



BILLS IN PARLIAMENT

A TOOLKIT FOR EVERY MUSLIM IN SOUTH AFRICA

Al Jama-ah immediately responds to the injunction of the Constitutional Court and gets Parliament to approve the definition of the Shariah, a Muslim Marriage and Who is a Muslim after getting approval by the Ulema

BE PART OF THE FUTURE OF MUSLIM PERSONAL LAW IN SOUTH AFRICA

BECOME A MUSLIM PERSONAL LAW CHAMPION IN YOUR STREET AND FIGHT FOR CORRECT DEFINITION OF "SHARIAH" IN SOUTH AFRICAN LEGISLATION INSHA ALLAH

REGISTRATION OF **MUSLIM MARRIAGES** BILL



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FOREWORD



Al Jama-ah Party has had a busy socio-political agenda over the past few years (circa 2019-2022). While it realized that it did not have the resources that bigger parties have, it was of the view that it has to demonstrate its willingness to sincerely serve all communities where it has representatives.

It, however, showed the same positive attitude towards those communities that are situated elsewhere in our vast country; and this is with the hope that these communities will view the Party as one that ‘walks the talk’ and for whom it should vote in the 2024 elections.

The Party’s leadership, at both national and provincial levels, has ploughed its energies to assist in whichever way it is possible. The Party, moreover, decided to make a contribution in the area of Muslim Personal Law (MPL) for three basic reasons.

The first was that since the Muslim marriage institution was not – since colonial times - given any formal recognition and this had to change. History reflects that several Muslim families suffered as a result of this colonial legal position. Because of its non-recognition, the second negative effect was when a spouse passed away; on the latter’s death certificate it categorically stated that the spouse was ‘never married’. And a further consequence of the spouse’s death resulted in the third negative outcome; that is, the living spouse and the children from this marriage could not inherit from the dead spouse. They were effectively disinherited as per Roman-Dutch law and this added to the woes of the Muslim family.

Since the colonial and apartheid eras have been replaced by a democratic dispensation in 1994, the Muslim communities’ representative groups made renewed efforts so that they may enjoy the same marital rights and its consequences like every other religio-cultural community. These Muslim groups had to, however, work with the South African Law Commission (SALC) to achieve this goal. So, throughout this democratic period (circa 1994-2011), the SALC cooperated with representative Muslim NGOs to bring about the necessary legal changes. Though they spent a great deal of time and energy to realize this specific goal, all of their invaluable input came to naught. By 2011, the former President Jacob Zuma rejected the draft Muslim Marriages Bill (MMB) and this implied that the dignity of our Muslim families especially the Muslim women were undermined.

The purpose of this toolkit is to share brief background notes as to the MPL’s development and protection; though it is not the intention to provide detailed information, it offers a bird’s eye-view so that everyone may fully appreciate the efforts that have been ploughed in to achieve this goal. Besides the Cape-based Women’s Legal Centre (WLC) that played a pivotal role, the toolkit wishes to note down the input that was made by Member of Parliament and Al Jama-ah’s leader, Honourable Ganief Hendrick.

Over these years, the Party focused on restoring the dignity of our womenfolk. Now for this to happen, it had to work on important Bills to realize this. The first was the Registration of the Muslim Marriages Bill (RMMB); and thereafter, it addressed the amendments to the respective Divorce and Maintenances Acts. So, the Party hopes that this toolkit would empower everyone knowledge-wise by offering insights to the process and that everyone will support it.

Al Jama-ah wishes to underline that with this toolkit every Muslim household across the country would be informed about the efforts that Al Jama-ah – as a Muslim political party - has made on the MPL front; it basically complimented the work that others did during the earlier decades.

Now while the drafting of the Bills was to see that the Muslim marriage institution be duly recognized and be given legal muster, it also made certain that the dignity of all Muslim families was restored. Al Jama-ah wanted to also ensure that the drafted RMMB contained the correct definitions; though these might appear to be purely technical terms, they carry lots of legal weight within and beyond the South African legislative system.

In conclusion and by way of expressing gratitude, the Party solicited the input of a few known Muftis, Shaykhs, Maulanas as well as Muslim Advocates and Muslim Judges. Together, they helped to construct appropriate definitions for the following terms: Shari’ah (Islamic Law), Muslim Marriage, and Qadhi (Muslim judge). These constructed definitions helped to avoid a possible catastrophe and misunderstandings within – and even outside - the South African legal system.

Al Jama-ah Party Leadership
Cape Town, Western Cape, South Africa.
6 December 2022/ 12 Jumada al-Awwal 1444

INTRODUCTION

- 1.1. In 2020, on Appeal from the Western Cape High Court case, the Supreme Court of Appeal declared that:
 - 1.1.1 The Marriage Act 25 of 1961 (Marriage Act) and the Divorce Act 70 of 1979 (Divorce Act) is inconsistent with sections 9, 10, 28 and 34 of the Constitution in that they fail to recognise marriages solemnised in accordance with Sharia law (Muslim marriages) which have not been registered as civil marriages, as valid marriages for all purposes in South Africa, and to regulate the consequences of such recognition.
 - 1.1.2 Section 6 of the Divorce Act is inconsistent with sections 9, 10, 28(2) and 34 of the Constitution, insofar as it failed to provide for mechanisms to safeguard the welfare of minor or dependent children born of Muslim marriages, at the time of dissolution of the Muslim marriage in the same or similar manner as it provided for mechanisms to safeguard the welfare of minor or dependent children born of other marriages that are dissolved.
 - 1.1.3 Section 7(3) of the Divorce Act is inconsistent with sections 9, 10, and 34 of the Constitution, insofar as it failed to provide for the redistribution of assets, on the dissolution of a Muslim marriage, when such redistribution would be just.
 - 1.1.4 Section 9(1) of the Divorce Act is inconsistent with sections 9, 10 and 34 of the Constitution, insofar as it fails to make provision for the forfeiture of the patrimonial benefits of a Muslim marriage at the time of its dissolution in the same or similar terms as it does in respect of other marriages that are dissolved.
 - 1.1.5 The common law definition of marriage is inconsistent with the Constitution and invalid to the extent that it excludes Muslim marriages.
- 1.2. The declarations of invalidity were suspended for a period of 24 months to enable the President and Cabinet, together with Parliament, to remedy the foregoing defects by either amending existing legislation, or initiating and passing new legislation within 24 months, in order to ensure the recognition of Muslim marriages as valid marriages for all purposes in South Africa and to regulate the consequences arising from such recognition.
- 1.3. Pending the coming into force of legislation or amendments to existing legislation, it was declared that Muslim marriages subsisting at 15 December 2014, being the date when this action was instituted in the High Court, or which had been terminated in terms of Sharia law as at 15 December 2014, but in respect of which legal proceedings have been instituted and which proceedings have not been finally determined as at the date of this order, may be dissolved in accordance with the Divorce Act as follows:
 - 1.3.1 All the provisions of the Divorce Act shall be applicable, save that all Muslim marriages shall be treated as if they are out of community of property, except where there are agreements to the contrary; and
 - 1.3.2 The provisions of section 7(3) of Divorce Act shall apply to such a union regardless of when it was concluded.
- 1.4. In the case of a husband who is a spouse in more than one Muslim marriage, it was ordered that the court:
 - 1.4.1 Shall take into consideration all relevant factors, including any contract or agreement between the relevant spouses, and must make any equitable order that it deems just; and
 - 1.4.2 May order that any person who in the court's opinion has a sufficient interest in the matter be joined in the proceedings.

