary leader is given to the youngest executive minister.
- e. The temporary leader does not have the right to adopt rules.
- f. The temporary leader makes all effort to complete the appointment of a new *Khalifah* within three days, and it is not permitted for this to be extended except due to overwhelming circumstances approved by the *Madhalim* court.

### Article 34

The method of appointing the *Khalifah* is the pledge of allegiance (*Bay'a*). The practical steps to appoint the *Khalifah* and his *Bay'a* are:

- a. The *Madhalim* court announces the vacancy of the position of the *Khilafah*
- b. The temporary leader takes control of his responsibility and announces the opening of the nomination procedure immediately
- c. Applications of the candidates fulfilling the contracting conditions would be accepted, excluding the other applications, by the decision from the *Madhalim* court.
- d. The candidates who have been accepted by the *Madhalim* court, are then short listed twice by the Muslim members of the *Shura* council: first; they select the six candidates who got the highest votes from them, and the second stage is to

select the two candidates who got the highest votes

- e. The names of the two are announced and the Muslims are requested to vote for one of them
- f. The result of the elections is announced and the Muslims are informed of the one that got most of the votes.
- g. The Muslims promptly set out to give the pledge to whoever got most of the votes, as the *Khalifah* of the Muslims upon the Book of Allah (swt) and the *Sunnah* of His Messenger .
- h. Once the pledge has been completed, the *Khalifah* is announced to the public, until the news of his appointment has reached the whole *Ummah*, with mentioning of his name and that he fulfilled the characteristics that make him valid for contracting the *Khalifah* to him.
- i. After completing the steps to appoint the new *Khalifah* the responsibility of the temporary leader ends.

### Article 35

The *Ummah* is the one who appoints the *Khalifah*. However, it does not possess the right to remove him once the pledge of allegiance has been concluded according to the *Shari'ah* method.

### Article 36

The *Khalifah* possesses the following powers:

- a. He is the one who adopts the *Shari'ah* rules derived by a correct *Ijtihad* from the Book of Allah (swt) and the *Sunnah* of his Messenger necessary for managing the affairs of the *Ummah* so that they become laws (*Qawanin*) which are obligatory to obey, and it is not permitted to oppose them.
- b. He is responsible for governing the domestic and foreign affairs of the State, and he takes command of the Army; he has the right to announce war, to sign peace treaties, truces and all other types of agreements.
- c. He is the one who can accept or reject foreign ambassadors and appoint and remove the Muslim ambassadors.
- d. He is the one who appoints and removes the assistants and governors. They are all responsible to him as they are responsible to the *Shura* council.
- e. He is the one who appoints and removes the head judge and judges with the exception of the *Madhalim* judge in the event of his looking into a case regarding the *Khalifah*, his assistants or his head judge. He also has the power to appoint and remove the department managers, the commanders of the army, and its generals. All of these are responsible to him and not to the *Shura* council.

- f. He is the one who adopts the *Shari'ah* laws according to which the budget of the State is decided, beside the sections of the budget and the amounts allocated to each aspect, irrespective to whether it was related to revenue or expenditure.

### **Article 37**

The *Khalifah's* adoption is restricted by the *Shari'ah* rules; he is prohibited to adopt any rule which is not derived according to a legitimate deduction from the *Shari'ah* evidences, and he is restricted with what he adopted of the rules, and by what he bound himself to with respect to the method of derivation. So he is not permitted to adopt a rule which has been derived according to a methodology which contradicts the methodology he adopted, and he cannot give an order which contradicts the rules that he had adopted.

### **Article 38**

The *Khalifah* has the complete right to govern the affairs of the subjects according to his opinion and *Ijtihad*. He can adopt anything of the permitted issues that he needs to run the affairs of the State and to manage the peoples' affairs and he is not permitted to contradict any *Shari'ah* rule for the sake of benefit. For example, he cannot prohibit the single family from having more than one child on the pretext of shortage of foodstuffs, or fix prices on the pretext of preventing exploitation, or appoint a non-Muslim or a woman as a governor on the pretext of looking after the affairs or benefit, nor anything else which contradicts the *Shari'ah* rules. It is not permitted for him to prohibit a permitted matter and nor to allow a prohibited matter.

### **Article 39**

The *Khalifah* does not have a fixed term of office; as long as the *Khalifah* preserves the *Shari'ah* and he implements its rules, and is capable of carrying out the affairs of the State, he remains as a *Khalifah* as long as his situation does not change to one that would remove him from the leadership of the State. If his state changes in this manner, then it is obligatory to remove him from his position at that time.

### **Article 40**

The issues which alter the state of the *Khalifah* and ,therefore, remove him from the *Khalifah* are three:

- a. If one of the contracting conditions of the leadership of the State becomes deficient, such as if he apostatises, or commits flagrant sin, or becomes mad, or anything similar. This is because these are from the conditions of contracting, and the conditions of continuation.
- b. The incapability to execute the duties of the *Khalifah*, for any reason whatsoever.

c. Coercion over him which makes him unable to independently act in the interests of the Muslims according to his opinion in agreement with the *Shari'ah*. So if an overpowering force could subdue him to the point that he became unable to govern the affairs of the subjects by his opinion alone according to the *Shari'ah* rules, he is considered legally incapable of executing the duties of the State, in which case he would be removed from the *Khalifah*. This could occur in two situations:

The first situation: For an individual or group of individuals from his advisors to hold sway over him to the point they began to take full control of running the affairs. If it was believed that he could be liberated from their influence, he is admonished for a specific time, and if he does not remove their influence, then he is removed. And if it was not believed that he could be liberated, he is removed immediately.

The second situation: For him to become a prisoner in the hands of an overpowering enemy, either literally or by his submission to the influence of the enemy. This situation is evaluated – if it was hoped he could be liberated, then there is a delay until no such hope remains, and if there were no hope in his liberation, then he is removed; if there was no hope in his liberation, then he is removed immediately.

#### **Article 41**

The court of the *Madhalim* (injustices) is the only authority that can decide whether the change in the situation of the *Khalifah* removes him from the leadership or not, and it is the only authority that has the power to remove or warn him.

## **THE DELEGATED ASSISTANTS (*Tafwid*)**

#### **Article 42**

The *Khalifah* appoints a delegated assistant or more for himself, who carry the responsibilities of ruling. So he delegates to them the management of affairs, where they conduct them according to their opinion and *Ijtihad*.

On the death of the *Khalifah*, the role of his assistants ends, and they do not continue in their work except for the period of the temporary leader.

