



PRESS RELEASE
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Al Jama-ah is very disturbed by ruling of Supreme Court of Appeal

The Al Jama-ah party is deeply disturbed by the ruling of the Supreme Court of Appeal on the interim relief measures applied for by the Women Legal Centre in the case of Muslim women.

Al Jama-ah has further slammed the Muslim marriage judiciary bodies who accepts the interim relief measures such as the Divorce Act.

Although the party commends the WLC Trust for its position that it is only the Legislature that can deal with issues of their Constituency which is Muslim women and women in Muslim marriages who visit their offices for relief. AL Jama-ah notes that a vast amount of marital disputes of Muslim women have been satisfactorily settled by Muslim courts in the country.

We understand the frustration that Muslim women are going through over many years as the government does not recognise marriages by Nikah in accordance with Shariah Law.

As Muslims we cannot go against Islamic Law and ultimately, we have a duty to ensure that Muslim women are not only protected by the Western law, but firstly by Islamic law.

The Marriage Act which will be passed in 2024 with its provisions are against the tenets of the rulings of Islam and as is the Divorce Act and its propriety rights are against the tenets of Islam.

The party recently updated its Private Members Bill on Recognition of Registration of Nikah Bill which provides for registration of a death certificate not to state “never married” in the case of a nikah marriage. The couple can further decide on the legal consequences – tenets of Islamic rulings and Provisions of 20 Acts of Parliament relating to marriages.





The Party is reminded of the determination by the late Chief Justice Ismail Mahomed when as chairperson of the Law Reform Commission which included Advocate Jeremy Gauntlet that the final arbitrator of marital disputes should be a Bench of Qadis.

This was a clear signal that the interpretation of the tenets of Islamic rulings on marital matters is left out of the normal court system leading to the Apex Court.

We reaffirm our position that the courts must not get involved in ecclesiastical matters or give guidance to the Legislature on how to deal with Muslim marital matters.

For further media enquiries contact Al Jama-ah President:

Mr Ganief Hendricks

Cell: 082 780 2573