- 1.5. Pending the coming into force of legislation or amendments to existing legislation it was declared that:
 - 1.5.1 From the date of the order, section 12(2) of the Children's Act 38 of 2005 applies to a prospective spouse in a Muslim marriage concluded after the date of this order; and
 - 1.5.2 The provisions of sections 3(1)(a), 3(3)(a) and 3(3)(b), 3(4)(a) and 3(4)(b) and 3(5) of the Recognition of Customary Marriages Act 120 of 1998 shall apply, mutatis mutandis, to Muslim marriages.
- 1.6. The above order was confirmed by the Constitutional Court on 28 June 2022, in Women's Legal Centre Trust v President of the Republic of South Africa and Others [2022] ZACC 23, where the court held that the non-recognition of Muslim marriages infringes upon the rights of Muslim women and their children to dignity, equality, access to courts and the best interests of the children. The court noted that the application centred around "the persisting non-recognition of marriages solemnised in accordance with the tenets of Sharia law (Muslim marriages), which has resulted in the infringement of fundamental rights of parties to Muslim marriages, and Muslim women and children in particular, for far too long."
- 1.7. The court confirmed that the Marriage Act and the Divorce Act are inconsistent with the Constitution because they fail to recognise marriages solemnised in accordance with Sharia law and have not registered these as valid civil marriages.
- 1.8. The common law definition of marriage was also declared to be inconsistent with the Constitution and invalid because it excluded Muslim marriages. The common law definition of marriage now includes Muslim marriages. Muslim marriages are therefore deemed to be valid and legitimate.
- 1.9. The following sections of the Divorce Act were declared unconstitutional:
 - 1.9.1 Sections 6 and 7(3), because they failed to provide mechanisms to safeguard the welfare of minor or dependent children born in Muslim marriages and failed to provide for the redistribution of assets on the dissolution of a Muslim marriage when such redistribution would be just; and
 - 1.9.2 Section 9(1), because it is inconsistent with the Constitution for failing to make provision for the forfeiture of patrimonial benefits of a Muslim marriage at the time of its dissolution, in the same or similar terms as it does in respect of other marriages that are dissolved.
- 1.10. The Constitutional Court suspended the declaration of invalidity for a period of 24 months to enable the legislature to remedy defects by either amending existing legislation or initiating new legislation by 27 June 2024. The new or amended legislation must recognise Muslim marriages for all purposes in South Africa and regulate the consequences arising from such recognition.
- 1.11. Pending the coming into force of new legislation or the amendment of existing legislation, the Constitutional Court declared that Muslim marriages subsisting as at 15 December 2014 may be dissolved in accordance with the Divorce Act, as follows:
 - 1.11.1 All provisions of the Divorce Act would be applicable, save that all Muslim marriages would be treated as if they are out of community of property, except where there are agreements to the contrary.
- 1.12. Now that the Divorce Act applies to Muslim marriages, minor and dependent children of Muslim marriages will enjoy the same protections as minor and dependent children in civil marriages.
- 1.13. The Constitutional Court also held that pending the coming into force of new or amended legislation, from 28 June 2022, section 12(2) of the Children's Act, 2005, applies to a prospective spouse in a Muslim marriage concluded after 28 June 2022 and sections 3(1)(a), 3(3)(a) and 3(3)(b) and 3(4)(a) and (b) of the Recognition of Customary Marriages Act, 1998, shall apply, with necessary changes being made, to Muslim marriages.

- 1.14. Prior to this case, women in Muslim marriages had to register their marriages in order to have their marriages recognised under South African law. The Supreme Court of Appeal and the Constitutional Court confirmed that the non-recognition of Muslim marriages that were not registered violated the Constitutional rights of women in and children born of Muslim marriages.
- 1.15. The court remarked that the non-recognition of Muslim marriages was a source of great hardship. There was no justification offered as to why children born of Muslim marriages should not enjoy the automatic oversight of a court, as set out in the Divorce Act, in relation to their care and maintenance and why they should not be protected by a statutory minimum age for consent to marriage.
- 1.16. The previous non-recognition of Muslim marriages forced some Muslims to dilute their religious beliefs by electing to marry monogamously according to civil law in order for their marriages to be regarded as valid. An additional challenge was that women in Muslim marriages were often unable to convince their husbands to conclude civil marriages.
- 1.17. If a Muslim couple enters into a community of property marriage by concluding a pre-nuptial agreement and if the husband in that marriage marries a second wife under Sharia Law, the first wife, on the husband's death, will get half of the joint estate by virtue of the in-community-of- property matrimonial regime and a specified share from the other half of the joint estate. The second wife will only receive a specified share in half of the estate because her marriage will be deemed to be an out-of-community- of-property marriage.
- 1.18. The Constitutional Court judgment applies to all Muslim marriages entered into after 15 December 2014. Muslim marriages have been brought on par and in line with other civil marriages, but they will be treated as out of community marriages unless the spouses agreed otherwise.
- 1.19. It is patent that a single marriage statute will not achieve the objects which the court declared necessary. It is also clear that the legislative reform towards a Muslim marriages Act is no where near completion, and will in all likelihood take another two to five years, if not longer.
- 1.20. Not recognising the existence of a Muslim marriage is tantamount to not recognising the existence of Muslim people, their religion, customs, traditions and culture. The effect of this continuous gross human right violation by the state is significant. It is essentially impossible for a person to attend to his or her affairs if one lives in a society where you are not even able to establish the proprietary consequences of a person's marriage upon the conclusion or at the dissolution thereof. There are no mechanisms to safeguard the welfare of minor or dependent children of Muslim marriages at the time of the now informal dissolution of these marriages.
- 1.21. The Bill provides an effective medium to address the mischief identified by the courts and provides an interim but effective remedy which immediately responds to the court's injunctions.
- 1.22. In anticipation of there being different schools of thought regarding various aspects in respect of the religion of Islam and Islamic private and family law, this draft Bill is designed to identify the minimum elements of a Muslim marriage, referred to as a nikah, and to, at the very least, provide an interim and purely temporary so-called bare bones minimalist Bill to at the very least serve as a resolution to the great indignity caused by the inability to register a Muslim marriage with the DHA, pending the finalisation of a more comprehensive and detailed Act of Parliament to be promulgated (or substantive amendments to existing legislation). This Bill is therefore an interim and minimalist Bill designed to only provide for the registration of valid Muslim marriages and to regulate some ancillary aspects associated with the registration of these marriages and the dissolution thereof. The provision of this bare bones Bill dealing only with the actual registration of Muslim marriages at the DHA is by no means an attempt to codify a religion. It is also not an attempt to resolve any dispute between the different schools of thought or interpretations. The Bill will automatically be repealed upon a more comprehensive Act coming into operation. The Bill for instance does not deal with divorces separate to that of any other divorce action. The reason for this is because history has now taught us that these topics are the contentious issues that will delay the enactment of this crucial Bill – this is something that should be avoided, as any delay in the enactment of this “interim and minimalist Bill” would defeat its entire objective.