#### **Article 43**

The conditions for the assistant are the same as the conditions for the *Khalifah*; in other words, to be male, free, Muslim, adult, sane, just; and he is from the people of the capability in whatever actions were delegated to him.

#### **Article 44**

It is a condition for the empowering of a delegated assistant (*Tafwid*), that his empowerment encompasses two issues: The first being general responsibility, and the second being the representation. Accordingly, it is necessary for the *Khalifah* to say to him “*I appoint you on my behalf as my deputy*” or anything that is of a similar meaning from the wordings that encompass the general responsibility and representation. This authorisation enables the *Khalifah* to send the assistants to specific locations, or transfer them to other places and other work as is required as the assistant of the *Khalifah*, and without the need for a new authorisation since it all falls under the original empowerment.

#### **Article 45**

The work of the assistant is to report to the *Khalifah* after whatever he has executed of the actions of management, and whatever he implemented of government and guardianship, in order that his powers do not become like that of the *Khalifah*. Therefore, his work is to raise his reports and to implement whatever he is ordered to.

#### **Article 46**

It is imperative that the *Khalifah* scrutinises the actions of the delegated assistants (*Tafwid*) and their management of the affairs, in order to confirm what was right, and to correct any errors, since the management of the affairs of the *Ummah* has been delegated to the *Khalifah* and is decided by his *Ijtihad*.

#### **Article 47**

If the assistant conducted an issue, and the *Khalifah* ordered him to do it, then he must implement it as the *Khalifah* ordered him to do so, without any addition or deletion. If the *Khalifah* returned to oppose the assistant rejecting what he has already executed, then the matter is examined; if it was a rule that he had implemented properly, or wealth that he placed in of its right place, then the opinion of the assistant is implemented, since it is in origin the opinion of the *Khalifah*, and the *Khalifah* cannot revoke what he himself had implemented of rules and spent of wealth. If what the assistant had executed was in anything else, such as appointing a governor or preparation of an army, then it is permitted for the *Khalifah* to oppose the assistant, and the opinion of the *Khalifah* is implemented, and the actions of the assistant are cancelled because the *Khalifah* has the right to redress his own action so he may redress the actions of the assistant.

#### **Article 48**

None of the delegated assistants (*Tafwid*) specialises in a specific department from the departments of the administrative institution, rather his responsibility is general, since those who undertake the administrative affairs are employees (civil servants) and not rulers, while the *delegated assistant* is a ruler. He is not entrusted with a specific authority in any of the tasks since his responsibility is general.

## THE EXECUTIVE ASSISTANT (*Tanfīdh*)

### Article 49

The *Khalifah* appoints assistants for implementation and their work is administrative. They are not rulers and their department is the institution that executes what the *Khalifah* issues in both of the internal and foreign affairs authorities and submits what comes to him from these authorities. The department is the intermediary between the *Khalifah* and others, conveying to and from him in the following matters:

- a. Relations with the people
- b. International relations
- c. The military
- d. The institutions of the State other than the military

### Article 50

The executive assistant should be a Muslim man, since he is from the close associates of the *Khalifah*.

### Article 51

The executive assistant is directly connected to the *Khalifah*, like the delegated assistant, and is considered as an assistant but only in terms of execution and not in ruling.

## THE GOVERNORS

### Article 52

The lands which are ruled by the State are divided into units, where each unit is called a *Wilayah* (province). Each province is divided into units and each unit is called an *'Imalah* (district). The one who governs the province is called the *Wali* (governor) or *Amir* and the one who governs the *'Imalah* is called the *'Aamil* (worker) or *Hakim* (ruler).

### Article 53

The *Khalifah* appoints the governors. The *'Ummal* (workers) are appointed by the *Khalifah* and by the governors if they have been delegated that power. The preconditions of the governor and *'Ummal* are the same as the conditions for the assistants, so it is imperative that they are free, just, Muslim, adult men and are from



the people who have the capability to do what they are assigned to, and they are chosen from the people of *Taqwa* (God fearing) and power.

#### **Article 54**

The governor has the mandatory powers of ruling and responsibility over the tasks of the departments in his governorship as a delegate of the *Khalifah*, so he has all the powers in his province that the assistant has in the State. He has leadership over the people of his province and control over everything that is connected with it apart from the finances, judiciary and Army. However, the police come under his leadership from the angle of implementation not administration.

#### **Article 55**

The governor is not obliged to inform the *Khalifah* of what he has carried out within his authorised command. If a new problem arises which has no precedent, he has to inform the *Khalifah* about it first, and he then proceeds according to the instructions of the *Khalifah*. If he was afraid that the problem would be exacerbated if delayed, he carries out the action and then must inform the *Khalifah* later on about the reason for not informing him beforehand.

#### **Article 56**

Every province has an assembly elected from its people and championed by the governor. The assembly has the authority to participate in expressing opinions on administrative matters and not on ruling; and this would be for two objectives:

Firstly - providing the necessary information about the situation of the governorate and its needs to the governor and to express their opinion about that.

Secondly - in order to express their contentment or complaint about the rule of the governor over them.

The opinion of the assembly is not binding in the first instance and is binding in the second – if they complain about the governor he is removed.

#### **Article 57**

The governor's term of office in a particular province is not to be long. He must be discharged whenever he becomes firmly established in his province or the people become enchanted with him.

#### **Article 58**

The governor is not moved from one province to another, since his appointment was for a general control in a specific area. Therefore, he has to be discharged first and then reappointed.

### **Article 59**

The governor can be discharged if the *Khalifah* decides so or if the *Shura* council expresses dissatisfaction with him - whether justified or not - or if the provincial council expressed discontent with him. However, the governor can only be dismissed by the *Khalifah*.

### **Article 60**

The *Khalifah* must examine the actions of the governors and continually assess their performance strictly. He must deputise people to monitor their situations, investigate them, and periodically gather all or some of them, and listen to the complaints of the subjects regarding them.

## **THE AMIR OF JIHAD – THE MILITARY DEPARTMENT – THE ARMY**

### **Article 61**

The War Department is in charge of all the affairs connected to the armed forces of the Army and police, and the treaties, tasks, military equipment and similar. They are also responsible for the military colleges, expeditions and everything that is necessary from the Islamic culture and the general culture necessary for the Army, as well as everything connected to war and its preparation, and the head of this department is called the *Amir of Jihad*.

