

TALAAQ ISSUES

ADVICE FOR WOMEN OF CAPE TOWN – BEWARE OF MJC SHAITAANIYAT

This advice while beneficial for all women, is directed in particular to the women of Cape Town where there exists a great vacuum in the domain of the Shariah pertaining to marital affairs. There is no credible Shar'i institution in Cape Town to guide Muslims and to resolve their marital problems in accordance with the Shariah. This vacuum has greater applicability to Talaaq issues as numerous Sisters in the Western Cape Province can testify. The specific case which we have reported in our article, [MJC TALAAQ SHENANIGANS](#), highlights the villainy and evil of the MJC molvis and sheikhs who have hoisted themselves as an 'almighty' priesthood on an ignorant public which believes that for every facet of the Deen the services of a 'sheikh' are indispensable

The objective of such a priesthood is to callously leech money from the poor unwary members of the community. Thus, from the cradle to the grave, some moron 'sheikh' is present to officiate in bid'ah and silly customs which the unwary public believes to be as Fardh as is the Fardh Salaat.

TALAAQ

(1) Understand well and remember that if the husband issues THREE Talaaqs to his wife in any form or method whatsoever, all THREE become immediately effective. Whether the THREE Talaaqs are uttered in one session or spread over days, or weeks or months or years, the Nikah is irrevocably terminated with the third Talaaq. Then there is no hope of reconciliation. The couple cannot be re-united by Nikah after the administration of the THIRD Talaaq even if all

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THREE are uttered in one breath.

This is the unanimous ruling of all Four Math-habs. The only dissenters are the ignorant, deviated Salafis whom the corrupt sheikhs and stupid molvis in Cape Town are following for their own evil agendas.

(2) For issuing Talaq there is absolutely no need for the husband to go to the MJC or to any other Ulama body or to any Aalim. The Shariah has vested the right of Talaq in the husband. This right cannot be arrogated by the sheikhs, molvis, and kangaroo outfits of such cabals as the MJC which specializes in the certification of carrion.

(3) Once the husband has uttered Talaq to his wife, there is then no authority on earth who can revoke or cancel it. Even in a proper Islamic State, the Qaadhi cannot cancel a Talaq issued by the husband. The MJC's argument of "not following procedure" for cancelling the validity of the uttered Talaq, is a lot of hogwash. Whether the procedure was followed or not, it is irrelevant in so far as the validity of the issued Talaq is concerned.

(4) If there is a dispute between the husband and wife regarding the number of Talaqs – the wife says that the husband issued THREE Talaqs while the husband admits to ONE – then too there is no need for a judicial body or for an Ulama Committee to resolve the dispute. If the wife honestly and sincerely believes and knows that her husband had uttered THREE Talaqs, then it is haraam for her to live with him.

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In the matter of Talaq, the Shariah gives her the right to unilaterally act and accept that the Nikah has irrevocably ended with the THREE Talaqs regardless of the protestations and claims of the husband to the contrary. In this matter, for herself, the Shariah states: *“The woman is like the Qaadhi.”*

That is, her verdict for herself on the Talaq issue carries the same weight and force as the decree of a Qaadhi.

If a woman seeks to take undue advantage of this Shar'i principle and falsely claims that her husband has issued THREE Talaqs, then obviously she will remain in the Nikah. Bamboozling the public with lies will not save her from adultery and the damnation of Jahannam. But for the honest woman who is 100% certain that her husband has given her THREE Talaqs, it is in fact incumbent to avail herself of this Shar'i principle. She should immediately take to her Iddat, kick out the stupid and corrupt sheikhs whom the husband consults in his haraam bid to set aside the THREE Talaqs.

(5) For issuing Talaq and for acting in terms of the consequences in the wake of Talaq, neither the man nor the woman requires the decree of any body of Ulama. They have to only ascertain from uprighteous Ulama of the masaa-il (rules) pertaining to Talaq, Iddat, maintenance, custody, etc. No decree of any institution is required for this purpose.

(6) Most members of the public are scandalously unaware of the masaa-il pertaining to Nikah, Talaq, etc. For this knowledge, they should seek the guidance of uprighteous Ulama. They

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should not turn to scoundrel sheikhs and molvis who fleece people of their money with haraam fees which they attempt to camouflage by describing it as 'donation'. The fees are not 'donations'. The fees are haraam riba which is extracted by usurpation and exploitation.

KHULA'

(1) *Khula'* is a mutual agreement between husband and wife in which the husband grants his wife her freedom in exchange for a sum of money. It is not the right of the woman nor of the man. It is a mutual agreement. The exchange amount is the Mehr amount. It is not permissible to take from the wife more than the Mehr amount for granting the requested freedom from the Nikah. Nevertheless, if the wife agrees to pay the cowardly scoundrel much more than the Mehr because of his callous demands, the *Khula'* will still be valid.

(2) *Khula'* cannot be unilaterally imposed on any of the parties nor can any party unilaterally impose it on the other party. It must be a mutual agreement.

(3) *Khula'* for its validity is not in need of a decree of a judicial body or of a committee of Ulama.

(4) *Khula'* cannot be annulled or set aside once the husband has accepted the exchange sum of money, etc.

(5) *Khula'* in effect is one Talaaq Baa-in which irrevocably terminates the Nikah. Issuing Talaaq after *Khula'* is palpable nonsense. Such Talaaq will be invalid.

For the Shariah's decree there is no need for any payment. The services of a sheikh are not required for validating Talaaq issued by the husband or for a *Khula'*. These acts come validly into being as effects of the parties (husband and wife) themselves.

FASKH – ANNULMENT

Faskh (Annulment) is the only device which requires a decree of a responsible Committee of at least three uprighteous Muslim males, even if they are not Aalims. In Cape Town there undoubtedly exists a huge vacuum in this regard. Women have no reliable Ulama entity to whom they could submit their *Faskh* applications. Insha-Allah, this issue shall be explained in another article.

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