LIST OF DEFINITIONS

In this Act, unless the context otherwise indicated:

“COMPETENT WITNESS”

means a person who is 14 years and above, and competent to give evidence in a court of law

“DEPARTMENT”

means the Department of Home Affairs

“DIVORCE ACT”

means the Divorce Act, 1979 (Act No. 70 of 1979)

“ISLAMIC LAW”

(Sharia), which regulates all public and private behaviour, means the law as derived from traditional customs (Al-Urf), the two primary sources, namely, the Quran and the Sunnah (Prophetic model) and that uses juristic tools such as ijma (the consensus) of Muslim Jurists or the individual jurist's qiyas (analogical deductions) to issue legal edicts

“MUSLIM MARRIAGE”

subject to section 2, is a legal contract of marriage that regulates the consequences of the parties' intended marital relationship, concluded during a ceremony referred to as a nikah in accordance with Islamic Law

“MUSLIM PERSON”

means any person who professes the religion of Islam by acknowledging that there is no God but One and that Muhammad is His last Messenger and does not believe in any kind of prophethood after him in any sense of the term: Provided that peculiarities in belief, orthodoxy or heterodoxy does not preclude or include a person to be a Muslim person

APPLICATION OF ACT

One of the first comments on the Bill will be an “opt in” clause, which Al Jama-ah supports if the Portfolio Committee on Home Affairs and the Parliamentary Legislative Drafting Team and Parliament's Constitutional Unit approves it. This comment comes from Advocate Mahomed Saleem Khan SC and a panel of Muftis that engaged with a delegation of Al Jama-ah headed by its NEC Member Faizal Khan.

The contents of the section bearing the title: “Application of Act” should be amended to read as follows:

- 1.1 This Act will apply only to those Muslim marriages in which the husband and the wife (“couple”) “opt in” for the application to their marriage of the laws promulgated under such Act. During the course of the registration of their marriage, the couple, which desires to “opt in”, shall specifically record this election, in writing.
- 1.2 Where a couple i.e. both husband and wife do not “opt in” in the prescribed manner, they will be deemed to have “opted out”, in which case the provisions of the Act will not apply to their marriage. Similarly, the provisions of the Act will also not apply to their marriage when during the course of registration if their marriage, they, in writing, “opt out” i.e. they elect that their marriage will not be governed by the provisions of this Act.
- 1.3 A couple who were married:
 - 1.3.1 prior to the commencement of the Act;
 - 1.3.2 in terms of Islamic Law only, may, should they so desire, “opt in” and register their marriage under the Act or “opt out”.

- 1.4 A couple whose marriage is registered under the Marriage Act 25 of 1961 and the Matrimonial Property Act 1984, may, should they so desire, convert the registration of their marriage to one under this Act, in which case the provisions of this Act from date of such registration will commence to apply to such marriage, to the exclusion of the provisions of the Marriage Act 25 of 1961 and the Matrimonial Property Act 1984 i.e. the provisions of the Marriage Act 25 of 1961 and the Matrimonial Property Act 1984 will no longer be applicable to such marriage which will be governed solely by this Act.
- 1.5 The marriage of the couple which has specifically or otherwise “opted out” i.e. excluded the application of the provisions of this Act to their marriage will be governed strictly by the provisions of Islamic Law and the Legislature will, in due course, through legislation establish Sha’ari’ah (Islamic Law) Courts for the adjudication and determination of all litigation relating thereto, strictly in terms of Islamic Law.

THE HARDSHIPS FACED BY WOMEN AND CHILDREN IN MUSLIM MARRIAGES

A necessary break from the legislative yoke of colonialism: exploring the hardships faced by women due to the non-recognition of Muslim Marriages

OPINION PIECE by Fairuz Nagia

The harm South African Law on marriage has caused was highlighted in the inquest of Ash-Shaheed Imam Abdullah Haron; this was held from the 7 to 16 November 2022. The purpose was to overturn the findings of the 1970 inquest findings regarding the Imam’s death. While I do not intend to narrate and reflect on all aspects related at this event, I am interested in one small but significant aspect in that inquest’s proceedings; at that inquest, we heard from the Imam’s children the terrible loss of their assets when their father was murdered whilst in detention for 123 days (from 28 May 1969 to 27 September 1969). Since the Imam did not make a will, the apartheid Roman-Dutch law ruled that all his assets had to be transferred to the Executors (who were his brother and sisters) that took charge.

The Imam’s young nephew took charge and he decided that the house that the Imam and his wife built be sold and that some of the funds go to the Imam’s siblings and none to his wife except for a certain amount to his children when they reach age of 21. To cut a long story short: the Imam’s widow Hajja Galiema Sadan-Haron and her children were made homeless. Two important lessons: the first is that as Muslims we should rule in accordance with Shari’ah when it comes to these intestate matters; and secondly, try not to use the secular law for one’s own ends when Shari’ah is applicable in these instances.