### **Article 62**

*Jihad* is obligatory upon the Muslims and military training is compulsory. Every male Muslim who has reached the age of 15 is obligated to undertake military training in order to prepare him for *Jihad*. Recruitment is an obligation of sufficiency.

### **Article 63**

The Army has two sections: the reserve section, which is all those Muslims who are capable of carrying arms, and the section of regular soldiers, who get salaries from the State budget in the same manner as the civil servants.

### **Article 64**

The Army is given banners and flags and the Head of State (the *Khalifah*) gives the banners to whomever he appoints to lead the Army, whereas the flags are provided by the brigadiers.

### **Article 65**

The *Khalifah* is the Commander of the Army and he appoints the Chief of General Staff, a general for each brigade, and a commander for every division. The remaining ranks in the Army are appointed by the brigadiers and commanders. The appointment of a person in the General Staff is according to his level of military expertise and is carried out by the Chief of General Staff.

### **Article 66**

The Army is a unified entity which has specific bases. However, it is necessary that some of these bases are placed in different provinces and others in strategic locations. Some of the bases should be permanently mobile fighting forces. These bases are organised in numerous groups, with each group being given a number as a name, such as the first Army, the third Army, or they can be named after a province or district.

### **Article 67**

It is obligatory to provide the Army with the highest level of military education and raise its intellectual level as far as possible. Every individual in the Army should be given Islamic culture that enables him to have an awareness of Islam, to at least a general level.

### **Article 68**

It is obligatory that each base should have sufficient numbers of officers of the General Staff who possess expert military knowledge and experience in drawing up plans and running battles. The Army as a whole should possess as many of these officers as possible.

### **Article 69**

It is obligatory to provide the Army with weapons, supplies and equipment, as well as all necessities and requirements, which enable it to carry out its mission as an Islamic Army.

## **THE INTERNAL SECURITY**

### **Article 70**

The Department of Internal Security is responsible for everything related to security,

and prevents anything that threatens the internal security. It protects the security of the land through the police, and does not resort to the Army except by the order of the *Khilafah*. The head of this department is called the (Manager of Internal Security). This department has branches in the provinces, each of which is called (Section of Internal Security) and the head of the section is called the Police Chief, *Sahib Al-Shurtah*, in the province.

#### **Article 71**

The police (*Shurtah*) have two branches: the military police, who are under the command of the Amir of *Jihad*, in other words, the war department, and the police who are under the control of the Ruler to protect the security, and they are under the authority of the Department of Internal Security. The two branches have specific training and specific culture in order for them to carry out their responsibilities in the best manner.

#### **Article 72**

The most prominent issues that threaten the internal security that are under the responsibility of the Department of Internal Security to treat are: apostasy, rebellion and banditry, attacks on people's wealth, attacking people and their honour and co-operating with the people of suspicion who spy for the belligerent disbelievers.

## **THE FOREIGN AFFAIRS DEPARTMENT**

#### **Article 73**

The Department of Foreign Affairs is in charge of all the affairs connected to the relations of the *Khilafah* state with the foreign states, whether from the political angle, or economic, industrial, agricultural and trade aspects, or postal, cable and wireless connections and so on.

## **THE DEPARTMENT OF INDUSTRY**

#### **Article 74**

The Department of Industry is in charge of all the affairs connected to industry,

whether heavy industry such as the manufacturing of engines, machines, vehicles, materials and electrical equipment, or light industry. Similarly, whether the factories are of the public property type or they are included in the private property and have a relationship to the military industry. All types of factories must be established upon the basis of military policy.

## THE JUDICIARY

### Article 75

The Judiciary is the pronouncement of the rule that becomes binding. It settles the disputes between the people and prevents that which harms the community's rights, or it eliminates the disputes arising between people and members of the ruling system – both rulers and civil servants – from the Head of State downwards.

### Article 76

The *Khalifah* appoints a supreme judge to the judiciary from the male, adult, free, Muslim, sane, just people who know jurisprudence, and if he was given the power to appoint and remove the *Madhalim* judge, and had the power of judgement in the *Madhalim*, then he would have to be a *Mujtahid*. He would have the power to appoint judges, discipline them, and remove them as part of the administrative systems. As for the remainder of the civil servants of the courts, they are connected to the Department Manager who is responsible for the courts' affairs.

### Article 77

The Judges are of three types: One is the Judge (*Qadi*), and he undertakes settling the disputes between people over transactions and penal codes. The second is the *Mubtasib*, who undertakes the settling of any breach of law that may harm the rights of the community. The third is the judge of the Court of Injustices (*Madhalim*), who undertakes the settling of disputes between the people and the State.

### Article 78

Whoever undertakes the responsibility of judgement must be a Muslim, free, adult, sane, just, a *Faqih* (person who knows jurisprudence/*Fiqh*), and aware of how to apply the rules to the events. And the person who undertakes the judiciary of injustices (*Madhalim*) in addition to the conditions mentioned, must also be male and a *Mujtahid* (capable of deriving his own *Fiqh*/conducting *Ijtihad*).

### **Article 79**

The *Qadi*, the *Muhtasib* and the *Madhalim* judge may be given a general appointment to pronounce judgement on all problems throughout the State, or alternatively they can be given an appointment to a particular location and to give judgement on particular types of cases.

### **Article 80**

The courts should be comprised of only one judge who has the authority to pronounce judgement. One or more judges are permitted to accompany him, however they do not have the authority of judgement but rather the authority of consulting and giving their opinion, and their opinion is not considered binding.

### **Article 81**

The judge can only give a verdict in a court session, and any evidence and oaths can only be considered in the court session.

### **Article 82**

It is permissible to vary the grades of courts in respect to the type of cases. Some judges may thus be assigned to certain cases of particular grades and other courts to be authorised to judge the other cases.

### **Article 83**

There is no court of appeal, and no court of cassation, so the judiciary, as far as the method by which the cases are treated, is of a single level. If the judge pronounced a verdict, it would become binding, and it cannot ever be annulled by the verdict of another judge unless he ruled by other than Islam, or contradicted a definite text from the *Quran*, *Sunnah* or *Ijmaa'* of the companions, or it became clear that he gave a verdict that contradicted the reality of the situation.

### **Article 84**

The *Muhtasib* is the judge who investigates all cases, in the absence of an individual litigation, involving the rights of the public that do not involve the *Hudud* (proscribed punishments) and criminal acts.

### **Article 85**

The *Muhtasib* has the authority to judge upon violations as soon as he learns of them, irrespective of the location and without the need to hold a court session. A number of policemen are put at his disposal to carry out his orders and to execute his verdicts immediately.

### **Article 86**

The *Muhtasib* has the right to appoint deputies for him. They should fulfil the requirements of the *Muhtasib*, and he is allowed to assign them to different places.

Those deputies would have the power to carry out the duties of the *Hisbah* in the areas to which they have been assigned, and in the cases for which they have been delegated.

#### **Article 87**

The judge of the Court of Injustices (*Madhalim*) is appointed to remove all injustices which have been inflicted upon any person who lives under the authority of the State, irrespective of whether the person is from the subjects of the State or not, and irrespective of whether the injustice was committed by the *Khalifah* or anyone below him from the rulers and civil servants.

#### **Article 88**

The judge of the Court of Injustices (*Madhalim*) is appointed by the *Khalifah*, or by the Supreme Judge. His accounting, discipline and removal are done by the *Khalifah* or by the Supreme Judge if the *Khalifah* had given him the powers to do so. However he cannot be removed during his investigation of a *Madblamah* against the *Khalifah*, or the executive assistants, or the Supreme Judge; rather the power to remove him in these circumstances is for the Court of Injustice Acts (*Madhalim*).

#### **Article 89**

There is no limit to the number of judges that can be appointed for the Court of Injustice Acts (*Madhalim*), rather the *Khalifah* can appoint as many as he may deem necessary to eradicate the *Madhalim* (injustice acts), whatever that number may be. Although it is permitted for more than one judge to sit in a court session, only one judge has the authority to pronounce a verdict. The other judges only assist and provide advice, and their advice is not binding.

#### **Article 90**

The Court of Injustice Acts (*Madhalim*) has the right to remove any ruler or civil servant in the State, in the same way that it has the right to remove the *Khalifah*, if the elimination of the *Madblamah* required this removal.

#### **Article 91**

The Court of Injustice Acts (*Madhalim*) has the authority to investigate any case of injustice (*Madblamah*), irrespective of whether it is related to officials of the State, the Head of State's deviation from the *Shari'ah* rules, interpretation of the legislative texts in the constitution, law (*Qanun*) and other *Shari'ah* rules within the framework adopted by the Head of State, or the imposition of a tax, or anything else.

#### **Article 92**

The judiciary of the Injustice Acts (*Madhalim*) is not restricted by a court session or the request of the defendant or the presence of the plaintiff. It has the authority to look into any case of injustice even if there is no plaintiff.

### **Article 93**

Every person has the right to appoint whomsoever he wishes as a proxy (*Wakeel*) for oneself in the disputes and defence, irrespective of whether he is Muslim or not, male or female. There is no distinction in this matter between the commissioner and the proxy. The proxy is permitted to be appointed for a fee according to the terms agreed upon with the commissioner.

### **Article 94**

It is permitted for the one who has been vested with a specific responsibility, like a custodian or guardian, or general responsibility such as the *Khalifah*, ruler, civil servant, *Mubtasib*, or judge of the Court of Injustice Acts (*Madhalim*), to appoint a person to his position as a proxy - within the bounds of his authority – in disputes and defence alone, and there is no difference whether they were the plaintiff or defendant.

### **Article 95**

The contracts, transactions, and verdicts which were ratified and whose implementation was completed before the establishment of the *Khilafah* are not nullified by the judges of the *Khilafah* and nor do they review them, unless a case:

- a. Has a continued effect which contradicts Islam, so it is obligatory to review it.
- b. Or if it was connected with harm to Islam and the Muslims which was brought about by the previous rulers and their followers, and so it is permitted for the *Khalifah* to review such cases.
- c. Or if it was connected to wealth which had been misappropriated and still remains in the hands of the one who had taken it.

## **THE ADMINISTRATIVE SYSTEM**

### **Article 96**

Management of the government's and people's affairs is carried out by offices, departments, and administrations, whose task is to ensure the management of the State's business and the carrying out of the people's interests.

### **Article 97**

The policy of the administration of services is based on simplicity of the system, speed in processing tasks and competence of the administrators.



### **Article 98**

Anyone who carries citizenship, and is competent, whether male or female, Muslim or non-Muslim, can be appointed as a manager for an administration, a department, or a division, and to be a civil servant in it.

### **Article 99**

A general manager has to be appointed for each office; and every department and administration has a manager who is responsible for its management, and is directly responsible for it; and they are accountable in terms of their work to whoever is in charge of the highest post of their offices, departments or administrations; and they are accountable in terms of their adherence to the general rules and systems by the governor and *'Amil*.

### **Article 100**

The managers in all departments, administrations, and divisions are not dismissed except for reasons connected with the administrative systems, but it is permitted to transfer them between posts or to suspend them from working. Their appointment, transfer, suspension, discipline, and removal are all done by whoever is in charge of the highest post of their office, department, or administration.

### **Article 101**

The civil servants other than the managers are appointed, transferred, suspended, disciplined, and removed by the one who is in charge of the departments, administrations or divisions.

## **THE TREASURY (*Bayt Al-Mal*)**

### **Article 102**

The treasury (*Bayt Al-Mal*) is the administration responsible for the revenues and expenditure in accordance with the *Shari'ah* rules in terms of their collection, storage and spending. The head of the office of the treasury is called the Treasurer of the Treasury (*Khazjin Bayt Al-Mal*). The offices in the provinces fall under it and the head of each office is called the Trustee of the Treasury (*Sahib Bayt Al-Mal*).

# THE MEDIA

## Article 103

The institution of the Media Office is responsible for drawing up and executing the political media strategy for the State in order to support the interests of Islam and the Muslims. Internally, it works to build an Islamic society that is strong and cohesive, and it refutes that which is malicious while confirming that which is good. In external affairs it is to promote Islam during peace and war, in a manner that explains the greatness of Islam, its justice and the strength of its army, and expose the corruption and oppression of manmade system and the weakness of its army.

## Article 104

The media owned by any citizen of the State does not require a permit; rather they are simply required to inform the media office, such that the office knows about the media means that are being established. The owner and the editors of any media means are responsible for every article they publish and are accounted for anything which contradicts the *Shari'ah* in the same manner as any other citizen.

# THE UMMAH COUNCIL (THE CONSULTATION (SHURA) AND ACCOUNTING (MUHASABAH))

## Article 105

The individuals who represent the Muslims' views to the *Khalifah* are the *Ummah* Council, and the individuals who represent the people in the provinces are the Provincial Councils. It is permitted for non-Muslims to be members in the *Shura* council for the sake of raising any complaints against any oppression by the rulers or misapplication of the laws of Islam.