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Some antagonists argue that the non-recognition of Muslim marriages poses no insult to Muslims, and that women and children face no hardships on account of such non-recognition. This argument is deeply flawed, and blatantly overlooks the fact that social and legal systems have historically been, and in many respects continues to be, by its very nature, patriarchal. Patriarchy is a social system in which positions of dominance and privilege are primarily held by men. According to the Oxford dictionary, patriarchy is **defined** as “a system of society or government in which men hold the power and women are largely excluded from it.” Up until the present, we continue to see a unique relationship between English common law and Roman-Dutch law infused with the laws in South Africa.

The traditions of these systems were carried through South African legal, state, and social systems. Before the 19th century, women had very few legal rights in the western world. The Doctrine of Coverture developed in English common law beginning in the Middle Ages. This doctrine held that **when a woman married, her legal identity was “covered” by her husband’s**. Once women married, their property rights were severely impacted through English common law, which required that the property women took into a marriage, or acquired subsequently, be legally absorbed by their husbands. Furthermore, married women could not make wills or dispose of any property without their husbands’ consent. Marital separation, whether initiated by the husband or wife, usually left the women economically destitute, as the law offered them no rights to marital property.

Legally, a married couple was one person under the law, and that person was the husband; married women did not exist as legal entities. In practice, this meant that a married woman could not legally sign a contract, or own property. Under coverture, a married woman would be very limited in what she could own, earn, or inherit. Any wages she earned were automatically the property of her husband, and any belongings or property she owned or inherited became his as well. If she was unlucky enough to be left by her husband, or desired to leave for any reason, she would be left destitute. A woman’s husband or another male relative controlled any property allotted to her.

South African law historically was infused with English common law. According to this tradition, married men and women were regarded as one financial entity. As such, married women were deprived of financial and property rights, and could not own property, run stores or sue in court. Over time, this was corrupted into the view that women are property of their husbands.

The non-recognition of Muslim marriages thus permits the persistent alienation of Muslim women from their rights provided for in Islam, as well as those contained in current South African civil law and the Constitution of South Africa, 1996, and impedes their personhood and dignities. It renders the obligations a husband has towards his wife and children in Islam as unenforceable and allows familial and social systems to continue to diminish the status, capacities, and roles of women in marriage, family, and society. Some of these rights are discussed below, along with the reciprocal duties towards women in marriages and families. Islam has thus granted fundamental rights to women; however, they are not interpreted accurately in our society due to the existence of a patriarchal social setup. The root cause of denying women rights is lack of command of Islamic teachings. There are many misconceptions regarding the stance of Islam on women rights especially on men and women equal social, legal, and moral status as human beings. Islam [arguably fairly] differentiates between their status, roles, and responsibilities in the family system, based on equity and justice. However, the true spirit of role differentiation is misunderstood by non-Muslims as well as by less educated Muslims as **establishing the patriarchal system endorsing gender inequality and discrimination against women.”**

Whereas patriarchy has been entrenched in many Islamic countries, giving the impression that such practices are sanctioned by the Quran and the Sunnah, this opinion juxtaposes this notion and asserts the view that current oppressive and discriminatory practices, which have been, and still are entrenched in discriminatory laws, have infused with Islamic social traditions and culture, including those that apply to marriage. Because the mischief is entrenched and perpetuated through laws, this must be addressed in and through the law.

COMMENT:

Islam abolished all forms of female suppression and gave women full status as human beings, deserving all rights. Islam liberated women from the shackles of unjust social norms. That is why the first person to embrace Islam was a woman. The first person to die in the cause of Islam was a woman. The first person to support Islam financially was a woman. Women were given their rights, including the right to accept or reject a marriage proposal, without the influence of the father or any male member of the family.

Islam considers men and women as having equal responsibility in enjoining what is right and forbidding what is wrong: “The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise.” Holy Quran [9:71].

Unlike what the feminist movement does, by portraying women as rivals of men, Islam established the status of women as partners of men in society, with full recognition of the physical and emotional differences between males and females. Given these differences, Islam considers it unjust to bring to the fore the issue of equality. The concept of equality here does not work in favour of women, because women get pregnant, give birth, and breastfeed, which makes it unjust to expect from the what is expected from men. These circumstances affect women in different ways, psychologically and physically. Islam considers women as in need of justice rather than equality. Women need love, care, and protection.

In conclusion, Islam does not approve of the phenomenon of patriarchy in the manner in which it was practiced in the pre-Islamic era, but at the same time, it does not consider women as rivals of men. Men and women in society, according to Islam, have roles to play and complement one another, with more emphasis on care, love and protection for women.

By: Sheigh Ramadan Ahmed

(This is an abridged version of Opinion piece written by Advocate Fairuz Nagia, Advocate of the High Court of South Africa, Independent Legal Practitioner, Professional Mediator, Policy Analyst & Senior Researcher. The full Opinion piece can be found on <https://www.aljama.co.za/>).

REGISTRATION OF MUSLIM MARRIAGES BILL

(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 45275 of 8 October 2021)
(The English text is the official text of the Bill)

(MR MGE HENDRICKS, MP)

[B 30—2022]

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BILL

To regulate the recognition, requirements, solemnisation, registration, proprietary and other consequences, dissolution and consequences of dissolution of Muslim marriages; and to provide for matters connected therewith.

PREAMBLE

WHEREAS it is an imperative that the constitutional rights of parties to, and children born of, a marriage governed by Islamic Law that cannot be registered with the Department of Home Affairs, are protected;

AND WHEREAS there is an urgent need to prevent the indignity suffered by all those that enter into a marriage governed by Islamic Law that cannot be registered with the Department of Home Affairs;

AND WHEREAS section 2 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), provides that the Constitution is the supreme law of the Republic and that all law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled, and furthermore specifically—

- in section 7(2), places a responsibility on the State to respect, protect, promote and fulfil the rights in the Bill of Rights;
- in section 8(1), provides that the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state;
- in section 9(1), provides that everyone is equal before the law and has the right to equal protection and benefit of the law;
- in section 9(2), provides that legislative and other measures designed to protect or advance persons that were previously disadvantaged by unfair discrimination may be taken in order to promote the achievement of equality;
- in section 9(3), provides that the State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth;
- in section 10, acknowledges that everyone has inherent dignity and provides that everyone has the right to have their dignity respected and protected;
- in section 15(1), provides that everyone has the right to freedom of conscience, religion, thought, belief and opinion;
- in section 15(3)(a), provides the opportunity for legislative recognition of marriages concluded under any tradition, or a system of religious, personal or family law that is consistent with the Constitution;
- in section 28(2), provides that a child’s best interests are of paramount importance in respect of all matters concerning the child; and
- in section 36, provides that the rights in the Bill of Rights may be limited only in terms of a law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking all relevant factors into account;