## Article 106

The members of the Provincial Councils are directly elected by the people in their provinces, and the number of members of any Provincial Councils is decided according to the ratio of the inhabitants in such province to the whole population of the State. The members of the *Ummah* Council are elected directly by the Provincial Councils. The start and end of the terms of the *Ummah* Council are the same as those of the Provincial Councils.

## Article 107

Every citizen who is adult and sane, has the right to be a member of the *Ummah*

Council or the Provincial Council, whether they are male, female, Muslim or non Muslim; the non-Muslim member is restricted to raising complaints regarding the oppression of the rulers or the misapplication of the laws of Islam.

### **Article 108**

*Shura* (consultation) and *Mashwarah* (deliberation) is the taking of opinion in its absolute meaning, and it is not binding in legislation, definitions, and nor intellectual issues such as disclosing facts, nor technical and scientific issues; and it is binding when the *Khalifah* consults in any operational issue and the actions that do not require research and deep examination.

### **Article 109**

*Shura* (consultation) is a right for the Muslims alone and the non-Muslims do not have a right to it. It is permitted for all of the subjects to put forward opinions, whether Muslim or not.

### **Article 110**

The issues which fall under consultation (*Shura*) are decided by the opinion of the majority without considering whether it is correct or incorrect. As for any other issues which fall under *Shura*, the correct opinion is sought without any consideration given to the majority or minority.

### **Article 111**

The *Ummah* Council has five powers which are:

1. (a): The *Khalifah* has to consult the Council and the Council has the right to advise him in operational matters and actions related to carrying out the affairs of the domestic policy that do not require deep intellectual research and serious examination, like matters of ruling, education, health, economy, trade, industry, agriculture and the like, and the opinion of the Council in these areas is binding.  
(b): In the intellectual matters that require deep research and serious examination, and issues which require experience and knowledge, and technical and scientific issues, and similarly the financial issues, the army, and foreign policy, the *Khalifah* has the right to consult the Council about them and to acquaint himself with its opinion; however the opinion of the Council is not binding in these matters.
2. The *Khalifah* has the right to notify the Council of the laws and rules which he wants to adopt. The Muslim members of the Council have the right to debate them and voice their opinions regarding those rules. However, if they disagree with the *Khalifah* regarding the validity of their deduction or their evidence, in terms of their disagreement with the method of adoption from the basis of legislation (*Usul*) adopted in the State, then the decision will be referred to the Court of *Madhalim*, and its verdict in this matter is binding.

3. The Council has the right to hold the *Khalifah* accountable for all matters that took place effectively within the State, whether these were related to domestic or foreign affairs, financial affairs, or military matters. The opinion of the Council is binding if the majority's opinion in such matters is binding, and it is not binding if the majority's opinion in such matters is not binding.

If the Council and the *Khalifah* differed about the legitimacy of an action that had been already executed the matter should be referred to the Court of *Madhalim* to settle the question. Its verdict on the matter is binding.

4. The *Ummah* Council has the right to express discontent of the assistants, governors or the '*Amils*'. Its opinion in such a case would be binding and the *Khalifah* should dismiss them at once. If the opinion of the *Ummah* Council differed from the opinion of the council of the concerned province regarding contentment and discontent of the governors and '*Amils*', the opinion of the council of the province overrides.

5. Muslim members of the Council have the right to restrict the nomination of candidates for the *Khalifah* from amongst those who fulfilled the qualification conditions as decided by the Madhalim Court. Their opinion in this is binding, and candidates other than those shortlisted by the Council should accordingly not be considered.

## THE SOCIAL SYSTEM

### Article 112

The primary role of women is that she is a mother and responsible over the household and she is an honour that must be protected.

### Article 113

In origin men and women are segregated, and do not come together except for a need by *Sbar'* agrees to it and agrees to their assembly for it , such as trade and the pilgrimage.

### Article 114

The woman has been given the same rights as man, and whatever was obliged upon man is also obliged upon the woman, except that which was specified for her or him by the *Shari'ah* evidences. Accordingly, she has the right to partake in trade, agriculture and industry, and to undertake contracts and transactions, to possess all forms of property, to invest her wealth whether personally or through proxy, and to personally carry out all worldly affairs.

### **Article 115**

It is permitted for a woman to be appointed in civil service and positions in the judiciary apart from the Court of Injustices. She can elect members of the *Ummah's* council, and be a member herself, and she can participate in the election of the Head of State and in giving him the pledge of allegiance.

### **Article 116**

It is not permitted for a woman to take a ruling position; so she cannot be a *Khalifah*, nor an assistant, governor or *'Amil*, nor undertake any action considered to be ruling. In the same manner she cannot be the head judge and nor a judge in the *Madhalim* court, nor the *Amir of Jihad*.

### **Article 117**

The woman lives in public and private spheres; in the public sphere she is permitted to live with women, *Maharim* men, and foreign men (men whom she can marry) on the condition that nothing other than her face and hands can be revealed, and that the clothing is not revealing, besides there is not any open display of adornments. As for the private sphere, she is not permitted to live with anyone other than women and her *Maharim*, and she is not permitted to live with unrelated/foreign men. She is restricted by all the *Shari'ah* rules in both spheres.

### **Article 118**

It is not permitted for a woman to be alone with a non-*Mabram*. It is not permitted for her to reveal the adornments (*Tabarruj*) and the *'Anrab* in front of foreign men.

### **Article 119**

It is prohibited for any man or woman to undertake any work which could undermine the morals, or causes corruption in the society.

### **Article 120**

Marital life is one of tranquillity; and the couple should live together as companions. The guardianship (*Qawwamah*) of the husband over the wife is a guardianship of care and not ruling. It has been made obligatory for her to obey him, and obligatory upon him to financially support her according to the expected standard of living of one like her.

### **Article 121**

The married couple must fully assist each other in the housework, and the husband must carry out all the work which is usually undertaken outside the house, while the wife carries out all the work which is usually undertaken inside the house, according to her capability. He must provide her with a servant as required to assist with the tasks that she is unable to carry out alone.

### **Article 122**

Custody of the child is a right and duty upon the mother, irrespective of whether she is a Muslim or not as long as the child needs this care. If the child no longer needs the care, then the situation is examined. If both of the parents are Muslim then the child, whether boy or girl, chooses whomever they would like to live with, and they will join whomever they choose, irrespective of whether that was the man or woman. If one of them is non-Muslim, then there is no choice between them; and they rather will join the Muslim parent.

## **THE ECONOMIC SYSTEM**

### **Article 123**

The management of the economy is to take in consideration the viewpoint about the targeted society when considering the the fulfilment of the needs. So what the society ought to be should be made the basis for the fulfilment of the needs.

### **Article 124**

The primary economic problem is the distribution of wealth and benefits to all of the subjects of the State, and facilitating their utilisation of this wealth and benefits, by enabling them to strive for them and possess them.

### **Article 125**

It is obligatory to guarantee that all the basic needs are met for everyone, and are completely met on an individual basis, and to guarantee that every individual is facilitated to satisfy the extra needs (non-essential needs) to the highest level possible.

### **Article 126**

The wealth belongs to *Allab* (swt) alone, and He (swt) has made human beings the trustees of it. Through this general trust they have been given the right to ownership of wealth.

*Allab* (swt) has permitted for the individual to possess the wealth; so through this specific permission, he managed to possess it practically.

### **Article 127**

There are three types of property – private, public and State.

### **Article 128**

Private property is Shari'ah rule determined by the property itself or the benefit from it. This qualifies the one that owns a property to benefit of it or get an exchange for it.

### **Article 129**

Public property is the permission of the Legislator (swt) for the community to collectively utilise the property itself.

### **Article 130**

State property is every wealth whose expenditure is determined by the opinion and *Ijtihad* of the *Khalifah*, such as the wealth derived from taxes, land tax and *Jizya*.

### **Article 131**

Private property consisting of liquid and fixed assets is restricted to the following five *Shari'ah* means:

- a. Work
- b. Inheritance
- c. The need of wealth for the sake of living
- d. Donation from the wealth of the State to its subjects
- e. Funds taken by individuals without any effort or purchase

### **Article 132**

The disposal of property is restricted by the permission of the Legislator (swt), for both of spending and investment. Squandering, extravagance and miserliness are all forbidden. Capitalist companies, co-operatives and any other type of transactions which contradict the *Shari'ah* are forbidden. Interest, fraud, monopolies, gambling and anything similar are all forbidden.

### **Article 133**

Tithed land (*'ushriyyah*) constitutes land within the Arabian Peninsula and land whose owners had embraced Islam, whilst possessing the land, before the Islamic State conquered them by *Jihad*. Taxed land (*kharajyyah*) is all land, other than the Arabian Peninsula, which was opened by *jihad*, whether through war or peace treaties. The *'ushriyyah* land, together with its benefits, is owned by individuals, whereas the *kharajyyah* land is owned by the State, while individuals own its benefits. Every individual has the right to exchange, through *Shari'ah* contracts, the tithed land and the benefits of taxed land. All people can inherit these, the same as with all other wealth.

### **Article 134**

Dead land is possessed through its revival and fencing. Any other type of land is not

possessed except through a *Shari'ah* means such as inheritance, purchase, and donation by the State.

### **Article 135**

It is completely prohibited to rent land for agriculture, irrespective of whether the land was *keharajyyab* or *'ushriyyab*. Likewise, temporary share-cropping is also prohibited. *Musaaqa* (renting trees for a portion of their yields) is permitted without restriction.

### **Article 136**

Everyone that owns land is compelled to use it, and those that require financial help are given money from the *Bayt al-Mal* to enable them to utilise their land. If anyone neglects utilising the land for three years continuously, it is taken from them and given to someone else.

### **Article 137**

There are three categories of Public Ownership:

- a. Public utilities, such as the open spaces in the towns.
- b. Vast mineral resources, like oil fields.
- c. Things which, by their nature, preclude ownership by individuals, such as rivers.

### **Article 138**

Factories by their nature are private property. However, they follow the rule of the product that they are producing. If the product is private property then the factory is considered to be private property, such as textile factories. If the product is public property then the factory is considered public property, such as factories for iron ore production.

### **Article 139**

The State is not permitted to transfer private property into public property, since public property is confirmed by the nature and characteristic of wealth and not by the opinion of the State.

### **Article 140**

Every individual from the *Ummah* has the right to utilise anything from public property, and it is not allowed for the State to permit someone to individually possess or utilise it.

### **Article 141**

The State is allowed to protect some of the dead land and any part of public property for any public interest.



## **Article 142**

Hoarding of wealth is prohibited, even if *Zakat* is paid upon it.

## **Article 143**

*Zakat* is collected from Muslims, and is taken from the wealth which the *Shari'ah* has specified such as money, the profits of trade, cattle and grains. It is not taken from anything which the *Shari'ah* did not mention. It is taken from every owner irrespective of whether they were legally responsible/accountable (*mukallaf*) such as the mature, sane person or whether they were not legally responsible such as the child and the insane. The *Zakat* is placed in a specific section of the *Bayt al-Mal*, and is not spent except upon one or more of the eight categories mentioned in the noble *Quran*.

## **Article 144**

*Jizya* is collected from non-Muslims (people of *dhimma*). It is to be taken from the adult men if they are capable of paying it, and it is not taken from women or children.

## **Article 145**

Land tax is payable upon the *kharajiyah* land according to its capacity. *Zakat* is collected from the *'ushriyyah* land according to the actual production.

## **Article 146**

Muslims pay the taxes that the *Shari'ah* has permitted to be levied upon them in order to cover the expenditure of the *Bayt al-Mal*, on the condition that it is levied on that which is surplus to the individual's needs according to what is normal, and has to be sufficient to cover the needs of the State.

## **Article 147**

The State has the right to impose taxes in order to undertake anything that the *Shari'ah* obligated upon the *Ummah* if the funds in the *Bayt al-Mal* were insufficient since the obligation for funding it would be transferred onto the *Ummah*. The State has no right to impose a tax for the sake of whatever is not obligatory upon the *Ummah* to undertake, and so it is not permitted to collect fees for the courts or departments or to fulfil any service.

## **Article 148**

The budget of the State has permanent chapters determined by *Shari'ah* rules. As for the sections of the budget, the amounts allocated for each section, and the issues of each section covered by these amounts are left to the opinion of the *Khalifah* and his *Ijtihad*.

## **Article 149**

The permanent sources of income for the *Bayt al-Mal* are the booty, *Jizya*, land tax, a

fifth of buried treasure, and *Zakat*. This income is collected continuously irrespective of whether there was a need or not.