AND WHEREAS the Republic of South Africa has international law obligations to take appropriate and reasonable measures to eradicate discrimination against, and abuse of, all women, and to protect children;

AND WHEREAS it is necessary to provide a process to register marriages governed by Islamic Law; to recognise these marriages as lawful; to provide protection to the parties involved; and to regulate the consequences of these marriages,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

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Definitions

1.	In this Act, unless the context otherwise indicates— “competent witness” means a person who is 14 years and above, and competent to give evidence in a court of law; “Constitution” means the Constitution of the Republic of South Africa, 1996; “court” means any division of the High Court of the Republic contemplated in section 6(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013), or any court for a regional division contemplated in section 29(1B) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944); “Deeds Registries Act” means the Deeds Registries Act, 1937 (Act No. 47 of 1937); “Department” means the Department of Home Affairs; “Divorce Act” means the Divorce Act, 1979 (Act No. 70 of 1979); “Identification Act” means the Identification Act, 1997 (Act No. 68 of 1997); “Islamic Law” (Sharia), which regulates all public and private behaviour, means the law as derived from traditional customs (Al-Urf), the two primary sources, namely, the Quran and the Sunnah (Prophetic model) and that uses juristic tools such as ijma (the consensus) of Muslim Jurists or the individual jurist’s qiyas (analogical deductions) to issue legal edicts; “Marriage Act” means the Marriage Act, 1961 (Act No. 25 of 1961); “marriage officer” means any person that is an Imaam or member of the Islamic Ulama that has been appointed as a marriage officer in terms of the Marriage Act; “Minister” means the Cabinet member responsible for the administration of the Department; “Muslim marriage”, subject to section 2, is a legal contract of marriage that regulates the consequences of the parties’ intended marital relationship, concluded during a ceremony referred to as a nikah in accordance with Islamic Law; “Muslim person” means any person who professes the religion of Islam by acknowledging that there is no God but One and that Muhammad is His last Messenger and does not believe in any kind of prophethood after him in any sense of the term: Provided that peculiarities in belief, orthodoxy or heterodoxy does not preclude or include a person to be a Muslim person; “prescribed” means prescribed by regulation made under section 10; and “this Act” includes any regulation made under this Act.	20 25 30 35 40 45 50
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Application of Act

2. (1) This Act applies to a Muslim marriage concluded after the commencement of this Act.	
(2) This Act, insofar as it can be made applicable, applies to a Muslim marriage concluded before the commencement of this Act, if the parties to that Muslim marriage elect to have their marriage registered with the Department as contemplated in section 6.	5

Recognition of Muslim marriage

3. A Muslim person, or such other person who is permitted in terms of Islamic Law to enter into a Muslim marriage, may conclude a Muslim marriage in accordance with the requirements contemplated in sections 4, 5 and 6, and such Muslim marriage is deemed a valid and binding contract of marriage with all the patrimonial consequences, obligations and rights that accrue to such Muslim marriage in accordance with this Act and any other applicable law.	10
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Requirements for Muslim marriage

4.(1) The parties contemplating entering into a Muslim marriage must— (a) be 18 years or older and must provide the necessary proof of identification as contemplated in section 12 of the Marriage Act: Provided that where one or both of the parties are younger than 18 years, parties must comply with Islamic Law regarding the required age as well as with the prescripts set out in sections 24 to 27 of the Marriage Act and any other applicable law; (b) be of sound mind and must be able to confirm that— (i) they have been apprised of, and understand, the patrimonial consequences, obligations and rights that accrue to such Muslim marriage in accordance with this Act and Islamic Law; and (ii) that they are not aware of any lawful impediment to the contemplated Muslim marriage; and (c) freely and voluntarily, in writing, consent to be married to each other in terms of this Act and Islamic Law.	15 20 25
(2) A prospective wife intending to enter into a Muslim marriage must determine and record in writing the dowry that she expects from her prospective husband, which— (a) may include the performance of any obligation prior to or after the Muslim marriage has been confirmed; and (b) upon acceptance by the prospective husband creates a binding and enforceable obligation, which endures even in the event that the marriage is dissolved, until the obligation is fulfilled.	30 35
(3)(a) A prospective wife or husband contemplated in subsection (2) may each, in writing, mandate another person to negotiate such dowry on her or his behalf. (b) The mandate contemplated in paragraph (a) must be given freely and voluntarily. (c) The person mandated in paragraph (a) must negotiate in accordance with the parties’ wishes and intention. (d) The dowry negotiation is only finalised by acceptance of the negotiated dowry by the prospective wife and husband.	40
(4) The terms of the dowry negotiated in accordance with subsection (2) must be recorded in writing and noted with the marriage certificate issued by the marriage officer.	45
(5) The parties to a Muslim marriage— (a) may enter into further Muslim marriages under this Act; and (b) may not, during the subsistence of a Muslim marriage, enter into any other marriage, civil union, or customary marriage as contemplated in the Marriage Act, the Civil Union Act, 2006 (Act No. 17 of 2006), or the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998).	50

Solemnisation of Muslim marriage

5. (1) A Muslim marriage is solemnised by a marriage officer— (a) in the presence of the parties to the Muslim marriage themselves; and (b) at least two competent witnesses.	55
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- (2) A marriage officer may solemnise a Muslim marriage at any time on any day of the week.
- (3) In solemnising a Muslim marriage, the marriage officer must follow the ceremonial traditions usually observed in Islamic Law, after which the marriage officer must declare the marriage solemnised by stating: 5
 “I declare that A.B. and C.D. here present have been lawfully married” (“A.B.” referring to the name and surname of the husband, reflected in an identity card contemplated in the Identification Act; and
 “C.D.” referring to the name and surname of the wife, reflected in an identity card contemplated in the Identification Act). 10
- (4) The competent witnesses contemplated in subsection (1) must confirm that they witnessed the Muslim marriage ceremony by signing the prescribed documentation.
- (5) No person is capable of contracting a valid Muslim marriage in terms of this Act through any other person acting as their representative.
- (6) If the provisions of this section have not been strictly complied with owing 15 to—
 (a) an error, omission or oversight committed in good faith by the marriage officer, or by one or both of the parties; or
 (b) a physical disability of either or both parties to the Muslim marriage, but such Muslim marriage has in every other respect been solemnised in accordance with 20 the provisions of this Act, and there is no other lawful impediment to the solemnisation thereof, that Muslim marriage is as valid and binding as it would have been if the said provisions had been strictly complied with.

Registration of Muslim marriage

- 6.(1) The marriage officer solemnising a Muslim marriage, the parties thereto and two competent witnesses must sign the prescribed marriage register immediately after such Muslim marriage has been solemnised. 25
- (2) The marriage officer must complete a certificate on the prescribed form in which he must—
 (a) state that at the time of the solemnisation of the marriage he was in terms of this Act entitled to solemnise that marriage; 30
 (b) record the details of the parties to the Muslim marriage, the date, time and place of the solemnisation thereof;
 (c) note the terms of the dowry as contemplated in section 4(4); and
 (d) indicate the chosen matrimonial property regime that applies, as contemplated 35 in section 7.
- (3) (a) The marriage officer must, within six months after the conclusion of the Muslim marriage, transmit the marriage register, certificate and any other prescribed documents, to an authorised officer contemplated in the Identification Act.
 (b) The marriage officer must maintain a record of the marriage, including a copy of the certificate contemplated in subsection (2), until such time that the marriage officer has received the prescribed confirmation of registration of that Muslim marriage with the Department. 40
- (4)(a) Either spouse to a Muslim marriage concluded prior to the commencement of this Act may, within 24 months of the commencement of this Act, apply to an authorised officer contemplated in the Identification Act in the prescribed manner and form for the registration of their Muslim marriage in terms of this Act. 45
 (b) Whether a Muslim marriage concluded prior to the commencement of this Act is registered with the Department or not, does not affect the validity of an otherwise valid Muslim marriage.
- (5) Either party to a Muslim marriage may request the prescribed marriage certificate, or a copy thereof, to be issued by the Department. 50
- (6) The marriage certificate contemplated in subsection (5) is prima facie proof that a valid Muslim marriage exists between the spouses referred to in the marriage certificate, and has been registered with the Department.

Proprietary consequences 55

- 7.(1) The parties to a Muslim marriage must voluntarily choose the matrimonial property system that will apply to their marriage.
 (2) This election contemplated in subsection (1) must be indicated on the marriage certificate contemplated in section 6(2).

- (3) If the chosen matrimonial property regime is that of out of community of property, an antenuptial contract must be entered into and must comply with Chapter VII of the Deeds Registries Act.
- (4) Notwithstanding subsection (3), a court may on application by either or both of the parties to the Muslim marriage, subject to such conditions as it may deem desirable, 5 authorise the postnuptial execution of the notarial contract having the effect of an antenuptial contract, if the terms thereof were agreed upon between the intended spouses before the Muslim marriage, and may order the registration, within a specified period, of any contract so executed, in accordance with section 88 of the Deeds Registries Act.
- (5) The provisions of the Matrimonial Property Act, 1984 (Act No. 88 of 1984), applies 10 to the matrimonial property regime chosen by the parties.

Equal status and legal capacity of spouses

8. Each party to a Muslim marriage has full status and capacity, including the capacity to acquire assets and to dispose of them, and to enter into contracts and to litigate in their own name without the need for consent or knowledge of the other party to that Muslim 15 marriage.

Dissolution of Muslim marriage

- 9.(1) Save for the exclusion of section 3 of the Divorce Act, the dissolution of a Muslim marriage may be regulated in accordance with the provisions of the Divorce Act, subject to the peremptory conditions and formalities having been completed, as 20 required by Islamic Law.
- (2) To safeguard the interests of minor and dependent children born of a Muslim marriage, a court must consider the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), and the Children’s Act, 2005 (Act No. 38 of 2005), in addition to the Divorce Act. 25
- (3) A court granting a decree for the dissolution of a Muslim marriage may, in addition to any order provided for in the Acts referred to in subsections (1) and (2)—
 (a) order that any person who in the court’s opinion has a sufficient interest in the matter be joined in the proceedings; and
 (b) when making an order for the payment of maintenance, take into account any 30 provision or arrangement made in accordance with any contract concluded between the parties and Islamic Law at the time.
- (4) Nothing in this section should be construed as limiting the role, recognised in Islamic Law, of any person, including any established Muslim judicial body, in the mediation, 35 in accordance with Islamic Law, of any dispute or matter arising prior to the dissolution of a Muslim marriage by a court.

Regulations

- 10.(1) The Minister—
 (a) may make regulations regarding the processes and forms to request a marriage certificate, or copy thereof, to be issued by the Department; and 40
 (b) must make regulations—
 (i) regarding the form and format of documents to be signed by competent witnesses at the solemnisation of a Muslim marriage;
 (ii) regarding the form and format of a certificate contemplated in section 6(2) 45
 (iii) setting out the necessary processes and procedures to be followed and documents to be submitted when registering a Muslim marriage with an authorised officer at the Department, including processes and procedures related to confirmation of such registration; and
 (iv) regarding the process to register a Muslim marriage concluded prior to the 50 commencement of this Act, with the Department.
- (2) The Minister must publish any regulation made under this section in the *Gazette*.

<p>Limited duration of application of Act</p>		
11.(1)	This Act will be automatically repealed upon the commencement of an Act of Parliament regulating the registration, recognition, solemnisation, proprietary consequences and dissolution, and consequences of dissolution of, Muslim marriages.	
(2)	Where Parliament opted to legislate on the subject matter referred to in subsection (1) in more than one Act of Parliament—	5
	(a) a relevant section in this Act will be deemed to be repealed upon commencement of an Act of Parliament that regulates the subject matter dealt with in that section; and	
	(b) this Act is automatically repealed as a whole upon the commencement of the last Act of Parliament dealing with the subject matters referred to in subsection (1).	10
<p>Short title and commencement</p>		
12.	This Act is called the Registration of Muslim Marriages Act, 2022, and comes into operation on a date fixed by the President by proclamation in the <i>Gazette</i> .	15