### **Article 150**

If the permanent revenues of the *Bayt al-Mal* are not sufficient to cover the expenditure of the State, then it is possible to impose taxes upon the Muslims. It becomes obligatory to impose taxes as follows:

- a. To fulfil the obligatory expenses upon the *Bayt al-Mal* for the poor, needy, and wayfarers, and to undertake the obligation of *Jihad*.
- b. To fulfil the obligatory expenses upon the *Bayt al-Mal* for remunerations of the civil servants and soldiers, as well as compensation for the rulers.
- c. To fulfil the obligatory expenses upon the *Bayt al-Mal* to undertake the services and needs such as establishing roads, extracting water, building mosques, schools and hospitals.
- d. To fulfil the obligatory expenses upon the *Bayt al-Mal* which are necessary in case of a disaster which afflicted the subjects such as famine, floods and earthquakes.

### **Article 151**

Money taken at the borders of the State from custom duties, income derived from public or State property, inheritance for which there is no inheritor and the assets of the apostates are all considered to be part of the revenue of the *Bayt al-Mal*.

### **Article 152**

The expenditure of the *Bayt al-Mal* is divided across six sections:

- a. The eight categories which deserve the *Zakat* to be spent upon them, from the chapter of *Zakat*.
- b. The poor, the needy, the wayfarer, *Jihad*, and those in debt – if there is nothing found in the chapter of *Zakat*, they are given money from the permanent sources of income of the *Bayt al-Mal*, and if nothing is found then those in debt are not given anything. Taxes are imposed in order to fulfil the expenses required for the poor, the needy, the wayfarer, and *Jihad*, and the State takes a loan in case of fear of *fasad* (corruption).
- c. The individuals who provide services to the State such as the civil servants, the soldiers and the rulers are paid from the *Bayt al-Mal*. If there were insufficient funds in the *Bayt al-Mal* then taxes are imposed in order to fulfil the expenditure needs, and the State takes a loan in case of fear of *fasad* (corruption).
- d. The essential services and utilities such as roads, mosques, hospitals and schools are funded by the *Bayt al-Mal*, and if there are insufficient funds in the

*Bayt al-Mal* taxes are imposed to fulfil these expenses.

- e. The non-essential services and utilities are funded by the *Bayt al-Mal*, and if funds found in the *Bayt al-Mal* are insufficient then they are not funded, but rather delayed.
- f. Emergency situations such as earthquakes and floods are funded by the *Bayt al-Mal*, and if the funds were not found the money required is taken as a loan immediately which is then repaid through raised taxes.

### **Article 153**

The State guarantees to create work for all of those who carry its citizenship.

### **Article 154**

Company employees and those employed by individuals have the same rights and duties as employees of the State. Everyone who works for a wage, irrespective of the nature of the work, is considered an employee. In matters of dispute between employers and employees over salary levels, the salary level is to be assessed on the basis of the market. If they disagree over something else, the employment contract is to be assessed according to the rules of the *Shari'ah*.

### **Article 155**

The salary is to be determined according to the benefit of the work, or the benefit of the employee, and not according to the knowledge and/or qualifications of the employee. There have to be no annual increments for employees. Instead, they have to be given the full value of the salary they deserve for the work they do.

### **Article 156**

The State has to guarantee the living expenses of the one who has no money, no work and no relatives responsible for his financial maintenance. The State is responsible for housing and maintaining the disabled and handicapped people.

### **Article 157**

The State works to circulate the wealth amongst the subjects, and prevents it from circulating solely amongst a particular sector of society.

### **Article 158**

The State makes it easier for all the citizens to be able to satisfy their extra (non-essential) needs, and to achieve equality in society in the following way:

- a. By giving out liquid and fixed assets from the funds of the *Bayt al-Mal*, and from the war booties, and anything similar.
- b. Donating some of its cultivated land to those who have insufficient land. Those who possess land but do not use it are not given more. Those who are unable to cultivate their land are given financial assistance to enable them to

cultivate it.

- c. Giving help to those unable to repay their debts by providing funds from the *Zakat*, and the war booty, and anything similar.

### **Article 159**

The State supervises agricultural affairs and its produce in accordance with the needs of the agricultural policy which is to achieve the potential of the land to its greatest level of production.

### **Article 160**

The State supervises the whole affairs of industry. It directly undertakes those industries which are connected to whatever is part of the public property.

### **Article 161**

Foreign trade is assessed on the basis of the citizenship of the trader and not the origin of the goods. Merchants from countries in a state of war with the State are prevented from trading in the State, unless given a special permission for the merchant or the goods. Merchants from countries that have treaties with the State are treated according to the terms of the treaties. Merchants who are subjects of the State are prevented from exporting any goods that the country needs, or any goods which strengthen the enemy militarily, industrially or economically. However, they are not prevented from importing any property they own. Countries with whom there is a real war between us and their people (such as Israel) are excluded from these rules, since in all relationships with them they take the rules of the actual belligerent countries, whether those rules were linked to trade or not.

### **Article 162**

All individual subjects of the State have the right to establish scientific research laboratories connected to life issues, and the State must also establish such laboratories.

### **Article 163**

Individuals are prevented from possessing laboratories producing materials that could harm the *Ummah* or the State, or materials that the *Shari'ah* forbade.

### **Article 164**

The State provides free health care for all, but it does not prevent the use of private medical care or the sale of medicine.

### **Article 165**

Development and investment by foreign funds within the State are forbidden. It is also prohibited to grant franchises to foreigners.

### **Article 166**

The State issues its own independent currency, and it is not permitted for it to be linked to any foreign currency.

### **Article 167**

The currency of the State is to be restricted to gold and silver, whether minted or not. No other form of currency for the State is permitted. The State can issue something as a substitute for gold or silver provided that the *Bayt al-Mal* has the equivalent amount of gold and silver to cover the issued coinage. Thus, the State may issue coinage in its name from brass, bronze or paper notes and so on as long as it is covered completely by gold and silver.

### **Article 168**

It is permissible to have exchange between the State currency and the currency of other states like the exchange between the State's own coinages. It is permissible for the exchange rate between two currencies to differ provided the currencies are different from each other. However, such transactions must be undertaken in a hand-to-hand manner and constitute a direct transaction with no delay involved. The exchange rate can fluctuate without any restriction as long as it is between two different currencies. All citizens can buy whatever currency they require from within or outside the State, and they can purchase the required currency without obtaining prior permission or the like.

### **Article 169**

It is completely prohibited to open banks, and the only one permitted will be the State bank, and there are no transactions upon interest. This will be dealt with by a particular department of the *Bayt al-Mal*. Financial loans will be undertaken in accordance with the rules of the *Shari'ah* and the financial and currency transactions will be facilitated.