MEMORANDUM ON THE OBJECTIVES OF THE REGISTRATION OF MUSLIM MARRIAGE BILL, 2022	
1.	In 2020, on Appeal from the Western Cape High Court case, the Supreme Court of Appeal declared that:
2.	The above order was confirmed by the Constitutional Court on 28 June 2022, in <i>Women’s Legal Centre Trust v President of the Republic of South Africa and Others</i> [2022] ZACC 23, where the court held that the non-recognition of Muslim marriages infringes upon the rights of Muslim women and their children to dignity, equality, access to courts and the best interests of the children. The court noted that the application centred around “the persisting non-recognition of marriages solemnised in accordance with the tenets of Sharia law (Muslim marriages), which has resulted in the infringement of fundamental rights of parties to Muslim marriages, and Muslim women and children in particular, for far too long.”
3.	The court confirmed that the Marriage Act and the Divorce Act are inconsistent with the Constitution because they fail to recognise marriages solemnised in accordance with Sharia law and have not registered these as valid civil marriages.
4.	The common law definition of marriage was also declared to be inconsistent with the Constitution and invalid because it excluded Muslim marriages. The common law definition of marriage now includes Muslim marriages. Muslim marriages are therefore deemed to be valid and legitimate.
5.	The following sections of the Divorce Act were declared unconstitutional:
5.1	Sections 6 and 7(3), because they failed to provide mechanisms to safeguard the welfare of minor or dependent children born in Muslim marriages and failed to provide for the redistribution of assets on the dissolution of a Muslim marriage when such redistribution would be just; and
5.2	Section 9(1), because it is inconsistent with the Constitution for failing to make provision for the forfeiture of patrimonial benefits of a Muslim marriage at the time of its dissolution, in the same or similar terms as it does in respect of other marriages that are dissolved.
6.	The Constitutional Court suspended the declaration of invalidity for a period of 24 months to enable the legislature to remedy defects by either amending existing legislation or initiating new legislation by 27 June 2024. The new or amended legislation must recognise Muslim marriages for all purposes in South Africa and regulate the consequences arising from such recognition.
7.	Pending the coming into force of new legislation or the amendment of existing legislation, the Constitutional Court declared that Muslim marriages subsisting as at 15 December 2014 may be dissolved in accordance with the Divorce Act, as follows:
7.1	All provisions of the Divorce Act would be applicable, save that all Muslim marriages would be treated as if they are out of community of property, except where there are agreements to the contrary.
8.	Now that the Divorce Act applies to Muslim marriages, minor and dependent children of Muslim marriages will enjoy the same protections as minor and dependent children in civil marriages.
9.	The Constitutional Court also held that pending the coming into force of new or amended legislation, from 28 June 2022, section 12(2) of the Children’s Act, 2005, applies to a prospective spouse in a Muslim marriage concluded after 28 June 2022 and sections 3(1)(a), 3(3)(a) and 3(3)(b) and 3(4)(a) and (b) of the Recognition of Customary Marriages Act, 1998, shall apply, with necessary changes being made, to Muslim marriages.
10.	Prior to this case, women in Muslim marriages had to register their marriages in order to have their marriages recognised under South African law. The Supreme Court of Appeal and the Constitutional Court confirmed that the non-recognition of Muslim marriages that were not registered violated the Constitutional rights of women in and children born of Muslim marriages.
11.	The court remarked that the non-recognition of Muslim marriages was a source of great hardship. There was no justification offered as to why children born of Muslim marriages should not enjoy the automatic oversight of a court, as set out in the Divorce Act, in relation to their care and maintenance and why they should not be protected by a statutory minimum age for consent to marriage.
12.	The previous non-recognition of Muslim marriages forced some Muslims to dilute their religious beliefs by electing to marry monogamously according to civil law in order for their marriages to be regarded as valid. An additional challenge was that women in Muslim marriages were often unable to convince their husbands to conclude civil marriages.

13.	If a Muslim couple enters into a community of property marriage by concluding a pre-nuptial agreement and if the husband in that marriage marries a second wife under Sharia Law, the first wife, on the husband's death, will get half of the joint estate by virtue of the in-community-of- property matrimonial regime and a specified share from the other half of the joint estate. The second wife will only receive a specified share in half of the estate because her marriage will be deemed to be an out-of-community- of-property marriage.
14.	The Constitutional Court judgment applies to all Muslim marriages entered into after 15 December 2014. Muslim marriages have been brought on par and in line with other civil marriages, but they will be treated as out of community marriages unless the spouses agreed otherwise.
15.	It is patent that a single marriage statute will not achieve the objects which the court declared necessary. It is also clear that the legislative reform towards a Muslim marriages Act is no where near completion, and will in all likelihood take another two to five years, if not longer.
16.	Not recognising the existence of a Muslim marriage is tantamount to not recognising the existence of Muslim people, their religion, customs, traditions and culture. The effect of this continuous gross human right violation by the state is significant. It is essentially impossible for a person to attend to his or her affairs if one lives in a society where you are not even able to establish the proprietary consequences of a person's marriage upon the conclusion or at the dissolution thereof. There are no mechanisms to safeguard the welfare of minor or dependent children of Muslim marriages at the time of the now informal dissolution of these marriages.
17.	The Registration of Muslim Marriages Bill provides an effective medium to address the mischief identified by the courts and provides an interim but effective remedy which immediately responds to the court's injunctions.
18.	In anticipation of there being different schools of thought regarding various aspects in respect of the religion of Islam and Islamic private and family law, this draft Bill is designed to identify the minimum elements of a Muslim marriage, referred to as a nikah, and to, at the very least, provide an interim and purely temporary so-called bare bones minimal ist Bill to at the very least serve as a resolution to the great indignity caused by the inability to register a Muslim marriage with the DHA, pending the finalisation of a more comprehensive and detailed Act of Parliament to be promulgated (or substantive amendments to existing legislation). This Bill is therefore an interim and minimalist Bill designed to only provide for the registration of valid Muslim marriages and to regulate some ancillary aspects associated with the registration of these marriages and the dissolution thereof. The provision of this bare bones Bill dealing only with the actual registration of Muslim marriages at the DHA is by no means an attempt to codify a religion. It is also not an attempt to resolve any dispute between the different schools of thought or interpretations. The Bill will automatically be repealed upon a more comprehensive Act coming into operation. The Bill for instance does not deal with divorces separate to that of any other divorce action. The reason for this is because history has now taught us that these topics are the contentious issues that will delay the enactment of this crucial Bill – this is something that should be avoided, as any delay in the enactment of this “interim and minimalist Bill’ would defeat its entire objective.
19.	<p>OBJECTS OF THE BILL</p> <p>The purpose of this Bill is to provide for</p> <p>19.1 the recognition of Muslim marriages;</p> <p>19.2 the requirements for the conclusion of a valid Muslim marriage;</p> <p>19.3 the solemnisation of Muslim marriages;</p> <p>19.4 the registration of Muslim marriages;</p> <p>19.5 the proprietary and other consequences of Muslim marriages; and</p> <p>19.6 the dissolution and consequences of dissolution of Muslim marriages.</p>

20.	<p>CONTENTS OF THE BILL</p> <p>20.1 Clause 1 provides for the definition of words used in the Bill.</p> <p>20.2 Clause 2 provides for the application of the proposed legislation, determining that the Act applies to all Muslim marriages concluded after the commencement of the Act, as well as to Muslim marriages concluded before the commencement of this Act, if the parties to that Muslim marriage elect to have their marriage registered with the Department as contemplated in section 5.</p> <p>20.3 Clause 3 provides for the recognition of Muslim marriages by providing that a Muslim person or any other person who is permitted to conclude a marriage with a Muslim person, may conclude a Muslim marriage in accordance with the requirements proposed in this Bill and any other applicable law.</p> <p>20.4 Clause 4 deals with the requirements that the parties must comply with in order to conclude a valid Muslim marriage under this Bill. Where one or both of the parties is younger than 18 years, they can get married in terms of Islamic Law but can only apply for a South African marriage certificate when they reach the age of 18 years.</p> <p>20.5 Clause 5 provides for the solemnisation of a Muslim marriage. It, inter alia, sets out the formula that the marriage officer may follow when solemnising the marriage.</p> <p>20.6 Clause 6 deals with the registration of Muslim marriages.</p> <p>20.7 Clause 7 deals with the propriety consequences of Muslim marriages and provides that parties to a Muslim marriage must voluntarily choose the matrimonial property system that will apply to their marriage.</p> <p>20.8 Clause 8 provides that each party to a Muslim marriage has full and equal status and legal capacity.</p> <p>20.9 Clause 9 deals with the dissolution of Muslim marriages.</p> <p>20.10 Clause 10 empowers the Cabinet member responsible for the administration of Home Affairs to make regulations on various matters required under the Act. It also provides that the regulations must be published in the Gazette.</p> <p>20.11 Clause 11 provides for the limited duration of the application of the Act.</p> <p>20.12 Clause 12 provides for the short title and the commencement of the Act.</p>
21.	<p>DEPARTMENTS, BODIES OR PERSONS CONSULTED</p> <ul style="list-style-type: none"> The Department of Home Affairs: Mr Thulani Mavuso – Deputy Director General: Institutional Planning & Support, Mr Thomas Sigama – Deputy Director General: Civic Services, Mr Tsietsi Sebelemetja – Acting Chief General: Legal Services, Mr Moses Malakate – Acting Director: Drafting, Ms Kelebogile Makgabo – Director: Policy Development, Ms Rittah Monama: Deputy Director: Policy Coordination, Mr Richard Skhakhane – Acting Director: Birth, Marriages & Deaths. Advocate van Loggerenberg, Legal counsel as the current chairman of High Court Chambers Cape Town, an affiliated group of Advocates of the South African Bar Association, practising as an Advocate of the High Court of South Africa. Advocate Yusuf Khan Dalwai at the High Court Chambers of South Africa. Advocate Saleem Khan – Senior Counsel. Advocate Shameemah Salie, former Family Advocate. Professor Muhammed Haron—Al Jama-ah Party's Senior Researcher, former Professor at Botswana University and visiting Professor at the University of Stellenbosch. Hazrat Peer Khalid Soofie Habeebi – Peer (Spiritual Guide) of 20 000 soofies nationally. Public participation process by publishing an explanatory note in the Government Gazette inviting interested parties to comment at a very early stage. June 16th Programme with youth in the rural area of Paarl East. Consultation with Muslim women from 8 townships from Atteridgeville, Mamelodi, Hebron, Brits, Hammanskraal, Mabopane, Soshanguve and Winterveldt.

- 60 women attended a Women's Day Event in Sandvlei, Ammaanul Islam Hafiz Academy, the first settlement of Muslims for South Africa where the founder of Islam lived while in exile from Indonesia.
- Presentations to IPSA – International Peace College of South Africa—30 June 2022 and 30 July 2022.
- Presentation to AMAL – Association of Muslim Accountants and Lawyers – 15 August 2022.
- Presentation to UUCSA – United Ulama Council of South Africa which includes the Muslim Judicial Council (MJC)—22 August 2022.
- Hilaal TV, Radio 786, VOC, Channel Islam, Radio Ansaar, Al Jeem radio interviews.
- Participation in an info session at Radio 786 Expo in Newlands Cricket Stadium.
- Amir Mohammed Gadimang of Gauteng Muslim Shura Council.
- Amir Abdul haqq Lekabe and Mukkadam Berend of Pheli Muslim Shura.
- Amir Mohammed Gomba of Tshwane Muslim Shura.
- Amir Rauphala of Pheli Shura.
- Moulana Ali Mlangeni of Pheli Shura.
- Issah Chirwa of Hebron Muslim Shura.
- Moulana Asad Msiza of Pheli Shura Executive Committee.
- Hassan Kajaja of Pheli Shura.
- Imaraan Mashishi of Baitul Salaam.
- Yaseen Moema of Pheli Shura.
- Mohamadou kgomosotho of Pheli Shura.
- Bilal Moagi of Pheli Shura Advisory.
- Sunni Jamiatul Ulama of South Africa.
- Seminar: Doors of Jannah – 16 October 2022.
- Fatima Hendricks – Senior Social Worker.
- Al Jama-ah Law Makers: Galil Brinkhuis MPL in WCPP, Achmad Hendricks—PR Councillor: City of Cape Town, Faried Achmat – PR Councillor: City of Cape Town and Al Jama-ah Secretary General, Shameemah Salie - PR Councillor: City of Cape Town and Al Jama-ah Spokesperson, Ahmed Stulweni – PR Councillor: Drakenstein, Thapelo Amad – PR Councillor for City of Johannesburg, Imraan Moosa – Ward Councillor: Lenasia, Kabelo Gwamanda – PR Councillor: City of Johannesburg, Kabelo Nthekiso – Ward Councillor: Madibeng North West, Muhammad Asghar Khan—Chairperson Municipal Public Accounts Committee: Umdoni KZN and Al Jama-ah Chair- person for Communications Committee, Moulana Hoosen Khan – PR Councillor: eThekwin KZN, Goodwill Cele – PR Councillor: uMuziwabantu KZN.

(This is an abridged version of the Registration of Muslim Marriages Bill. The full Bill is available on <https://www.aljama.co.za/>).



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