## **THE EDUCATION POLICY**

### **Article 170**

It is imperative that Islamic *'Aqidah* is the basis for the education curriculum. The syllabi and the ways of teaching are all drafted in a manner that does not deviate from this basis.

**Article 171**

The education policy is to form the Islamic mentality and disposition. Therefore, all subjects in the curriculum must be chosen on this basis.

**Article 172**

The goal of education is to produce the Islamic personality and to increase peoples' knowledge connected with life's affairs. Teaching methods are established to achieve this goal; any method that leads to other than this goal is prevented.

**Article 173**

There must be weekly classes in Islamic sciences and Arabic, with the same time and amount allocated as the classes for the rest of the sciences.

**Article 174**

A distinction should be drawn between the empirical sciences such as mathematics on the one hand and the cultural sciences on the other. The empirical sciences and all that is related to them are taught according to the need and are not restricted to any stage of education. As for the cultural sciences, they are taught at the primary and secondary levels according to a specific policy which does not contradict Islamic thoughts and rules. In higher education, these cultural sciences are studied like other sciences provided they do not lead to a departure from the education policy and its goal.

**Article 175**

The Islamic culture must be taught at all levels of education. In higher education, departments should be assigned to the various Islamic disciplines as will be done with medicine, engineering, physics and anything similar.

**Article 176**

Arts and crafts may be related to science, such as commerce, navigation and agriculture. In such cases, they are studied without restriction or conditions. Sometimes, however, arts and crafts are connected to culture and influenced by a particular viewpoint of life, such as painting and sculpting. If this viewpoint of life contradicts the Islamic viewpoint of life, these arts and crafts are not taken.

**Article 177**

The State's has one unique curriculum and no other curriculums are allowed to be taught. Private schools are allowed as long as they adopt the State's curriculum and establish themselves on the State's educational policy and accomplish the goal of education set by the State, on condition they do not allow mixing between male and female, whether student or teacher, and they are not specific to a sect, religion, school of thought, race or colour.

### **Article 178**

It is an obligation upon the State to teach every individual those matters that are necessary for the mainstream of life, male or female, in the primary and secondary levels of education. This must be provided free of charge to everyone, and the State should, to the best of its ability, provide the opportunity for everyone to continue higher education free of charge.

### **Article 179**

The State ought to provide the means of developing knowledge, such as libraries and laboratories, in addition to schools and universities, to enable those who want to continue their research in the various fields of knowledge, like jurisprudence, narrations and *Tafsir*, and thought, medicine, engineering and chemistry, and such as inventions and discoveries and so on. This is done to create an abundance of *Mujtahidun*, outstanding scientists and inventors.

### **Article 180**

The exploitation of writing books for educational purposes at whatever level is strictly forbidden. Once a book has been printed and published, nobody has the right to reserve the publishing and printing rights, including the author. However, if they were ideas he had, which were not yet printed or published, the owner has the right to be paid for transferring these ideas to the public as he paid for teaching.

## **FOREIGN AFFAIRS**

### **Article 181**

Politics is taking care of the affairs of the *Ummah* domestically and internationally. It is performed by the State and the *Ummah*. The State takes on this task practically through government, and the *Ummah* accounts the State upon it.

### **Article 182**

It is absolutely forbidden for any individual, party, group or association to have relations with a foreign state. Relations with foreign countries are restricted to the State alone because the State has the sole right of governing the affairs of the *Ummah* practically. The *Ummah* can account the State regarding foreign relations.

### **Article 183**

Ends do not justify means, because the method is integral to the thought. Thus, the obligation and the permitted cannot be attained by performing a forbidden action.

Political means must not contradict the political methods.

#### **Article 184**

Political manoeuvres are necessary in foreign policy, and the effectiveness of these manoeuvres is dependent on concealing (your) aims and disclosing (your) acts.

#### **Article 185**

Some of the most important political means are exposing the crimes of other states, demonstrating the danger of erroneous politics, exposing harmful conspiracies and undermining misleading personalities.

#### **Article 186**

One of the most important political methods is the manifestation of the greatness of the Islamic thoughts in governing the affairs of individuals, nations and states.

#### **Article 187**

The political cause of the *Ummah* is Islam, in the strength of the status of the State, the best implementation of its rules and continuity in carrying its call to mankind.

#### **Article 188**

The foreign policy revolves around carrying the call to Islam; and the relationship between the State and all of the other states is built upon this basis.

#### **Article 189**

The relationship of the State with other states present in the world is built upon four considerations. These are:

1. The existing states in the Islamic world are considered to be part of one land and therefore they are not included within the sphere of foreign affairs. Relations with these countries are not considered to be in the realm of foreign policy and it is obligatory to work to unify all these countries into one state.
2. States who have economic, commercial, good neighbouring or cultural treaties with our State are to be treated according to the terms of the treaties. If a treaty states so, their subjects have the right to enter the State with an identity card without the need for a passport provided our subjects are treated in a like manner. The economic and commercial relations with such states must be restricted to specific items and characteristics which are deemed necessary and which at the same time do not lead to the strengthening of these states.
3. States with whom we do not have treaties, and the actual imperialist states, such as Britain, America and France, and those states that have designs on the State, such as Russia, are legally considered to be belligerent states. All precautions must be taken towards them and it would be wrong to establish diplomatic relations with them. Their subjects may enter the Islamic State, but only with



a passport and a visa specific to every individual and for every visit, unless they become practically belligerent.

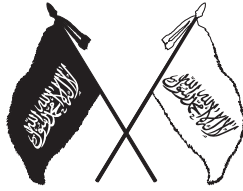
4. States that are actually belligerent states, such as Israel for example, a state of war must be taken as the basis for all dealings with them . They must be dealt with as if a real war existed between us – irrespective of whether an armistice exists between us or not - and all their subjects are prevented from entering the State.

#### **Article 190**

All military treaties and pacts (with other States) are completely prohibited, along with anything of their type, or connected to them such as political treaties and agreements covering the leasing of military bases and airfields. It is permitted to conclude good neighbour relations, economic, commercial, financial, cultural and armistice treaties.

#### **Article 191**

The State is forbidden to belong to any organisation which is based on anything other than Islam or which applies non-Islamic rules. This includes international organisations like the United Nations, the International Court of Justice, the International Monetary Fund and the World Bank, and regional organisations like the Arab League.



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